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THE

STATUTES

OF

THE UNITED KINGDOM

OF

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GREAT BRITAIN AND IRELAND.

WITH NOTES AND REFERENCES

By N. SIMONS, of Lincoln's Inn, Esq.
BARRISTER AT LAW.

VOLUME THE NINETEENTH.

Containing the Acts 11 & 12 Victoria (1847-8.) and 12 & 13 Victoria (1849.)
With a copious Index.

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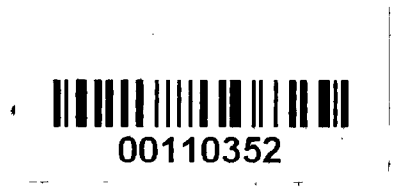
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TABLE

Containing the TITLES of all

THE STATUTES

Passed in the FIRST Session of the FIFTEENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland;*

11° & 12° VICTORIÆ.

PUBLIC GENERAL ACTS.

1. AN Act to facilitate the Completion, in certain Cases, of Public Works in *Ireland.* *Page* 1
2. An Act for the better Prevention of Crime and Outrage in certain Parts of *Ireland* until the First Day of *December* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament. 7
3. An Act to give further Time for making certain Railways. 12
4. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight. 14
5. An Act to suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the *New Zealand* Islands; and to make other Provision in lieu thereof. *Ibid.*
6. An Act to make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to *North America.* 16
7. An Act to amend an Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prison, and for regulating the Queen's Prison. 18
8. An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices. 19
9. An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland,* and to make Regulations for collecting and managing the same. 20
10. An Act for empowering certain Officers of the High Court of Chancery to administer Oaths and take Declarations and Affirmations. 21
11. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. 22
12. An Act for the better Security of the Crown and Government of the United Kingdom. *Page* 28
13. An Act for amending the Law for the leasing of Mines in *Ireland.* 29
14. An Act for authorizing a Borough Police Superannuation Fund. 31
15. An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore. 32
16. An Act for raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight. 39
17. An Act to amend the Act of the present Session to facilitate the Completion of Public Works in *Ireland.* *Ibid.*
18. An Act to remove certain Doubts as to the Law for the Trial of controverted Elections. *Ibid.*
19. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine. 41
20. An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. *Ibid.*
21. An Act to consolidate and amend the Laws relating to Insolvent Debtors in *India.* 42
22. An Act for granting Relief to the Island of *Tobago,* and for aiding the Colonies of *British Guiana* and *Trinidad* in raising Money for the Promotion of Immigration of free Labourers. 66
23. An Act to alter and amend an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to incorporate the Contributors for the Erection of a National Monument in* Scotland

to commemorate the Naval and Military Victories obtained during the late War. *Page* 69
24. An Act for disfranchising the Freemen of the Borough of *Great Yarmouth.* 71
25. An Act to extend the Powers given by former Acts for purchasing or hiring Land in connexion with or for the Use of Workhouses in *Ireland;* and for providing for the Burial of the Poor. *Ibid.*
26. An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in *Ireland* in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of *Dublin* Metropolis relating to the Recovery of Poor Rates, and other Cases. 72
27. An Act to authorize the Inclosure of certain Lands, in pursuance of the Third and also of a Special Report of the Inclosure Commissioners for *England* and *Wales.* 75
28. An Act to amend the Law of Imprisonment for Debt in *Ireland,* and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns in certain Cases. 76
29. An Act to enable Persons having a Right to kill Hares in *England* and *Wales* to do so, by themselves or Persons authorized by them, without being required to take out a Game Certificate. 82
30. An Act to enable all Persons having at present a Right to kill Hares in *Scotland* to do so themselves, or by Persons authorized by them, without being required to take out a Game Certificate. 83
31. An Act to amend the Procedure in respect of Orders for the Removal of the Poor in *England* and *Wales,* and Appeals therefrom. 84
32. An Act to facilitate the Collection of County Cess in *Ireland.* 86
33. An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight. 87
34. An Act to amend certain Acts in force in *Ireland* in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of *Dublin* and County of the City of *Dublin.* *Ibid.*
35. An Act to empower the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend, and detain until the First Day of *March* One thousand eight hundred and forty-nine, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government. 88
36. An Act for the Amendment of the Law of Entail in *Scotland.* *Ibid.*
37. An Act to amend the Law relative to the Assignment of Ecclesiastical Districts. 98
38. An Act to authorize the *West India* Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases. 100
39. An Act to facilitate the raising of Money by Corporate Bodies for building or repairing Prisons. 102
40. An Act to alter the Mode of assessing the Funds leviable in the County of *Inverness* for making and maintaining certain Roads and Bridges and other Works in the Highlands of *Scotland.* 103
41. An Act to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in *Ireland.* 105
42. An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within *England* and *Wales* with respect to Persons charged with indictable Offences. 108
43. An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within *England* and *Wales,* with respect to summary Convictions and Orders. *Page* 128
44. An Act to protect Justices of the Peace from vexatious Actions for Acts done by them in execution of their Office. 152
45. An Act to amend the Acts for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements; and also to facilitate the Dissolution and winding up of Joint Stock Companies and other Partnerships. 154
46. An Act for the Removal of Defects in the Administration of Criminal Justice. 176
47. An Act for the Protection and Relief of the destitute Poor evicted from their Dwellings in *Ireland.* 177
48. An Act to facilitate the Sale of Incumbered Estates in *Ireland.* 178
49. An Act for regulating the Sale of Beer and other Liquors on the Lord's Day. 192
50. An Act to empower the Commissioners of Her Majesty's Woods to remove the Colonnade in the *Regent's Quadrant.* 193
51. An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in *Ireland.* 198
52. An Act to explain the Acts for preventing the Destruction of the Breed of Salmon and Fish of the Salmon Kind. 200
53. An Act to empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of *Windsor.* 201
54. An Act for incorporating the Commissioners of the *Caledonian* Canal, and for vesting the *Crinan* Canal in the said Commissioners. 227
55. An Act for consolidating the Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services with the Office of Paymaster General, and for making other Provisions in regard to the consolidated Offices. 230
56. An Act to repeal so much of an Act of the Third and Fourth Years of Her present Majesty, to re-unite the Provinces of *Upper* and *Lower Canada,* and for the Government of *Canada,* as relates to the Use of the *English* Language in Instruments relating to the Legislative Council and Legislative Assembly of the Province of *Canada.* 231
57. An Act to enable Her Majesty to exchange the Advowson of the Vicarage of *Stoneleigh* in the County of *Warwick* for the Advowsons of the Rectory of *Yoxall* in the County of *Stafford* and the Perpetual Curacy of *Hunningham* in the County of *Warwick.* 232
58. An Act to authorize for Ten Years, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society. 234
59. An Act for the more speedy Trial and Punishment of Juvenile Offenders in *Ireland.* *Ibid.*
60. An Act to alter the Duties payable upon the Importation of Spirits or Strong Waters. 237
61. An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of *Leicester,* and for the Severance and Consolidation of certain Benefices in the Diocese of *Norwich,* and for other Ecclesiastical Purposes.

62. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. *Page* 240
63. An Act for promoting the Public Health. 241
64. An Act to continue until the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies. 274
65. An Act to suspend until the First Day of *October* One thousand eight hundred and forty-nine the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. *Ibid.*
66. An Act to continue to the First Day of *October* One thousand eight hundred and forty nine, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads. *Ibid.*
67. An Act for further continuing until the First Day of *August* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiatical Jurisdiction in *England*. 275
68. An Act for extending to *Ireland* an Act passed in the last Session of Parliament, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees.* *Ibid.*
69. An Act to repeal so much of an Act of the Parliament of *Ireland* of the Twenty-third and Twenty-fourth Years of King *George* the Third, "for the more effectually "punishing such Persons as shall by Violence obstruct "the Freedom of Corn Markets and the Corn Trade, "and who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties "injured," as relates to the making of Satisfaction to the Parties injured; and to substitute other Provisions in lieu thereof; and to repeal the Provisions of the Acts which give Remedies against any Hundreds or Baronies in *Ireland* in respect of Robbery. 276
70. An Act for dispensing with the Evidence of the Proclamations on Fines levied in the Court of Common Pleas at *Westminster*. 278
71. An Act to continue to the Twentieth Day of *July* One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament, Her Majesty's Commission for building new Churches. 279
72. An Act to amend the Acts relating to the Constabulary Force in *Ireland*, and to amend the Provisions for the Payment of Special Constables. *Ibid.*
73. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-nine, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*. 283
74. An Act to authorize the Lords of Council and Session to regulate the Rates or Dues of Registration to be charged by the Keepers of the Registers of Sasines, Reversions, &c. in *Scotland*. 284
75. An Act to defray until the First Day of *August* One thousand eight hundred and forty-nine the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. *Ibid.*
76. An Act to enable Archbishops and Bishops and other Persons in *Ireland* to compromise Suits touching their Rights of Patronage as to Ecclesiastical Benefices, in certain Cases. *Page* 284
77. An Act to authorize the Application of Part of the unclaimed Money in the Court for the Relief of Insolvent Debtors in enlarging the Court House of the said Court. 286
78. An Act for the further Amendment of the Administration of the Criminal Law. 287
79. An Act to facilitate and simplify Procedure in the Court of Justiciary in *Scotland*. 288
80. An Act to empower Lessees of Tithe Rent-charge in *Ireland* to deduct a Proportion of Poor Rate Poundage from Rent; and also to empower the Ecclesiastical Commissioners in *Ireland* to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in *Ireland*. 290
81. An Act for the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels. 291
82. An Act to amend the Law for the Formation of Districts for the Education of Infant Poor. 292
83. An Act to confirm the Awards of Assessionable Manors Commissioners, and for other Purposes relating to the Duchies of *Cornwall* and *Lancaster*. *Ibid.*
84. An Act to amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out-Pensioners, and to extend them to the Pensioners of the *East India* Company. 297
85. An Act to continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor. *Ibid.*
86. An Act to empower Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases. *Ibid.*
87. An Act to extend the Provisions of an Act passed in the First Year of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.* 298
88. An Act for further regulating the Money Order Department of the Post Office. 299
89. An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland. 300
90. An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors. 301
91. An Act to make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein. *Ibid.*
92. An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of *Ireland*. 304

93. An Act to confirm the Incorporation of certain Boroughs. *Page* 311
94. An Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common Law Side of that Court, and the Enrolment Office of the said Court. *Ibid.*
95. An Act to carry into effect the Arrangements of the Ecclesiastical Commissioners for *England* for making better Provision for the Cure of Souls in the Parish of *Wolverhampton* in the County of *Stafford* and Diocese of *Lichfield*. 319
96. An Act to continue certain Turnpike Acts for limited Periods. 326
97. An Act to repeal the Duties of Customs upon the Importation of Sugar, and to impose new Duties in lieu thereof. 327
98. An Act to amend the Law for the Trial of Election Petitions. 329
99. An Act to further extend the Provisions of the Act for the Inclosure and Improvement of Commons. 342
100. An Act to permit the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom. 346
101. An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties. 352
102. An Act to enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in *Battersea Fields;* to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements; and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods. 354
103. An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of the Royal Military Asylum, and in improving such Asylum. 358
104. An Act for amending the Act for regulating the Prison at *Millbank*. 359
105. An Act to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of contagious or infectious Disorders. *Ibid.*
106. An Act to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland* by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings. 360
107. An Act to prevent, until the First Day of *September* One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. 361
108. An Act for enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of the *Roman* States. 364
109. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. *Ibid.*
110. An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions. 365
111. An Act to amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor. 367
112. An Act to consolidate, and continue in force for Two Years and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers. 368
113. An Act for the further Amendment of the Acts relating to the *Dublin* Police. *Page* 397
114. An Act to prevent District Auditors from taking Proceedings in certain Cases. 402
115. An Act to vest in Her Majesty the Property of the *Irish* Reproductive Loan Fund Institution, and to dissolve the said Institution. *Ibid.*
116. An Act for carrying into effect the Treaty between Her Majesty and the Republic of the *Equator* for the Abolition of the Traffic in Slaves. 408
117. An Act for rendering certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage. 420
118. An Act to explain and amend the Law as to the Licence required for the letting of Post Horses to Hire in *Ireland*, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom. 421
119. An Act to simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in *Great Britain*. 422
120. An Act to facilitate the Transfer of Landed Property in *Ireland*. 423
121. An Act to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders, and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise. 425
122. An Act to amend the Laws respecting the Warehousing of *British* Spirits in *England*, *Scotland*, and *Ireland* respectively, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and Rectified Spirits, to be exported on Drawback from any Part of the United Kingdom, and respecting certain Spirit Mixtures, and the Removal of Goods subject to Excise Regulations from Customs Warehouse. 432
123. An Act to renew and amend an Act of the Tenth Year of Her present Majesty, for the more speedy Removal of certain Nuisances, and the Prevention of contagious and epidemic Diseases. 439
124. An Act to amend an Act of the last Session, for varying the Priorities of the Charges made on "The *London Bridge* Approaches Fund," and to facilitate the Completion of certain Improvements in the City of *Westminster*. 448
125. An Act for raising the Sum of Two Millions by Exchequer Bills, or by the Creation of Annuities, for the Service of the Year One thousand eight hundred and forty-eight. 455
126. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-eight; and to appropriate the Supplies granted in this Session of Parliament. *Ibid.*
127. An Act to reduce the Duties on Copper and Lead. 458
128. An Act for carrying into effect the Agreement between Her Majesty and the Imaum of *Muscat* for the more effectual Suppression of the Slave Trade. 459
129. An Act for amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts. 461
130. An Act for guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the *British* Colonies on the Continent of

South America, in the *West Indies*, and the *Mauritius*, for certain Purposes. *Page* 464
131. An Act to amend, and continue until the First Day of *November* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to make Provision for the Treatment of poor Persons afflicted with Fever in *Ireland*. 465
132. An Act for the Appointment of additional Taxing Masters for the High Court of Chancery in *Ireland*, and to regulate the Appointment of the Principal Assistants to the Masters in the Superior Courts of Law in *Ireland*. *Page* 467
133. An Act to amend the Laws relating to Savings Banks in *Ireland*. 469

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for better assessing and collecting the Poor Rates, Lighting, Watching, and Highway Rates, in the Parish of *Kettering* in the County of *Northampton*. *Page* 471
ii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* to establish a General Cemetery for such Borough. *Ibid.*
iii. An Act for the Consecration of a Portion of the *Manchester* General Cemetery. *Ibid.*
iv. An Act for extending the Time for building a Bridge over the River *Avon* from *Clifton* to the opposite Side of the River in the County of *Somerset*. *Ibid.*
v. An Act to authorize the Company of Proprietors of the *Leicester* Navigation to abandon the Railways or Stone Roads and Water Levels commonly known as "The Forest Line," and to enable them to sell the Lands over which the same passes, and the Reservoir and other Works connected therewith. *Ibid.*
vi. An Act for supplying the Parish and Township or Borough of *Folkestone* with Water. *Ibid.*
vii. An Act to enable the Company of Proprietors of *Lambeth* Waterworks to construct additional Works, and for better supplying the Inhabitants of the Parish of *Lambeth* in the County of *Surrey* and other Parishes and Places with Water. *Ibid.*
viii. An Act for the better supplying with Water the Royal Burgh of *Stirling* and Suburbs thereof. *Ibid.*
ix. An Act to enable the *Birkenhead* Dock Company to sell or lease their Land. *Ibid.*
x. An Act to authorize the Trustees of the *Liverpool* Docks to build Warehouses, to construct additional Wet Docks and other Works, and for other Purposes. *Ibid.*
xi. An Act for constructing and maintaining a Pier, Jetty, or Stage, with necessary Approaches thereto, at *Dover* in the County of *Kent*. *Ibid.*
xii. An Act for lighting with Gas the Township of *Morley* in the Parish of *Batley* in the West Riding of the County of *York*. 472
xiii. An Act for amending "The *Bristol and Clifton* Gaslight Act, 1847." *Ibid.*
xiv. An Act for incorporating the *Southampton* Gaslight Company, and for supplying at a limited Price the Town and Neighbourhood of *Southampton* with Gas. *Ibid.*
xv. An Act to amend and enlarge the Provisions of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for better supplying with Gas the City of* Worcester *and the Suburbs thereof*, and to enable the *Worcester* New Gaslight Company incorporated by the said Act to raise a further Sum of Money. *Page* 472
xvi. An Act for providing a Market for the Sale of Cattle and other Animals in the Borough of *Shrewsbury* in the County of *Salop*. *Ibid.*
xvii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Third, for establishing and governing the *Magdalen* Hospital. *Ibid.*
xviii. An Act for the Regulation of certain public Sufferance Wharves in the Port of *London*. *Ibid.*
xix. An Act to effect an Agreement between the Visitors of the Lunatic Asylum for the County of *Leicester* and the Corporation of the Borough of *Leicester*, for the Admission of Lunatic Paupers from the said Borough into the said Asylum. *Ibid.*
xx. An Act for the Incorporation, Establishment, and Regulation of "*Price*'s Patent Candle Company," and for enabling the said Company to purchase and work Letters Patent. *Ibid.*
xxi. An Act to authorize certain Alterations in the *Hitchin, Northampton, and Huntingdon* Extension of the *Midland* Railways; and for other Purposes. *Ibid.*
xxii. An Act for enabling the *North-western* Railway Company to make certain Alterations and Diversions in the Main Line of their Railway at *Skipton*, *Casterton*, and *Sedbergh*, and in the *Lancaster* Branch of their Railway at *Bulk*. *Ibid.*
xxiii. An Act to authorize the leasing of the *Aberdare* Railway, with the Branch Railway and Works connected therewith, to the *Taff Vale* Railway Company. *Ibid.*
xxiv. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to improve their Main Line of Railway, and to make certain Branches in the County of *Durham*; and for other Purposes. *Ibid.*
xxv. An Act to empower the *North British* Railway Company to raise additional Capital for certain Purposes. *Ibid.*
xxvi. An Act enable the *Kendal and Windermere* Railway Company to raise a further Sum of Money, and to amend the Act relating to such Railway. *Ibid.*
xxvii. An Act for enabling the *South Wales* Railway Company to hold Shares in the Undertaking of the *Vale of Neath* Railway Company; and for other Purposes. *Ibid.*
xxviii. An Act for enabling the *Bristol and Exeter* Railway Company to purchase the *Glastonbury* Navigation

and Canal, and for amending the Acts relating to such Railway and Canal. *Page* 473

xxix. An Act to amend the Acts relating to the *Waterford, Wexford, Wicklow, and Dublin* Railway, and to enable the *South Wales* Railway Company to subscribe thereto. *Ibid.*

xxx. An Act to enable the *Norfolk* Railway Company to raise a further Sum of Money, and for other Purposes. *Ibid.*

xxxi. An Act for abolishing the Duties now payable under the Act of 7 *George* I., commonly called *Saint George*'s Chapel Act, and for otherwise varying the Provisions thereof, and enacting other Duties and Provisions in lieu thereof. *Ibid.*

xxxii. An Act to raise a further Sum of Money for the Court House and Offices at *Hamilton*, and to alter the Mode of assessing and levying certain Rates and Assessments in the County of *Lanark*. *Ibid.*

xxxiii. An Act for removing and regulating the Markets and Fairs held in the Borough and Liberties of *Oswestry*, and for completing and providing convenient Market Places and Places for Fairs, with proper Approaches thereto. *Ibid.*

xxxiv. An Act for maintaining and improving the Harbour of *Looe* in the County of *Cornwall*, and for taking down the present Bridge between *East* and *West Looe* across the said Harbour, and erecting a new Bridge instead thereof. *Ibid.*

xxxv. An Act for maintaining, regulating, and improving the Harbour of *Barrow* in the County Palatine of *Lancaster*. *Ibid.*

xxxvi. An Act for better supplying with Water the Borough of *Derby*, and certain Parishes and Places adjacent thereto, in the County of *Derby*. *Ibid.*

xxxvii. An Act to amend Three Acts of His Majesty King *George* the Third, and another Act of His late Majesty King *William* the Fourth, for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement*; and for other Purposes. *Ibid.*

xxxviii. An Act to amalgamate the *Liverpool* Gaslight Company and the *Liverpool* New Gas and Coke Company. *Ibid.*

xxxix. An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, and of an Act passed in the Sixth Year of the Reign of Her present Majesty, for supplying the Towns of *Old* and *New Brentford* in the County of *Middlesex*, and other Places therein mentioned, with Gas. *Ibid.*

xl. An Act to repeal the Provisions of Two several Acts for lighting with Gas the Town of *Brighthelmstone* in the County of *Sussex*, and for making other Provisions in lieu thereof. *Ibid.*

xli. An Act to authorize the Company of Proprietors of the *Forth and Clyde* Navigation and the *Airdrie and Coatbridge* Water Company to enter into Agreements for certain Purposes. *Ibid.*

xlii. An Act to enable the *Herculaneum* Dock Company to sell or lease Lands at *Toxteth Park* in the County of *Lancaster*. *Ibid.*

xliii. An Act for facilitating the Transfer of the *Bristol* Docks to the Mayor, Aldermen, and Burgesses of the City of *Bristol*, and for other Purposes. 474

xliv. An Act for the further Extension and Improvement of the Ferry, Harbours, Piers, and other Works at *Queensferry* on the *Frith of Forth*; and for certain other Purposes connected therewith. *Page* 474

xlv. An Act for establishing direct Steam Communications across the River *Tyne* between the Towns of *North* and *South Shields*, and between other Places in the Counties of *Durham* and *Northumberland*. *Ibid.*

xlvi. An Act for incorporating the *North of Scotland* Fire and Life Assurance Company, under the Name of "The *Northern* Assurance Company;" for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto. *Ibid.*

xlvii. An Act for enabling "The Patent Galvanized Iron Company" to purchase and work certain Letters Patent. *Ibid.*

xlviii. An Act for repealing an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, for making a Road from *Battle Bridge* to *Holloway* in the County of *Middlesex*. *Ibid.*

xlix. An Act for repairing the Road from *Nantwich* to *Wheelock Wharf* in the County Palatine of *Chester*; and to repeal an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third; and to continue and extend the Trust. *Ibid.*

l. An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and maintaining the Roads from the Town of* Dundalk *in the County of* Louth *to the Towns of* Castle Blayney *and* Carrickmacross *in the County of* Monaghan. *Ibid.*

li. An Act for repealing an Act of theNinth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, repairing, and improving certain Roads leading to and from* Truro *in the County of* Cornwall, and for making other Provisions in lieu thereof; for forming, vesting, and improving certain Roads; and for continuing and extending the *Truro* Turnpike Trust. *Ibid.*

lii. An Act to enable the *Dundee and Perth* Railway Company to make a Junction Line of Railway into the Royal Burgh of *Dundee*. *Ibid.*

liii. An Act to continue and amend the Act relating to the *Drumpeller* Railway. *Ibid.*

liv. An Act to enable the *Arbroath and Forfar* Railway Company to raise a further Sum of Money. *Ibid.*

lv. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to deviate or alter Part of their *Thirsk and Malton* Branch Railway, and to abandon Part of the same; and for other Purposes. 475

lvi. An Act for enabling the *Leeds and Thirsk* Railway Company to make a Railway from *Melmerby* to *Northallerton*, and to form a Junction with the *York and Newcastle* Railway. *Ibid.*

lvii. An Act for enabling the *Leeds and Thirsk* Railway Company to alter the Levels of certain Portions of the *Leeds and Hartlepool* Railway, and to alter the proposed Junctions with the *Stockton and Darlington* Railway in *Eaglescliffe*; and for other Purposes. *Ibid.*

lviii. An Act for enabling the *Manchester South Junction and Altrincham* Railway Company to provide additional Station Accommodation in *Manchester*; and for other Purposes. *Ibid.*

lix. An Act to authorize the *Oxford, Worcester, and Wolverhampton* Railway Company to raise a further Sum of Money; and for other Purposes. *Ibid.*

lx. An Act to enable the *Chester and Holyhead* Railway Company to purchase, hire, and use Steam Boats; and for other Purposes. *Page* 475

lxi. An Act to enable the *Waterford and Kilkenny* Railway Company to make certain Deviations in the authorized Line of the said Railway; and to amend the Act relating thereto. *Ibid.*

lxii. An Act to alter the Line of the *Great Grimsby* Branch of the *East Lincolnshire* Railway, and to amend and enlarge the Provisions of the Acts relating to the *East Lincolnshire* Railway. *Ibid.*

lxiii. An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a Railway to *Barnsley*, with Branches therefrom, all in the West Riding of the County of *York*. *Ibid.*

lxiv. An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make improved Communications to their Station in *Manchester*. *Ibid.*

lxv. An Act to authorize the *South Yorkshire, Doncaster, and Goole* Railway Company to construct a Branch Railway to the *Great Northern* Railway at *Doncaster*. *Ibid.*

lxvi. An Act to authorize certain Alterations of the *North Staffordshire* Railway. *Ibid.*

lxvii. An Act to enable the *Aberdeen* Railway Company to raise a further Sum of Money. *Ibid.*

lxviii. An Act for enabling the *Leeds and Thirsk* Railway Company to make a Railway by *Harrogate* to *Pateley*; and for other Purposes. *Ibid.*

lxix. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to carry the Line of their Railway across *Sheffield Street* in *Manchester*, to increase their Station Accommodation at *Manchester* and *Stalybridge*, and for other Purposes. *Ibid.*

lxx. An Act to enable the *Edinburgh and Glasgow* Railway Company to make certain Branches, and to alter the Tunnel at *Glasgow*; and for other Purposes. *Ibid.*

lxxi. An Act for making a Railway Station on the North Side of the River *Aire* in *Leeds* in the West Riding of the County of *York*, to be called "The *Leeds* Central Railway Station." 476

lxxii. An Act to enable the *Scottish Midland Junction* Railway Company to make Branch Railways to *Birnam* and to the *Dunkeld* Branch of the *Scottish Midland Junction* Railway, and also to abandon Portion of the original Line of the said *Dunkeld* Branch. *Ibid.*

lxxiii. An Act to enable the *Caledonian* Railway Company to improve the *Glasgow, Garnkirk, and Coatbridge* and the *Clydesdale Junction* Railways. *Ibid.*

lxxiv. An Act for making a Railway from the *Berks and Hants* Railway at *Hungerford* to join the Line of the *Wilts, Somerset, and Weymouth* Railway at *Westbury* and *Devizes*. *Ibid.*

lxxv. An Act for authorizing certain Deviations in the Line of the *Windsor, Staines, and South-western* Railway. *Ibid.*

lxxvi. An Act to make a Deviation in the authorized Line of the *Midland Great Western* Railway of *Ireland*, and to amend the Acts relating to the Company. *Ibid.*

lxxvii. An Act to enable the *Bristol and Exeter* Railway Company to make a Branch Railway from the *Bristol and Exeter* Railway in the Parish of *Bleadon* to the City of *Wells*, the Town of *Glastonbury*, and the Parish of *Street*, all in the County of *Somerset*. *Ibid.*

lxxviii. An Act to enable the *Glasgow, Paisley, and Greenock* Railway Company to make a certain Branch Railway; and to amend the Acts relating to the said Railway. *Page* 476

lxxix. An Act to authorize the Abandonment of a Portion of the *Londonderry and Enniskillen* Railway, and the Enlargement of the intended Station at *Londonderry*; and for other Purposes. *Ibid.*

lxxx. An Act to enable the *Whitehaven Junction* Railway Company to extend their Railway from the present Terminus thereof at *Whitehaven* to the Patent Slip Yard in *Whitehaven*, to make Branches to *Whitehaven* Harbour, to deviate the Line at *Parton*, and to alter, enlarge, and extend the Company's Stations, Railways, and Works; and for other Purposes. *Ibid.*

lxxxi. An Act for enabling the *Hartlepool* Dock and Railway Company and the *Great North of England, Clarence, and Hartlepool Junction* Railway Company to lease their respective Railways and Works to the *York, Newcastle, and Berwick* Railway Company. *Ibid.*

lxxxii. An Act to enable the *Bristol and Exeter* Railway Company to make a Branch Railway from the Parish of *Lyng*, near the Town of *Taunton*, to join the *Wilts, Somerset, and Weymouth* Railway near *Castle Cary* in the County of *Somerset*. *Ibid.*

lxxxiii. An Act for making a Branch Railway from the *Churnet Valley* Line of the *North Staffordshire* Railway in the Parish of *Rocester* in the County of *Stafford* to *Ashbourne* in the County of *Derby*. *Ibid.*

lxxxiv. An Act to regulate the Charges for the Conveyance of Traffic on the *Glasgow, Paisley, Kilmarnock and Ayr* Railway, and for other Purposes. *Ibid.*

lxxxv. An Act for making a Railway from *Exeter* to *Yeovil*, with Branches and an Extension therefrom, to be called "The *Exeter, Yeovil, and Dorchester* Railway." *Ibid.*

lxxxvi. An Act for vesting in the *Manchester, Sheffield, and Lincolnshire* Railway Company the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*. *Ibid.*

lxxxvii. An Act to enable the *London and South-western* Railway Company to make a Railway from *Salisbury* to *Yeovil*, with Branches to *Shaftesbury*, and to the *Exeter, Yeovil, and Dorchester* and *Wilts, Somerset, and Weymouth* Railways. 477

lxxxviii. An Act to enable the *Midland* Railway Company to make certain Branches from and Enlargements of their Railway; and for other Purposes. *Ibid.*

lxxxix. An Act for amalgamating the *Southampton and Dorchester* Railway Company with the *London and South-western* Railway Company. *Ibid.*

xc. An Act to amend the Acts relating to the *London and Blackwall* Railway, and to authorize the Company to alter the Gauge of their Railway, and to make certain Improvements in the Approaches to the said Railway, and to make Branches to the *London* and *Saint Katherine's* Docks. *Ibid.*

xci. An Act to enable the *Whitehaven Junction* Railway Company to raise a further Sum of Money; and to amend the Act relating to the said Railway. *Ibid.*

xcii. An Act for improving the Steam Communication across the River *Humber* belonging to the *Manchester, Sheffield, and Lincolnshire* Railway Company; for erecting a Pier at *Kingston-upon-Hull*, and enlarging the Works at *New Holland*; for making a connecting Line near *Habrough* in the County of *Lincoln*; for regulating the Pilotage of the Port of *Great Grimsby*; and for amending the Acts relating to the *Manchester, Sheffield, and Lincolnshire* Railway Company. *Ibid.*

xciii. An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct an additional or enlarged Station at *Sheffield*, and to make a Branch Railway to the *Sheffield* Canal. *Page* 477

xciv. An Act for vesting in the *Manchester, Sheffield, and Lincolnshire* Railway Company the *Sheffield* Canal. *Ibid.*

xcv. An Act to enable the *Plymouth Great Western* Dock Company to raise further Capital, and to authorize the *Great Western*, the *Bristol and Exeter*, and *South Devon* Railway Companies to subscribe to the *Plymouth Great Western* Docks; and for other Purposes. *Ibid.*

xcvi. An Act to amend the Acts relating to the *Newry* Navigation. *Ibid.*

xcvii. An Act to enable the Warden and Assistants of the Harbour of *Dovor* in the County of *Kent* to raise a further Sum of Money. *Ibid.*

xcviii. An Act to improve the Harbour of *Burntisland* in the County of *Fife*. *Ibid.*

xcix. An Act for constructing a Harbour at *Leck Robie*, and for maintaining the Harbour of *Little Ferry*, both in the County of *Sutherland*. *Ibid.*

c. An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Saint Mary on the Hill* in the City of *Chester*. *Ibid.*

ci. An Act to alter, amend, and enlarge the Powers and Provisions of "The *Manchester* Corporation Waterworks Act, 1847." 478

cii. An Act to amend, extend, and enlarge the Powers of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for better lighting, cleansing, sewering, and improving the Borough of* Leeds *in the County of* York; and to give to the Mayor, Aldermen, and Burgesses of the said Borough further and more effectual Powers for draining and sewering the said Borough. *Ibid.*

ciii. An Act for dissolving and facilitating the Winding-up of the Affairs of "The Patent Galvanized Iron Company," trading under the Firm or Style of *Malins* and *Rawlinsons*. *Ibid.*

civ. An Act to amend the Acts for improving the Drainage and Navigation of the *Middle Level* of the Fens, and for other Purposes connected therewith. *Ibid.*

cv. An Act to enable *Low*'s Patent Copper Company to work certain Letters Patent. *Ibid.*

cvi. An Act for incorporating the *Scottish* Provident Institution, for confirming the Laws and Regulations thereof, for enabling the said Society to sue and be sued, to take and to hold Property, and for other Purposes relating to said Society. *Ibid.*

cvii. An Act to amend and continue the Term of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to continue the Term of an Act passed in the Parliament of* Ireland *in the Thirty-fifth Year of His present Majesty, for improving and repairing the Turnpike Road leading from* Dublin *to* Mullingar, *and for repealing the several Laws heretofore made relating to the said Road*. *Ibid.*

cviii. An Act for authorizing the Trustees of the *Tadcaster and Halton Dial* Turnpike Road to make a Diversion or Alteration of such Part of the Line of the *Tadcaster and Halton Dial* Turnpike Road as lies in the Parish of *Tadcaster* in the West Riding of the County of *York*. *Ibid.*

cix. An Act to enable the President, Vice Presidents, Treasurer, and Members of the Philanthropic Society to sell and grant Leases of the Lands belonging to them, and to purchase other Lands; and for other Purposes relating to the said Society. *Page* 478

cx. An Act to incorporate the Members of the Institution called "The Orphan Working School," now established at *Haverstock Hill, Hampstead Road*, in the County of *Middlesex*, and to enable them the better to carry on their charitable Designs. *Ibid.*

cxi. An Act to alter and amend some of the Provisions of the Acts relating to the *London and Blackwall* Railway Company. *Ibid.*

cxii. An Act to enable the *Edinburgh and Northern* Railway Company to make Branch Railways to *Roscobie, Keltyhead*, and *Glencraig*; and for certain other Purposes. *Ibid.*

cxiii. An Act for more effectually watching, cleansing, and lighting the Streets of the City of *Edinburgh* and adjoining Districts, for regulating the Police thereof, and for other Purposes relating thereto. *Ibid.*

cxiv. An Act to amend the Acts relating to the *Great Northern* Railway Company; and to enable the Company to make an Extension of their Railway from the Parish of *Saundby* in *Nottinghamshire* to the *Askern* Branch of the *Wakefield, Pontefract, and Goole* Railway in the Parish of *Owston* in the West Riding of *Yorkshire*, with a Branch to rejoin the *Great Northern* Railway in the Parish of *Snaith* in the said West Riding. *Ibid.*

cxv. An Act for enabling the *Lancashire and Yorkshire* Railway Company to make certain Modifications of their Share Capital; and for other Purposes. 479

cxvi. An Act to enable the *Edinburgh and Bathgate* Railway Company to extend their *Whitburn* Branch, and to alter or deviate their *Uphall and Binnie* Branch. *Ibid.*

cxvii. An Act to authorize a Deviation in the Line of the *Londonderry and Coleraine* Railway, and to amend the Act relating thereto. *Ibid.*

cxviii. An Act to facilitate the Construction of the *Cowlairs* Branch of the *Glasgow, Airdrie, and Monklands Junction* Railway by the *Edinburgh and Glasgow* Railway Company, and to grant further Powers to that Company. *Ibid.*

cxix. An Act to enable the *Royston and Hitchin* Railway Company to extend their Line of Railway from *Royston* to *Shepresh*, and to make a Deviation of the authorized Line at *Hitchin*. *Ibid.*

cxx. An Act to amend the Provisions of the *Newport and Pontypool* Railway Act, 1845. *Ibid.*

cxxi. An Act to enable the *Caledonian* Railway Company to extend their Railway across the River *Clyde* at *Glasgow*, and to form a Station in that City. *Ibid.*

cxxii. An Act for the Amendment and Continuation of the Burgh Customs, and Water, Shore, and Harbour Rates, of the Burgh of *Dunbar*, and for other Purposes connected with the said Burgh, and the Supply of Water to the same and the Harbour thereof. *Ibid.*

cxxiii. An Act to provide for the Municipal and Police Government of the Burgh of *Leith*, and for other Purposes relating thereto. *Ibid.*

cxxiv. An Act for the better carrying on the Affairs of the Grand Canal Company. *Ibid.*

cxxv. An Act for enabling the *London and South western* Railway Company to effect certain Extensions and Deviations at *Godalming, Cosham, London Bridge, Southamp-*

ton, and *Poole*, and certain Arrangements respecting Steam Packets; and for other Purposes. *Page* 479

cxxvi. An Act to enable the *Furness* Railway Company to raise a further Sum of Money, and to purchase Steam Vessels; and for the Amendment of the Acts relating to the said Company. *Ibid.*

cxxvii. An Act to authorize certain Deviations in the Main Line of the *Stirling and Dunfermline* Railway, and for other Purposes. *Ibid.*

cxxviii. An Act to enable the *Whitehaven and Furness Junction* Railway Company to deviate or extend their Line of Railway from *Silecroft* to *Foxfield*, and to abandon a Portion of their Line between *Silecroft* and *Ireleth*, to make Branches to *Whitehaven* Harbour, and for other Purposes. *Ibid.*

cxxix. An Act to enable the *Dundee and Arbroath* Railway Company to make a Junction Line of Railway into the Royal Burgh of *Dundee*. *Ibid.*

cxxx. An Act for enabling the *London and North-western* Railway Company to make a Branch Railway from the *Coventry and Nuneaton* Line in the Parish of *Exhall* to the *Craven* Colliery, and another Branch Railway from the same *Coventry and Nuneaton* Line at *Bedworth* to the *Mount Pleasant* Colliery, to construct a new Approach Road to the Station of the *London and North-western* Railway at *Tamworth*, and to enlarge the *Rugby* Station of the last-mentioned Railway, all in the County of *Warwick*; and for other Purposes. *Ibid.*

cxxxi. An Act to enable the *Midland* Railway Company to construct a Railway from *Gloucester* to *Stonehouse*, and for other Purposes connected with the *Bristol and Gloucester* Line of the *Midland* Railway. 480

cxxxii. An Act to alter and amend the Acts relating to the *Newry and Enniskillen* Railway Company, and to enable them to make Arrangements with other Railway Companies. *Ibid.*

cxxxiii. An Act to authorize an Alteration of the Line of the *Oxford, Worcester, and Wolverhampton* Railway, and for other Purposes. *Ibid.*

cxxxiv. An Act to amalgamate the *Monkland and Kirkintilloch*, *Ballochney*, and *Slamannan* Railways. *Ibid.*

cxxxv. An Act for making a Railway from the *Great Western* Railway near *Slough* to the Town of *New Windsor* in the County of *Berks*. *Ibid.*

cxxxvi. An Act for making an Alteration in the *New Cross* Station, and for amending the Powers and Provisions of the several Acts relating to the *London, Brighton, and South Coast* Railway. *Ibid.*

cxxxvii. An Act to enable the Trustees of the *Worcester* Turnpike Road to make certain new Roads, and to improve and more effectually maintain the several Roads leading into and from the City of *Worcester*. *Ibid.*

cxxxviii. An Act for establishing a Market and Fair in the Borough of *Avon* otherwise *Aberavon* in the County of *Glamorgan*. *Ibid.*

cxxxix. An Act for the better regulating and improving the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*. *Ibid.*

cxl. An Act for better paving, lighting, watching, sewering, draining, cleansing, and otherwise improving the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York*, for maintaining an efficient Police, and removing and preventing Nuisances and Annoyances therein. *Ibid.*

cxli. An Act for the Improvement of the Borough of *Londonderry*. *Ibid.*

cxlii. An Act for incorporating "The *West of England* and *South Wales* Land Draining Company;" and for enabling Owners of limited Interests in Land to charge the same for the Purposes of Drainage, Irrigation, Warping, Embankment, Reclamation, Inclosure, and Improvement. *Page* 480

cxliii. An Act to improve the River *Nene* and *Wisbech* River, and the Drainage of Lands discharging their Waters into the same. *Ibid.*

cxliv. An Act to alter and amend the several Acts relating to the *Birkenhead* Commissioners Docks, and to transfer the several Powers of the said Commissioners to a Corporate Body to be entitled "The Trustees of the *Birkenhead* Docks;" and for other Purposes. 481

cxlv. An Act for continuing the Term of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Hulme, *across the River* Irwell, *through* Salford, *to* Eccles, *in the County Palatine of* Lancaster, *and a Branch of Road communicating therewith*, so far as relates to the Road from *Hulme* to *Eccles*, for the Purpose of enabling the Trustees to pay off the Debt now due on the said Roads. *Ibid.*

cxlvi. An Act for altering and amending an Act passed for maintaining the Road from *Crossford Bridge* to *Manchester*, and a Branch connected therewith. *Ibid.*

cxlvii. An Act for more effectually repairing and maintaining the Road from *Richmond* to *Reeth* in the County of *York*. *Ibid.*

cxlviii. An Act to enable the *Wishaw and Coltness* Railway Company to divert and improve certain Portions of their Line. *Ibid.*

cxlix. An Act to enable "The Timber Preserving Company" to purchase and work certain Letters Patent, and for confirming the same. *Ibid.*

cl. An Act for draining, warping, and otherwise improving *Thorne Moor* in the West Riding of *Yorkshire*. *Ibid.*

cli. An Act to authorize the Endowment and Consecration of a new Chapel at *Marlborough*, and the Annexation of the same to *Marlborough* College. *Ibid.*

clii. An Act to amend the Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof. *Ibid.*

cliii. An Act for the Establishment of the Farmers Estate Society, *Ireland*. *Ibid.*

cliv. An Act to enable the *Dundee and Perth* Railway Company to take a Lease of the Undertaking of the *Dundee and Arbroath* Railway Company; and to amend the Acts relating to such Companies respectively. *Ibid.*

clv. An Act for making a Railway from *Paisley* to *Barrhead*, with certain Branch Railways therewith connected, to be called "The *Paisley, Barrhead, and Hurlet* Railway." *Ibid.*

clvi. An Act to make a Deviation in the authorized Line of the *Manchester, Buxton, Matlock, and Midlands Junction* Railway, together with a Branch to *Bakewell*. *Ibid.*

clvii. An Act to amend the Acts relating to the *Exeter and Exmouth* Railway Company. 482

clviii. An Act to enable the *Great Western* Railway Company to construct a Loop Line from the *Birmingham and Oxford Junction* Railway through the Town of *Leamington*; and for other Purposes. *Ibid.*

clix. An Act to confer additional Powers on the *Great Western* Railway Company with reference to an Agreement of the Twelfth of *November* 1846, for the Purchase by them of the *Birmingham and Oxford Junction*

and *Birmingham, Wolverhampton, and Dudley* Railways. *Page* 482
clx. An Act to enable the *Edinburgh and Glasgow* Railway Company to hold Shares in the *Edinburgh and Bathgate* Railway Company; and for other Purposes. *Ibid.*
clxi. An Act for the more effectually paving, lighting, watching, draining, cleansing, and otherwise improving the Town and Neighbourhood of *Walsall* in the County of *Stafford*, for improving the Markets, and for the better assessing the Poor's Rates, Highway Rates, Church Rates, and other local Rates within the Parish of *Walsall* in the said County. *Page* 482
clxii. An Act for granting further Powers to the *Clerkenwell* Improvement Commissioners for the Purpose of enabling them to complete the new Street and the Improvements connected therewith. *Ibid.*
clxiii. An Act to provide for the Sanatory Improvement of the City of *London* and the Liberties thereof, and for the better cleansing, sewering, paving, and lighting the same. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the feuing of the Glebe Lands of the Parish of *Govan* in the County of *Lanark*. *Page* 524
2. An Act for authorizing the Trustees of the Will of the late *Calmady Pollexfen Hamlyn* Esquire, under the Direction of the Court of Chancery, to pull down the Mansion or Dwelling House at *Paschoe* in the County of *Devon*, Part of the Estates devised by the said Will, and to rebuild the same, and to raise Money for those Purposes by Mortgage of the said Estates; and for making Provision for the Payment of the Principal Monies so raised; and for other Purposes. *Ibid.*
3. An Act for confirming an Exchange of certain Lands in the Parish of *Wilton* in the County of *Somerset* heretofore Part of the Augmentation of the Perpetual Curacy of *Hill Bishops* otherwise *Bishops Hull* in the same County, for certain Lands in the Parish of *Staplegrove* in the same County; and for other Purposes. *Ibid.*
4. An Act to authorize the Sale to the Right Honourable *George Harry* Earl of *Stamford and Warrington* of certain Freehold and Leasehold Hereditaments in the County of *Salop* devised by the Will of *Polly Hale* Widow, deceased, and for directing the Investment of the Purchase Money in other Hereditaments, to be settled in like Manner. *Ibid.*
5. An Act to authorize Grants in Fee and Leases for long Terms of Years, for Building Purposes, of the devised Estate of *John Newton* Esquire, deceased, situate at *Gorton* in the Parish of *Manchester* in the County of *Lancaster*. *Ibid.*
6. An Act for enabling Sales, Leases, and Mortgages to be made of certain Estates in the County of *York*, heretofore belonging to *John Fullerton*. *Ibid.*
7. An Act to enable the Trustees of the Will of *Edward Jessop* the elder to sell the Estates devised by such Will, and to lay out the Money to arise therefrom in the Purchase of other Estates, under the Direction of the Court of Chancery. *Ibid.*
8. An Act for enabling Leases and Sales to be made of an Estate at *Horton* in the Parish of *Bradford* in the County of *York*, holden upon the Trusts of the Will of *Jacob Hudson* deceased. *Ibid.*
9. An Act to enable Sir *William Miller* of *Glenlee* and *Barskimming*, Baronet, Heir of Entail in possession of the Lands and Estates of *Glenlee*, *Barskimming*, and others, lying in the Stewartry of *Kirkcudbright* and County of *Ayr*, to exchange certain Portions of the said Estates, and to sell certain Parts thereof, for the Payment and Extinction of the Debts, Obligations, and Burdens affecting the same. *Page* 524
10. An Act for incorporating the Governors and Trustees of the United Charities of *Nathaniel Waterhouse*, appointed by virtue of an Act passed in the Seventeenth Year of the Reign of King *George* the Third, intituled *An Act for uniting and better regulating the Charities of* Nathaniel Waterhouse *within the Town and Parish of* Halifax *in the West Riding of the County of* York; and amending the Powers and Provisions of the said Act, and granting other Powers and Provisions enabling the Governors and Trustees of the said United Charities, when incorporated, to sell and to convey Parts of the Lands of the Charity Estates, make Exchanges of the Lands of the said Estates for other Lands, lease Mines, fell Timber, and effect Improvements; and for regulating the Application of the Revenues, Rents, and Income of the said Estates, and enlarging the charitable Uses of the said Charities; and for other Purposes concerning the same. 525
11. An Act to provide for the better Administration of certain Charities in the Parish of *Sandbach* in the County of *Chester*, and the Distribution of the Income thereof, and for vesting the Estates and Property belonging to the Charities in new Trustees, and to enable the Trustees to grant Leases of the Charity Estates; and for other Purposes. *Ibid.*
12. An Act to alter and amend an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, for enabling the Trustees of the Will of *Francis* late Duke of *Bridgewater* to carry into execution certain Articles of Agreement entered into by them with the Right Honourable *Francis Egerton* now Earl of *Ellesmere*. *Ibid.*
13. An Act for the Sale of the Glebe Lands belonging to the Rectory of *Woolwich* and the Parish Church of *Saint Mary Woolwich* in the County of *Kent*, and to confirm the Building Leases of such Lands, and for Endowment of a new Ecclesiastical District; and for other Purposes. *Ibid.*

14. An Act for extending certain Powers of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for enlarging the Powers contained in the Will of Sir* John Ramsden *Baronet, deceased, to grant Leases of the Hereditaments in the Townships of* Huddersfield, Honley, Dalton, *and* Almondbury *devised by such Will, and for other Purposes,* to the Hereditaments in the Parishes of *Almondbury, Kirkheaton,* and *Huddersfield* comprised in the Settlement made on the Marriage of *John Charles Ramsden* Esquire, deceased; and for other Purposes. *Page* 525

15. An Act to authorize the granting of Building Leases for Ninety-nine Years of Parts of the Trust Estates of the Will of the late *Charles Robert Blundell* Esquire, situate in the Parishes of *Sefton, Walton on the Hill,* and *North Meols* in the County of *Lancaster,* and to lease waste Lands and Coal and other Mines, and to exchange certain detached and intermixed Lands, other Parts of the said Trust Estates. *Ibid.*

16. An Act for granting Building and other Improvement Leases of the settled Estates of the Right Honourable *George Augustus Frederick Charles* Earl of *Sheffield,* situate in the Parishes of *Newhaven* and *Bishopstone* in the County of *Sussex.* *Ibid.*

17. An Act to amend a Settlement made by the Most Honourable the Marquess and Marchioness of *Londonderry* and the Honourable Viscount *Seaham;* and for other Purposes therein mentioned. *Ibid.*

18. An Act for compromising certain Suits and Claims affecting Parts of the Estates of the late Marquess of *Antrim,* and for settling certain Lands intermixed with Parts of such Estates. *Page* 525

19. An Act for vesting the Two undivided Sixth Shares of *Christopher Alderson* a Lunatic, and *Mary Alderson* Spinster, a Person of unsound Mind, as Two of the Six Children of *Christopher Alderson Alderson* deceased, in certain Freehold Estates in the Counties of *Middlesex, Hertford,* and *York,* in Trustees in whom the other Four undivided Sixth Shares are now vested, upon trust for Sale. *Ibid.*

20. An Act to alter and amend certain Powers of leasing contained in the last Will and Testament of the late Most Honourable *John Crichton Stuart* Marquess of *Bute* and Earl of *Dumfries* deceased. *Ibid.*

21. An Act for altering an Act made and passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria,* for enabling the Master and Brethren of the Hospital of *Saint Mary the Virgin* within the Borough of *Newcastle-upon-Tyne* to grant Leases of their Estates; and for other Purposes. 526

22. An Act for the Relief of the Right Honourable *Richard* Earl of *Glengall,* in respect of his Estates in the Counties of *Waterford* and *Tipperary* in *Ireland,* and for vesting the same Estates in Trustees for effecting such Relief. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

23. An Act for the Restitution in Blood of *William Constable Maxwell* Esquire.

24. An Act to dissolve the Marriage of *Edward Heneage* Esquire with *Charlotte Frances Ann Heneage* his now Wife, and to enable him to marry again; and for other Purposes.

25. An Act to dissolve the Marriage of *Robert Nicholson* Esquire with *Frances Nicholson* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

26. An Act to dissolve the Marriage of the Reverend *Frederick Grueber Lugard* Clerk with *Grace Price Lugard* his now Wife, and to enable him to marry again; and for other Purposes.

27. An Act to dissolve the Marriage of *William Jervis,* a Captain in the Forty-second Regiment of *Bengal* Native Infantry, and Paymaster and Superintendent of Native Pensioners at *Barrackpore* in the Province of *Bengal* in the *East Indies,* with *Mary Amelia* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

A

TABLE

Containing the TITLES of all

THE STATUTES

Passed in the SECOND Session of the FIFTEENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland;*

12° & 13° VICTORIÆ.

PUBLIC GENERAL ACTS.

1. AN Act to consolidate the Boards of Excise and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision for the Collection of such Revenue. *Page* 535
2. An Act to continue, until the First Day of *September* One thousand eight hundred and forty-nine, an Act of the last Session, for empowering the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government. 539
3. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine. *Ibid.*
4. An Act to amend the Laws relating to the Appointment of Vice Guardians of Unions in *Ireland.* *Ibid.*
5. An Act to authorize an Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland.* 540
6. An Act to repeal an Act of the Twenty-first Year of *George* the Second, for holding the Summer Assizes at *Buckingham;* and to authorize the Appointment of a more convenient Place for holding the same. *Ibid.*
7. An Act to authorize the Inclosure of certain Lands in pursuance of the Fourth Annual General Report of the Inclosure Commissioners for *England* and *Wales.* 541
8. An Act to remove Doubts as to the Appointment of Overseers in Cities and Boroughs. 542
9. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and fifty. *Ibid.*
10. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. *Ibid.*
11. An Act to amend the Laws in *England* and *Ireland* relative to Larceny and other Offences connected therewith. *Page* 547
12. An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore. 548
13. An Act to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish. 552
14. An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates. 553
15. An Act to amend an Act of the Fifty-fourth Year of King *George* the Third, for the Recovery of small Sums due for Wages in *Ireland.* 558
16. An Act to protect Justices of the Peace in *Ireland* from vexatious Actions for Acts done by them in the Execution of their Office. 559
17. An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland.* 561
18. An Act for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs. 562
19. An Act to make perpetual an Act of the Tenth and Eleventh Years of Her present Majesty, for authorizing the Removal of Prisoners from the several Gaols in *Ireland* in Cases of Epidemic Diseases. 563
20. An Act for raising the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-nine. *Ibid.*
21. An Act to confirm certain Acts of the Legislature of *Newfoundland* respecting the rebuilding of the Town

of *Saint John's Newfoundland*, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town. *Page* 563
22. An Act to remove Doubts concerning the Validity of certain Grants of Land in the Colony of *New South Wales*. 564
23. An Act to authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility, in *Ireland*. *Ibid.*
24. An Act to make Provision, until the Thirty-first Day of *December* One thousand eight hundred and fifty, for a General Rate in aid of certain distressed Unions and Electoral Divisions in *Ireland*. 565
25. An Act for giving effect to the Stipulations of a Treaty between Her Majesty and the Queen of *Portugal* for the Apprehension of certain Deserters. 566
26. An Act for granting Relief against Defects in Leases made under Powers of Leasing, in certain Cases. 567
27. An Act to remove Doubts concerning the Transportation of Offenders under Judgment of Death to whom Mercy may be extended in *Ireland*. 568
28. An Act to enable the Commissioners of *Greenwich* Hospital to regulate and manage the Markets held at *Greenwich* in the County of *Kent*. 569
29. An Act to amend the Laws in force for the Encouragement of *British* Shipping and Navigation. 571
30. An Act for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep, in *Ireland*. 575
31. An Act for requiring the Transmission of the annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges in *Scotland* to the Secretary of State to be laid before Parliament. 576
32. An Act to continue to the End of the Year One thousand eight hundred and fifty-one certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland*. 578
33. An Act for regulating the Carriage of Passengers in Merchant Vessels. *Ibid.*
34. An Act to amend an Act regulating the Justice of the Peace Small Debt Courts in *Scotland*. 595
35. An Act for requiring annual Returns of the Expenditure on Highways in *England* and *Wales* to be transmitted to the Secretary of State, and afterwards laid before Parliament. *Ibid.*
36. An Act to make Provision, during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in *Ireland*, and to the Remuneration of the Collectors thereof. 597
37. An Act to continue to the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies. 598
38. An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*. *Ibid.*
39. An Act for further continuing, until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. 599
40. An Act to continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures. *Page* 599
41. An Act to extend an Act of the Fifty-sixth Year of King *George* the Third, for providing for a new Silver Coinage, and for regulating the Currency of the Gold and Silver Coin of this Realm. *Ibid.*
42. An Act to provide for the Execution for One Year of the Office of Sheriff in the County of *Westmoreland*. 600
43. An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service. *Ibid.*
44. An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine. 615
45. An Act to amend the Procedure in Courts of General and Quarter Sessions of the Peace in *England* and *Wales*, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts. *Ibid.*
46. An Act to facilitate the Union of Turnpike Trusts. 618
47. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. 619
48. An Act to provide for the Administration of Justice in *Vancouver's Island*. 620
49. An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools. 621
50. An Act for further amending the Laws relating to Sewers. 622
51. An Act for the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity in *Scotland*. 624
52. An Act to suspend, until the First Day of *October* One thousand eight hundred and fifty, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. 630
53. An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors in *Ireland*. *Ibid.*
54. An Act to continue until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads. 633
55. An Act to abolish the Gaol of *Newgate* in the County of the City of *Dublin*, and provide Compensation for the Officers thereof, and to enable the Grand Jury of the County of the said City to increase the Salaries of the Chaplains of certain other Gaols thereof, and to re-assess on the County of the said City certain Arrears of Grand Jury Cess. *Ibid.*
56. An Act to continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*. 636
57. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. *Ibid.*
58. An Act to extend to the Officers of Inland Revenue the Privilege of becoming Members of the Excise Benevolent Fund Society. *Ibid.*
59. An Act to amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in *Ireland*. 637

60. An Act further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings. *Page* 638
61. An Act to continue until the First Day of *October* One thousand eight hundred and fifty and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor. 641
62. An Act to authorize the Advance of Money out of the Consolidated Fund to the *Midland Great Western* Railway of *Ireland* Company. *Ibid.*
63. An Act to authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*. 648
64. An Act to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs. *Ibid.*
65. An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates. 649
66. An Act for enabling Colonial Legislatures to establish Inland Posts. 650
67. An Act to extend the Remedies of Sequestrators of Ecclesiastical Benefices. 651
68. An Act for facilitating the Marriage of *British* Subjects resident in Foreign Countries. 652
69. An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Persons charged with Indictable Offences. 656
70. An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland* with respect to Summary Convictions and Orders. 675
71. An Act to dissolve Regimental Benefit Societies, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds. 696
72. An Act further to amend the Acts relating to the Offices of the House of Commons. 697
73. An Act to limit the Enlistment in the Artillery and other Ordnance Corps. 698
74. An Act for the further Relief of Trustees. *Ibid.*
75. An Act to defray until the First Day of *August* One thousand eight hundred and fifty the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. 699
76. An Act to protect Women from fraudulent Practices for procuring their Defilement. *Ibid.*
77. An Act further to facilitate the Sale and Transfer of Incumbered Estates in *Ireland*. *Ibid.*
78. An Act for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases. 710
79. An Act to facilitate the Execution of Conveyances and other Instruments by or on behalf of the *New Zealand* Company in *New Zealand*. 713
80. An Act to repeal the Allowances on the Purchase of Stamps and for the receiving and accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof. *Page* 714
81. An Act to authorize Her Majesty to issue a Commission to inquire into and report upon Rights or Claims over the *New Forest* in the County of *Southampton* and *Waltham Forest* in the County of *Essex*. 716
82. An Act to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure. 718
83. An Act further to facilitate the Inclosure of Commons, and the Improvement of Commons and other Lands. 720
84. An Act for carrying into effect Engagements between Her Majesty and certain *Arabian* Chiefs in the *Persian Gulf* for the more effectual Suppression of the Slave Trade. 722
85. An Act to amend an Act for the Regulation of Municipal Corporations in *Ireland*, so far as relates to the Borough of *Dublin*. 725
86. An Act to provide additional Funds for Loans by the Public Works Loan Commissioners for building Workhouses in *Ireland*. 730
87. An Act to continue certain Turnpike Acts in *Great Britain* for limited Periods, and to make certain Provisions respecting Turnpike Roads in *England*. 731
88. An Act to amend the Laws relating to Pilotage. 733
89. An Act to reduce the Number of Signatures required to Instruments issued by the Lords of the Treasury. 734
90. An Act to amend the Laws relating to the Customs. *Ibid.*
91. An Act to provide for the Collection of Rates in the City of *Dublin*. 741
92. An Act for the more effectual Prevention of Cruelty to Animals. 756
93. An Act to amend the Metropolitan Sewers Act. 761
94. An Act for confirming certain Provisional Orders of the General Board of Health, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places. 763
95. An Act to amend the Law concerning Judgments in *Ireland*. 764
96. An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty. 767
97. An Act for the Improvement of the City of *Dublin*. 768
98. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-nine; and to appropriate the Supplies granted in this Session of Parliament. 790
99. An Act to encourage Endowment of Chapels of Ease, and facilitate Assignment of Pastoral Districts thereto; and to amend an Act of the Eighth Year of Her present Majesty for Marriages in *Ireland*, and for registering such Marriages. 793
100. An Act to promote the Advance of private Money for Drainage of Lands in *Great Britain* and *Ireland*. 795
101. An Act to amend the Act for the more easy Recovery of Small Debts and Demands in *England*, and to abolish certain Inferior Courts of Record. 800
102. An Act to authorize the Sale of the Royal Pavilion at *Brighton*, and the Grounds thereof; and to apply the Money arising from such Sale. 803
103. An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make

certain Amendments in the Laws for the Relief of the Poor. *Page* 803
104. An Act to amend the Acts for the more effectual Relief of the destitute Poor in *Ireland*. 806
105. An Act for converting the renewable Leasehold Tenure of Lands in *Ireland* into a Tenure in Fee. 812
106. An Act to amend and consolidate the Laws relating to Bankrupts. 822
107. An Act for the Amendment of the Law of Bankruptcy in *Ireland*. 874
108. An Act to amend the Joint Stock Companies Winding-up Act, 1848. 896
109. An Act to amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court. *Page* 901
110. An Act for suspending, until the First Day of *June* One thousand eight hundred and fifty, the Operation of an Act passed this Session, intituled *An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases*. 910
111. An Act to amend the Nuisances Removal and Diseases Prevention Act, 1848. 911

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the *Blackburn* Waterworks Company to raise a further Sum of Money; and to amend the Act relating thereto. *Page* 914
ii. An Act for enabling the *Sunderland* Water Company to raise a further Sum of Money, and for amending and enlarging the Provisions of the Act relating to such Company. *Ibid.*
iii. An Act for supplying the District of *Brierley Hill* in the Parish of *Kingswinford* in the County of *Stafford* with Gas. *Ibid.*
iv. An Act for more effectually repairing and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick*. *Ibid.*
v. An Act to authorize the *Warrington* Waterworks Company to raise a further Sum of Money. *Ibid.*
vi. An Act for better establishing and maintaining the Market Place and Markets at *Longton*, heretofore called *Lane End*, in the Parish of *Stoke-upon-Trent* in the County of *Stafford*. *Ibid.*
vii. An Act for improving the Drainage of *Feltwell* Second District in the County of *Norfolk*, and for amending the Acts relating to the same. *Ibid.*
viii. An Act for lighting with Gas and supplying with Water the Town and Borough of *Darlington* and the Suburbs thereof in the County of *Durham*. *Ibid.*
ix. An Act for enabling the *Nottingham* Gaslight and Coke Company to raise a further Sum of Money, and for amending some of the Provisions of the Act relating to such Company. *Ibid.*
x. An Act for more effectually assessing and collecting the Poor Rate and all other Rates and Assessments in the Parish of *Epsom* in the County of *Surrey*, and for the better Management of the Business and Affairs of the said Parish; and for other Purposes relating thereto. 915
xi. An Act for making and maintaining Docks near to *Wareham* in the County of *Dorset*, with an Entrance thereto from *Wareham Channel*. *Ibid.*
xii. An Act for better assessing the Poor Rates on small Tenements in certain Parishes and Places within the Union of *Kidderminster*. *Ibid.*
xiii. An Act for the Dissolution of the *Argyll* Canal Company, and for the Abandonment of their Undertaking. *Ibid.*
xiv. An Act to amend an Act for the better regulating and improving the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*. *Page* 915
xv. An Act to enable the *Edinburgh and Northern* Railway Company to raise a further Sum of Money. *Ibid.*
xvi. An Act for the Management and Disposal of the Freemen's Pastures in the Parish of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln*; and for other Purposes. *Ibid.*
xvii. An Act for better supplying the Town, Port, and Harbour of *Whitehaven* and other Places with Water. *Ibid.*
xviii. An Act for altering the Mode of assessing the Drainage Rates authorized by the Act for draining and improving *Marshland Smeeth* and *Marshland Fen* in the Country of *Marshland* in the County of *Norfolk*, and to provide for the Repair of Roads within the Limits of the said Act. *Ibid.*
xix. An Act for enabling the *North-western* Railway Company to make an Extension of the *Lancaster* Branch of their Railway, and a new Road to *Settle* Station, and to abandon the *William Lands* Branch; and for other Purposes. *Ibid.*
xx. An Act for authorizing the *Bradford* Waterworks Company to raise a further Sum of Money. *Ibid.*
xxi. An Act for incorporating the *Bury Saint Edmund's* Gas Company, and for better supplying the Town and Borough of *Bury Saint Edmund's* in the County of *Suffolk* with Gas. *Ibid.*
xxii. An Act to incorporate the *Scottish* Amicable Life Assurance Society; to enable the said Society to sue and be sued, and to take and hold Property; and for other Purposes relating to the said Society. *Ibid.*
xxiii. An Act to amend and equalize the Rates and Duties leviable at the Port and Harbour of *Perth*, to authorize the borrowing of an additional Sum of Money, and for other Purposes in relation thereto. *Ibid.*
xxiv. An Act to amend an Act of the Twelfth Year of the Reign of King *George* the Third, for embanking, draining, and preserving certain Fen Lands and Low Grounds in the Parish of *Ramsey* in the County of *Huntingdon*, and in the Parishes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, within the *Isle of Ely* and County of *Cambridge*, so far as relates to the Lower or Fifth District, and to annex other Lands thereto. 916

xxv. An Act for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, for lighting with Gas and supplying with Water the Town of *Hartlepool* and the Neighbourhood thereof in the County of *Durham*. *Page* 916

xxvi. An Act for better supplying with Water the Borough of *Macclesfield* in the County of *Chester*, and for other Purposes connected with the said Borough. *Ibid.*

xxvii. An Act for enabling the *Leeds and Thirsk* Railway Company to raise a further Sum of Money for the Completion of their Railways, to guarantee Interest on certain Shares, and for other Purposes. *Ibid.*

xxviii. An Act for making a short Railway to connect the Line of the *Reading, Guildford, and Reigate* Railway with the Line of the *London and South-western* Railway; and for other Purposes. *Ibid.*

xxix. An Act to vest the *Stainforth and Keadby* Canal in the Company of Proprietors of the Navigation of the River *Dun*. *Ibid.*

xxx. An Act for enlarging, improving, and maintaining the Harbour of *Kirkcaldy* in the County of *Fife*, for regulating the Petty Customs of the Burgh of *Kirkcaldy*, and for other Purposes relating to the said Harbour and Burgh. *Ibid.*

xxxi. An Act to amend "The *Sunderland* Dock Act, 1846," and for other Purposes. *Ibid.*

xxxii. An Act for defining the Boundaries of the Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* in the *Isle of Ely* in the County of *Cambridge* for Ecclesiastical Purposes, for the Union of the said Parishes for other Purposes, and for better paving, lighting, watching, cleansing, and otherwise regulating and improving the Town of *Whittlesey*. *Ibid.*

xxxiii. An Act for extending the Powers of the *London and South-western* Railway Company for purchasing Lands for and completing the Works of the Railways from *Basingstoke* to *Salisbury* and from *Farnham* to *Alton*; and for other Purposes. *Ibid.*

xxxiv. An Act for enabling the *Windsor, Staines, and South-western* (*Richmond* to *Windsor*) Railway Company to make an Extension of their Railway to the Town of *New Windsor*; and for other Purposes. *Ibid.*

xxxv. An Act for the further Improvement of the Borough of *Ashton-under-Lyne*. *Ibid.*

xxxvi. An Act to extend the Provisions and enlarge the Powers of the *Staffordshire Potteries* Waterworks Act, 1847. *Ibid.*

xxxvii. An Act for granting further Powers to the *London* Gaslight Company. 917

xxxviii. An Act to enable the *Cockermouth and Workington* Railway Company to make a Branch Railway to *Bridgefoot*; and for amending the Act relating to their Railway. *Ibid.*

xxxix. An Act for vesting the *Edinburgh and Glasgow Union* Canal in the *Edinburgh and Glasgow* Railway Company. *Ibid.*

xl. An Act to confer certain Powers on the Railway Passengers Assurance Company. *Ibid.*

xli. An Act to enable the *Chester and Holyhead* Railway Company to raise a further Sum of Money; and for other Purposes. *Ibid.*

xlii. An Act for making the Parish of *Richmond* in the County of *Surrey* a District Vicarage, by dividing the Vicarage of *Kingston-upon-Thames* and *Sheen* otherwise *Richmond* into Two separate Vicarages, and for providing a Stipend and Residence for the Vicar of *Richmond* aforesaid, and for extinguishing the Vicarial Tithes in the Parish of *Richmond*, and for other Purposes relating to such Vicarages. *Page* 917

xliii. An Act to authorize the *Newcastle-upon-Tyne and Carlisle* Railway Company to alter the *Alston* Branch of their Railway, to make a Branch Railway therefrom, and for other Purposes. *Ibid.*

xliv. An Act for consolidating the Trusts of the *Truro* Turnpike Roads and the *Penryn* and *Redruth* Turnpike Roads in the County of *Cornwall*, and for making a new Turnpike Road from *Bosvigo Bridge* to the Turnpike Road from *Truro* to *Redruth*, and for making the Road or Highway from *Ferris Town* to *Bosvigo Bridge* a Turnpike Road, and for maintaining all such Roads; and for other Purposes. *Ibid.*

xlv. An Act for amending an Act passed in the Thirty-fifth Year of the Reign of His Majesty King *George* the Third for dividing and leasing or letting certain Commons or Waste Grounds within the Borough and Township of *Congleton* in the County of *Chester*, and for applying the Profits of Part of the same in aid of the Poor's Rate or other Taxes or public Expenses within the said Township. 918

xlvi. An Act to facilitate the Prosecution of Criminal Offences before Her Majesty's Justices of the Peace in the County of *Renfrew*, and to simplify the Proceedings therein and lessen the Costs thereof. *Ibid.*

xlvii. An Act to alter and amend an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually amending the Road leading from the* Stones End *in* Blackman Street *in the Borough of* Southwark *in the County of* Surrey *to* Highgate *in the County of* Sussex, *and several other Roads therein mentioned, and for other Purposes relating thereto.* *Ibid.*

xlviii. An Act for the Improvement of the Haven, Bridge, and Navigation of *Great Yarmouth* in the County of *Norfolk*. *Ibid.*

xlix. An Act for rendering valid certain Letters Patent granted to *Joshua Procter Westhead* of *Manchester*, Manufacturer. *Ibid.*

l. An Act to alter, amend, extend, and enlarge some of the Provisions of the several Acts relating to the *Lancashire and Yorkshire* Railway, and for making Extensions of some of the Branches of the said Railway, and for making other Provisions in relation to the said Railway and to the *Lancashire and Yorkshire* Railway Company. *Ibid.*

li. An Act for improving the Approaches to the *Charing Cross Bridge* on the *Surrey* Side thereof, and for amending the Acts relating thereto, for authorizing the raising of a further Sum of Money, and for other Purposes. *Ibid.*

lii. An Act for extending the Time and Powers for making the *Ely and Huntingdon* Railway, and for amending the Act relating to the *East Anglian* Railways. *Ibid.*

liii. An Act for the Dissolution of the *East Lothian Central* Railway Company, and for the Abandonment of the Railway. *Ibid.*

liv. An Act to consolidate the several Acts relating to the *Stockton and Darlington* Railway Company, to enable the Company to alter their Line of Railway in the Parishes of *Egglescliffe* and *Stockton-on-Tees*, and to increase their Capital, and to vest in them the *Middlesbrough* Dock. *Ibid.*

lv. An Act to authorize the *Shrewsbury and Chester* Railway Company to make certain Branches to the River *Dee*, with Wharfs and other Conveniences connected therewith, to enter into Agreements for a joint Station

at *Shrewsbury*, and to subscribe towards the *Shrewsbury and Hereford* Railway. *Page* 918

lvi. An Act for regulating and maintaining Markets in the Town of *Torquay* in the County of *Devon*, and for constructing convenient Market Places therein. *Ibid.*

lvii. An Act for repairing the Road leading from *Chatteris Ferry* to *Wisbech*, and from thence to *Tid Gote* in the *Isle of Ely* and to *Downham Bridge* in the County of *Norfolk*, and to authorize the Conversion of the *Wisbech and March* Low Road into Turnpike. *Ibid.*

lviii. An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make certain Branches in the Counties of *Northumberland* and *Newcastle-upon-Tyne*; and for other Purposes. 919

lix. An Act to alter and amend the Provisions of the several Acts relating to the *Black Sluice* Drainage, to extend the Time by "The *Black Sluice* Drainage Act, 1846," limited for the Completion of the Works, to authorize the levying and raising of further Rates and Monies, to alter existing Rates and Tolls, and for other Purposes. *Ibid.*

lx. An Act for enabling the *York and North Midland* Railway Company to divert their Railways between *Market Weighton* and *Beverley* and *Copmanthorpe* and *Tadcaster*, all in the County of *York*; and for other Purposes. *Ibid.*

lxi. An Act for making a Branch from the *Taff Vale* Railway to *Dowlais*, and for other Purposes. *Ibid.*

lxii. An Act to amend the Acts relating to the *Irish South-eastern* Railway. *Ibid.*

lxiii. An Act for maintaining, improving, and keeping in repair certain Roads in the County of *Lanark* to be called "The East and West *Lanarkshire* Turnpike Roads." *Ibid.*

lxiv. An Act to extend the present *Tinsley and Doncaster* Turnpike Road from *Tinsley* to *Sheffield*, and for other Purposes. *Ibid.*

lxv. An Act for more effectually managing and repairing the Road leading from *Flimwell Vent* in the County of *Sussex* to the Town and Port of *Hastings* in the said County. *Ibid.*

lxvi. An Act for continuing the Term of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for continuing certain Powers to the Trustees of the* New North Road, *leading from the South End of* Highbury Place, Islington, *to* Haberdashers Walk *in the Parish of* Saint Leonard Shoreditch *in the County of* Middlesex, and for vesting the Management of the said Road in the Metropolis Roads Commissioners, for the Purpose of paying off the Debt due thereon. *Ibid.*

lxvii. An Act to effect the Sale of the *Wishaw and Coltness* Railway to the *Caledonian* Railway Company. *Ibid.*

lxviii. An Act to continue and amend the Powers of an Act for repairing and improving the Roads from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*. *Ibid.*

lxix. An Act for enabling the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money; and for amending some of the Provisions of the Acts relating to such Company. *Ibid.*

lxx. An Act for better enabling the *Rock* Life Assurance Company to sue and be sued, and to alter certain Provisions of their Deed of Settlement, and to give further Powers to the Company. 920

lxxi. An Act to amend the Acts relating to the *East Lancashire* Railway Company, and to enable the same Company to make certain Branches at *Preston*. *Ibid.*

lxxii. An Act to authorize the Transfer of the *Wilsontown, Morningside, and Coltness* Railway to, and to vest the same in, the *Edinburgh and Glasgow* Railway Company. *Page* 920

lxxiii. An Act to extend the Time for the Purchase of Lands required for the widening of the *London and Blackwall* Railway, and to amend the Acts relating to such Railway. *Ibid.*

lxxiv. An Act for vesting in the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company the *Preston and Wyre* Railway, Harbour, and Dock, and all the Works, Property, and Effects belonging thereto. *Ibid.*

lxxv. An Act to transfer the *Sheffield* Canal to the Company of Proprietors of the Navigation of the River *Dun*. *Ibid.*

lxxvi. An Act for more effectually repairing the *Commercial Road*, and other Roads connected therewith, in the Counties of *Middlesex* and *Essex*. *Ibid.*

lxxvii. An Act for confirming and carrying into effect an Arrangement made by the Court of Chancery concerning the Proprietors of the *Bowling* Iron Company, and for granting certain Powers to the said Company. *Ibid.*

lxxviii. An Act for regulating and improving the Markets and Fairs in the Borough of *Louth* in the County of *Lincoln*. *Ibid.*

lxxix. An Act to enable the *Edinburgh and Northern* Railway Company to construct a Low-water Pier and other Works at *Granton*; and for other Purposes. *Ibid.*

lxxx. An Act to incorporate the Governors of the Hospital for Consumption and Diseases of the Chest, and to authorize the Establishment of a Chapel in connexion with the said Hospital, and to enable the said Governors the better to carry on their charitable Designs. *Ibid.*

lxxxi. An Act to consolidate into One Act and to amend the Provisions of the several Railway and Dock Acts relating to the *Manchester, Sheffield, and Lincolnshire* Railway Company, and to amend their Canal Acts. *Ibid.*

lxxxii. An Act to amend and extend the Provisions of certain Acts for inclosing Lands in the Parishes of *Binbrooke Saint Mary* and *Binbrooke Saint Gabriel* in the County of *Lincoln*, and to vary the Awards made thereunder, and to unite the said Parishes. *Ibid.*

lxxxiii. An Act to incorporate the *Great Indian Peninsula* Railway Company, and for other Purposes connected therewith. *Ibid.*

lxxxiv. An Act to amend the Acts relating to the *Great Northern* Railway, and to make a Diversion of such Railway at *Bentley-with-Arksey* in the West Riding of *Yorkshire*, and to enlarge the *Boston, Lincoln,* and *London* Stations of such Railway. 921

lxxxv. An Act to alter and amend some of the Powers and Provisions of the *Shrewsbury and Birmingham* Railway Acts, and to authorize the Formation of certain Branch Railways, a navigable Canal, and other Works connected with the same respectively; and for other Purposes. *Ibid.*

lxxxvi. An Act to authorize a Deviation of the Branch Line of the *Stirling and Dunfermline* Railway to *Alloa* Harbour, and the Diversion of certain Works; to extend the Time for the compulsory Purchase of certain Lands; and for other Purposes. *Ibid.*

lxxxvii. An Act to amend the several Acts relating to the *Lancaster and Preston Junction* Railway Company, and to transfer the Management of the Railway to the *Lancaster and Carlisle* Railway Company. *Ibid.*

lxxxviii. An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Ardrossan* Harbour and to the *Glasgow, Kilmarnock, and Ardrossan* Railway. *Page* 921

lxxxix. An Act to amend and extend and partly repeal the Provisions of an Act of Parliament for erecting the Town of *Airdrie* into a Burgh; to provide for the Municipal and Police Government of said Burgh, and for the better paving, watching, lighting, and cleansing, and for regulating the Police, and managing the Statute Labour of the said Burgh; for consolidating the Provisions of other Acts; and for other Purposes relating thereto. *Ibid.*

xc. An Act to effectuate a Lease of the *Glasgow, Barrhead, and Neilston Direct* Railway to the *Caledonian* Railway Company. *Ibid.*

xci. An Act for the Incorporation of the General Land Drainage and Improvement Company, and for facilitating the Execution of Land Drainage and other Improvements. *Page* 921

xcii. An Act to amend the Acts relating to the *Eastern Union* Railway Company. *Ibid.*

xciii. An Act for incorporating the *East Indian* Railway Company, and for other Purposes connected therewith. *Ibid.*

xciv. An Act to amend an Act passed in the Eleventh Year of the Reign of King *George* the First, for regulating Elections within the City of *London*, and for preserving the Peace, good Order, and Government of the said City. *Ibid.*

xcv. An Act to amend the "*Norfolk* Estuary Act, 1846," and to enable the *Eau Brink* Commissioners and the Corporation of *King's Lynn* to contribute towards the Undertaking, and for other Purposes connected therewith. 923

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enable the Trustees of a Society called or known by the Name of "The Society for the Prosecution of Felons and Receivers of Stolen Goods" to distribute the Monies and Funds of the said Society amongst certain charitable Institutions. *Page* 924

2. An Act for authorizing the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *Charles Hayes* Esquire, and for authorizing certain Leases to be granted thereof; and for authorizing the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *John Rutherforth Abdy* Esquire, and for enabling the Trustees of this Act to shift the Charges affecting the Inheritance of the last-mentioned Lands and Hereditaments; and for other Purposes. *Ibid.*

3. An Act to authorize the granting of Building Leases of the Estates devised by the Will of *Richard Morris Griffith* Gentleman, deceased, called *Caemaeslodig*, situate in the Parish of *Bangor* in the County of *Carnarvon*. *Ibid.*

4. An Act for confirming Two several Indentures of Lease, dated respectively the Twenty-sixth Day of *June* One thousand seven hundred and eighty-six, respectively granted by the Dean and Chapter of the Cathedral and Metropolitical Church of *Christ Canterbury* and *Henry Penton* to *Thomas Clutton*, of Hereditaments situate at *Walworth* in the Parish of *Saint Mary Newington* in the County of *Surrey*, and for settling the Boundaries of the Hereditaments thereby intended to be demised. *Ibid.*

5. An Act for settling all Questions of disputed Ownership between the Mayor, Aldermen, and Burgesses of the Borough of *Louth* and the Warden and Six Assistants of the Town of *Louth* and Free School of King *Edward* the Sixth in *Louth*, with reference to the Lands, Tenements, Fairs, Markets, Rents, Tolls, Powers, Rights, Privileges, and Property claimed by them respectively; and for vesting the Fairs and Markets within the said Borough in the Mayor, Aldermen, and Burgesses thereof; and for other Purposes. *Page* 924

6. An Act to authorize the Sale of Part of the Estates devised by *William Lee Antonie* Esquire, deceased, and for applying the Proceeds in Payment of certain Incumbrances, and in Purchase of Hereditaments to be limited to the Uses declared of certain Estates substituted and settled by an Act of the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act for vesting the Fee Simple of Part of the Freehold Estates devised by the Will of* William Lee Antonie *Esquire, deceased, in strict Settlement, in his Nephew* John Lee *Esquire, Doctor of Laws, (subject to a Term of Five hundred Years, as an Indemnification against a Sum of Ten thousand Pounds and Interest,) and for substituting Part of the Fee Simple Estates of the said* John Lee *in lieu thereof, and also for appointing new Trustees of the said settled Estates;* and to amend the said Act. *Ibid.*

7. An Act to enable Leases for Mining Purposes to be granted to *Anthony Hill* Esquire of Parts of the Estate situate in the Parish of *Merthyr Tydvil* in the County of *Glamorgan*, devised by the Will of the Right Honourable *Other Archer* Earl of *Plymouth*, deceased; and for other Purposes. 925

8. An Act to incorporate, by the Name of "The Trustees of the Hospital in *Aberdeen* for Orphan and Destitute Female Children," "The Trustees of the *Aberdeen* Destitute Female Orphan Asylum" acting under a Deed of Constitution granted by the Trustees of *John Gordon* of *Murtle*, Esquire, deceased, and to alter and extend the Powers and Provisions of the said Deed,

and to vest the Residue of the Estate and Effects of *John Carnegie* Esquire, deceased, in the Trustees so incorporated. *Page* 925

9. An Act to enable the Trustees of the Settlement made in pursuance of the Will of *George Granville* late Duke of *Sutherland* to grant or demise for a long Term of Years to the *Staffordshire Potteries* Waterworks Company certain Springs and Reservoirs of Water in Lands in the Parishes of *Caverswall* and *Stone* in the County of *Stafford* comprised in the said Settlement, and certain Waterworks, Rights, and Privileges for supplying with Water the Towns of *Longton* and *Lane End* in the said County, and several Townships or Places near thereto; and to enable the said Trustees to take Shares in the said Company, and to advance Money to the said Company on Mortgage; and for other Purposes. *Ibid.*

10. An Act to enable *Marianne Sarah Robertson* of *Ladykirk* to disentail certain detached Portions of the entailed Estate of *Ladykirk*, to be conveyed to *David Robertson* her Husband in lieu of the Lands of *Simprim*, to be added by him to the said entailed Estate; to grant Security upon the said Estate for a certain Sum of Money expended in Improvements; and for other Purposes relating thereto. *Ibid.*

11. An Act for enabling the Trustees of the Settlement made under Orders of the High Court of Chancery, after the Marriage of *Chaloner Ogle* Esquire and *Eliza Sophia Frances Ogle* his Wife, to grant Building, Improving, and other Leases of certain Estates and Hereditaments situate at *Patcham* in the County of *Sussex*, comprised in the said Settlement. *Ibid.*

12. An Act for vesting the *Cole* and *Reynolds* Estates, situate at *Doddington*, *Leverington*, *Guyhurn*, *Broughton*, and *Buckden*, in the *Isle of Ely* and Counties of *Cambridge* and *Huntingdon*, in Trustees for Sale. *Ibid.*

13. An Act to authorize the Trustees of the Will of the late *Anthony Harman* Esquire to grant Building, Improving, and other Leases of certain Freehold Estates devised by the said Will. *Ibid.*

14. An Act for authorizing the Trustees of the late *Thomas Gordon* to sell his Estates of *Cairness* and others in the County of *Aberdeen*, and to apply the Price thereof in Payment of the Debts and Burdens affecting the same; and for laying out the Residue of the Price in the Purchase of other Lands, to be entailed in Terms of the Trust Deed of Settlement by the said *Thomas Gordon*; and for other Purposes. *Ibid.*

15. An Act to confirm the Title of the Trustees of the Will of *Philip Hurd* Esquire, deceased, to a Copyhold Estate at *Kentish Town* in the County of *Middlesex*; and to extend the Power to grant Building Leases contained in the said Will; and to empower the Trustees of the said Will to raise Money for the Improvement of the said Estate; and for other Purposes. *Ibid.*

16. An Act to enable the Trustees of the Will of the late Duke of *Cleveland* to raise certain Monies on the Trust Estates in the County of *Durham* by the said Will devised, and for the Management of the said Estates. *Ibid.*

17. An Act for enabling the Trustees of the Will of *William Trenchard* Esquire, deceased, to pull down the Mansion or Dwelling House at *Lytchet Matravers* in the County of *Dorset*, and the Stables, Offices, and Outbuildings belonging thereto, Part of the Estates devised by the said Will, and to rebuild a smaller Mansion, Stabling, and Outbuildings suitable to the same; and to pull down Farm Buildings on the said Estates, and to rebuild the same; and to convert Shrubberies and Pleasure Grounds into Arable and Pasture Lands; and to raise Money for these Purposes by the Sale of Part of the Capital of the Personal Estate of the said *William Trenchard* deceased; and for other Purposes. *Page* 926

18. An Act for vesting the Real Estates devised by the Will of the late Sir *Hugh Bateman* of *Hartington Hall* in the County of *Derby*, Baronet, in Trustees, upon trust to sell a Part thereof, and to lay out the Monies arising from such Sale in Payment of the Mortgage Debts and other Charges and Incumbrances affecting the said Estates, and in Repairs and substantial Improvements upon the said Estates; and for other Purposes. *Ibid.*

19. An Act for the better Administration of the Real and Personal Estates of the Right Honourable *James* Lord *Glastonbury* deceased. *Ibid.*

20. An Act to remove Doubts relative to the Appointment of Mr. *George Bishton* as a Commissioner under the *Pattingham* and *Patshull* Inclosure Act. *Ibid.*

21. An Act for removing Doubts relative to the Powers of granting Building Leases contained in the Will of the Right Honourable *George Augustus Henry* Earl of *Burlington* deceased; and for other Purposes. *Ibid.*

22. An Act for supplying the Omission in the Will of the Right Honourable *George Augustus Henry* Earl of *Burlington* deceased of Powers of granting Farming and Building Leases of the Estates in the Counties of *York* and *Derby* devised by the same Will; of Powers of selling and exchanging the same Estates; and for other Purposes. *Ibid.*

23. An Act to enable Sir *Thomas Maryon Wilson* Baronet to grant the Site of a Church for "The District of *Saint Thomas, Woolwich*," in the County of *Kent*; and for other Purposes. *Ibid.*

24. An Act for authorizing the Sale of certain Parts of the Estates in the County of *Middlesex* devised by the Will of Sir *George Osborn* Baronet, deceased, for the Purpose of discharging the Incumbrances thereon. *Ibid.*

25. An Act to authorize the granting of Building Leases of Parts of the Estates devised by the Will of the late *Henry Blundell* Esquire, situate in the Townships of *Heaton* and *Rumworth* in the County of *Lancaster*, and to lease Coal and other Mines, and to grant Farming Leases for Twenty-one Years of Lands within the said Townships; and for other Purposes. *Ibid.*

26. An Act for the Sale of certain Hereditaments in the Parish of *Barkham* in the County of *Berks* affected by the Settlement made on the Marriage of *Theophilus Clive* Esquire. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

27. An Act to dissolve the Marriage of *Thomas William Waldy* Esquire with *Ellen* his now Wife, and to enable him to marry again; and for other Purposes.
28. An Act to dissolve the Marriage of *John James* with his now Wife, and to enable him to marry again; and for other Purposes.
29. An Act to dissolve the Marriage of *Henry Hoghton* Esquire with *Louisa Josephine Hoghton* his now Wife, and to enable him to marry again; and for other Purposes.
30. An Act to dissolve the Marriage of *Francis Hudson* Merchant with *Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
31. An Act for naturalizing *Richard Tufton* and *Henry Tufton* his infant Son.
32. An Act to dissolve the Marriage of *Edward Cripps* Esquire with *Augusta Sarah* his now Wife, and to enable him to marry again; and for other Purposes.
33. An Act to dissolve the Marriage of the Reverend *Bryan Faussett* with *Helena Caroline* his Wife, and to enable him to marry again; and for other Purposes.
34. An Act to dissolve the Marriage of *Edward Eustace Hill* Esquire with the Honourable *Georgiana Charlotte*, commonly called Lady *Georgiana Charlotte*, his now Wife, and to enable him to marry again; and for other Purposes.

THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Undecimo & Duodecimo.

'AT the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, *Anno Domini* 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith; being the First Session of the Fifteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to facilitate the Completion, in certain Cases, of Public Works in *Ireland*. (*a*)

[20th *December* 1847.]

'WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Employment of the Labouring Poor, for a limited Period, in the distressed Districts in* Ireland: And whereas Extraordinary Presentment Sessions have been held for certain Baronies, Half Baronies, Counties of Cities, and Counties of Towns in *Ireland*, and Presentments have been made thereat, for the Execution of Public Works in such Districts respectively, under the Provisions of the said recited Act, and the Commissioners of Her Majesty's Treasury have in many Cases sanctioned and approved of such Public Works so presented, or certain Parts thereof, and have authorized the Execution thereof by the Commissioners of Public Works, and made large Advances of Monies from Time to Time to the said Commissioners of Public Works for the Execution of the same, pursuant to the Provisions of the said recited Act: And whereas the Period for executing Works under the said recited Act has expired, and several of the said Works being unfinished, it is expedient that Provision should be made, in certain Cases, for the Completion of the same:' Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever it may seem expedient to any Three or more Justices of the Peace, not being Stipendiary Magistrates, in and for any County in *Ireland*, that a Special Presentment Sessions for any Barony or Half Barony in such County should assemble and make Presentments for the Completion of Public Works in such Barony or Half Barony, under the Provisions of this Act, it shall be lawful for such Justices, by Notice under their Hands, to be posted on the Places appointed for posting Notices of Applications to Presentment Sessions in the Barony or Half Barony in which such Works are proposed to be completed, to convene a Special Meeting of the Justices and Cess-payers associated with such Justices at the last Special or Presentment Sessions held in such Barony or Half Barony, for the Purposes of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland; and such Meeting shall be held at the Place appointed for the holding of such Special Presentment Sessions, at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice, and at such Meeting the Secretary of the Grand Jury shall attend; and the said Justices and Cess-payers, or so many of them as shall be present at such Meeting shall constitute a Special Presentment Sessions for the Purposes of this Act: Provided always, that before such Meeting shall be convened the said Justices authorized to convene the same shall inquire from the County Surveyor and determine the most convenient Time for holding such Meeting, having regard to the Report to be made to such Meeting by such County Surveyor, under the Provisions herein-after contained.

9 & 10 Vict. c. 107.

Three or more Justices may, by Notice, convene a Special Meeting of the Justices and Cess-payers associated at the last Presentment Sessions held under 6 & 7 W. 4. c. 116.

Justices and Cess-payers present at such Meeting to constitute a Special Presentment Sessions for the Purposes of this Act.

(*a*) See *post*, Cap. 18.

Provisions of 6 & 7 W. 4. c. 116. to extend, so far as same are applicable, to Special Presentment Sessions convened under this Act.

II. And be it enacted, That all and every the Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of the said King *William* the Fourth, relative to the Selection of a Chairman, and the Powers, Duties, and Authorities of such Chairman at Presentment Sessions, and relative to the Powers, Duties, and Authorities of Justices and Cess-payers respectively at Presentment Sessions, shall, as far as the same are applicable, extend to all Special Presentment Sessions to be held under this Act, and to the Proceedings to be had thereat; and that all and every the Provisions contained in the said recited Act relating to the Declarations to be made by the Justices and Cess-payers respectively, who shall act at any Presentment Sessions, and also relating to the Powers, Duties, and Authorities of the Secretaries of Grand Juries, County Surveyors, Clerks of the Crown, Clerks of the Peace, and all other Officers respectively, shall, as amended by an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Seventh Year of the Reign of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, as far as the same are applicable or may be necessary for carrying out the Provisions of this Act, and not inconsistent with such Provisions, extend to all Proceedings respectively to be had under the Provisions of this Act, in as full and ample a Manner, to all Intents and Purposes, as if the same were herein repeated and enacted, unless where other Provisions are hereby substituted; provided that in any Declaration to be made by any such Justice or Cess-payer the Title of this Act shall be inserted, together with the Title of the said Act of the Sixth and Seventh Years of King *William* the Fourth.

7 W. 4. & 1 Vict. c. 2.

County Surveyor to report to Special Presentment Sessions held for any Barony, &c. the Works remaining unfinished in the same.

What such Report shall contain.

III. And be it enacted, That the County Surveyor shall report to the Special Presentment Sessions which shall be held for any such Barony or Half Barony in *Ireland* under the Provisions of this Act the Nature and Description of any Public Works for which Presentments shall have been made at any Extraordinary Presentment Sessions held for such Barony or Half Barony, and the Expense of which, or any Part thereof, shall be chargeable thereon, and in respect to which Advances shall have been made by the Commissioners of Her Majesty's Treasury, under the Provisions of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, and which Public Works, or any Part thereof, shall still remain unfinished; and such Report shall be prepared by such County Surveyor with all possible Expedition after the passing of this Act, and shall contain a Description of the said Public Works, and the Townland, Barony, or Half Barony wherein the same are situate, and shall specify the Amount which has been authorized by the Commissioners of Her Majesty's Treasury to be applied to the Execution of such Works under the Provisions of the said last-mentioned Act, and the Amount thereof which shall remain unexpended, and the probable Expense of completing such Works, and the Utility thereof, and the Barony or Half Barony by which the Expense of completing the same should be defrayed.

Special Presentment Sessions to decide whether any such Works ought to be completed, &c.

If Presentment Sessions decide that such Works ought to be completed, County Surveyor to prepare Tenders, &c.

IV. And be it enacted, That at the Special Presentment Sessions held for any Barony or Half Barony under the Provisions of this Act the Justices and Cess-payers associated in the Business of such Sessions shall take such Report into consideration, and decide by a Majority of Votes on the Merits of the Works specified therein, and whether the same ought or ought not to be completed, and whether wholly or in part, or conditionally in the event of the Expense thereof not exceeding a certain specified Sum, and what Modification thereof, if any, may be proper; and if such Justices and Cess-payers approve of the Completion of any such Work, either wholly or in part, or conditionally, or of any Modification thereof, they shall direct the County Surveyor to prepare a proper Form of Tender for the Execution of the same, together with such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Work, and in case the same shall be a public Road, the Quantity *per* Perch and the Description of the Material proper to be employed in performing and executing the same, and the Term within which such Work ought to be completed, and such other Particulars as the said Justices and Cess-payers shall think fit; and such Chairman shall endorse on such Report the Decision of the said Justices and Cess-payers in respect of the Works described therein, and shall sign his Name thereto, and deliver such Report, so endorsed to the Secretary of the Grand Jury, and such County Surveyor shall deliver such Forms of Tender, Specifications, Maps, Plans, Sections, or Elevations in respect of the several Works to which such Report shall relate, as soon thereafter as the same can conveniently be prepared, to the Secretary of the Grand Jury; and the said Justices and Cess-payers shall appoint the Manner in which Notice for the Receipt of Tenders and Proposals for the Execution of such Works shall be given, and the Period during which they shall be received, and shall adjourn such Special Presentment Sessions until an early Day, to be then holden for the opening of such sealed Tenders and Proposals, such Day not being later than Thirty Days from the Day of such Adjournment.

Special Presentment Sessions may make Presentments for completing Works to be raised by Instalments off Barony, &c. wherein Works are situated.

V. And be it enacted, That the Justice or Justices and Cess-payers assembled at any Special Presentment Sessions held under the Provisions of this Act are hereby authorized and empowered to make Presentments for the Completion of such Public Works within the Barony or Half Barony for which such Special Presentment Sessions shall be held, to be raised, if such Justice or Justices and Cess-payers shall so think fit, by Instalments, not exceeding Twenty in Number, as the said Justice or Justices and Cess-payers shall direct, with Interest at the Rate of Five Pounds *per Centum per Annum* to be levied off the respective Baronies or Half Baronies within which such Works shall be respectively situate, and properly chargeable therewith: Provided always, that the Amount to be presented for any such Work shall not in any Case exceed the Residue or Balance remaining unexpended of the Amount authorized to be applied to the Execution of such Work by the Commissioners of Her Majesty's Treasury under the Provisions of the said first-recited Act.

VI. And

Schedule of Works to be submitted to Lord Lieutenant for his Sanction and Approval, and the same not to be undertaken under this Act without his Consent.

VI. And be it enacted, That the Secretary of the Grand Jury for each County wherein Special Presentment Sessions shall have been held under the Provisions of this Act shall cause to be made out, as soon thereafter as the same can be conveniently prepared, and shall sign with his Name, a Schedule specifying each Work which shall have been duly approved and presented at any such Special Presentment Sessions, and the Sum so presented for the same, and shall transmit the same to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for his Sanction and Approval; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to signify to the Secretary of the Grand Jury, by a Certificate under the Hand of the Chief Secretary or Under Secretary of the Lord Lieutenant, his or their Approval or Disapproval of such Works or any Part thereof; and no Work or Part thereof which shall be so disapproved of by the said Lord Lieutenant or other Chief Governor or Governors shall be undertaken or executed under the Provisions of this Act.

Secretary of Grand Jury to notify, by public Advertisement, his Readiness to receive Tenders for the Execution of Works, and shall furnish Forms for the same.

Contents of Tenders, &c.

VII. And be it enacted, That the Secretary of the Grand Jury shall, upon being furnished by the County Surveyor with the Specification or Form of Tender for the Execution of any such Work as aforesaid, and the Maps, Plans, Sections, and Elevations belonging thereto, notify, by public Advertisement or otherwise, in such Manner as the Justices and Cess-payers at such Special Presentment Sessions shall have directed, his Readiness to receive sealed Tenders and Proposals for the Execution of any such Work during such Period as shall have been appointed by the same Authority for the Reception of the same, and the Time to which such Sessions has been adjourned for the opening of such Tenders and Proposals, and that Forms thereof may be obtained at his Office; and such Secretary shall accordingly prepare a sufficient Number of Forms of such Tenders and Proposals, and furnish to any Person who shall demand the same a Copy thereof, receiving therefor the reasonable Cost of preparing the same, not exceeding the Sum of Sixpence; and each of such sealed Tenders and Proposals shall contain a Statement of the lowest Sum for which the Party making such Proposal is willing to contract for the Performance of the Work or Works specified and described in such Notification, and shall be subscribed with the Name, Description, and Residence of the Party so desirous to enter into such Contract, and also the Names, Descriptions, and Residences of not less than Two sufficient Persons willing to be bound jointly and severally with him for the due and faithful Performance of the said Contract within the Time and in the Manner thereby prescribed, in a penal Sum double the Amount of the said Sum specified in such Presentment; and all Maps, Plans, Sections, and Specifications relating to any such Work, prepared by the County Surveyor, shall be open to public Inspection in the Office of such Secretary, without Fee or Reward.

At adjourned Sessions Tenders to be opened and Contract entered into with the Party making the lowest Proposal.

If no Tender, &c. be made, or approved of, the Work may be given in charge to County Surveyor, who shall cause the same to be executed.

VIII. And be it enacted, That at the Meeting of each such adjourned Special Presentment Sessions as aforesaid the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged, and with the Seals unbroken, all the Tenders and Proposals which may have been delivered to him, and shall open consecutively all those relating to the same Public Work; and so soon as the lowest Proposal made for the Performance of each such Work shall be ascertained the Party making such Proposal and his Sureties shall be called, and if the said Party and his Sureties shall appear, and shall satisfy the Justices and Cess-payers at such Sessions, upon Oath, or otherwise, of the Sufficiency and Ability of each and every of them to answer and make good the Penalty herein-before specified for the Nonperformance of such Contract, and that such Proposal has not been made for any unfair or fraudulent Purpose, and shall thereupon enter into Security for the due Performance of such Contract, conditioned in such Penalty as aforesaid, such Proposal shall be accepted, and the Party making the same shall be declared entitled to execute the Work to which such Proposal may refer, unless there shall appear some Reason for rejecting it; but if the Party making such Proposal and his Sureties shall not appear when called, or shall fail to satisfy the Justices and Cess-payers at such Sessions in any of the Particulars aforesaid, or shall decline to enter into such Security as aforesaid, or if the Presentment Sessions shall see Cause to reject it, then and in such Case the Proposal of the Party making Default as aforesaid shall be deemed null and void to all Intents and Purposes whatsoever, and the next lowest Proposal shall be ascertained and dealt with in the same Manner, and so on until the said Security shall be entered into, and the Contract duly completed: Provided always, that if no Proposal shall be made in respect of any Work as so approved by the Lord Lieutenant within the Time limited for receiving such Proposal, or if no Proposal or Tender for such Work shall be approved of by such Special Presentment Sessions, it shall and may be lawful for the said Special Presentment Sessions, if they think proper, to give such Work in charge to the County Surveyor, with Power to expend a Sum not exceeding the Maximum so approved and fixed as aforesaid; and such County Surveyor shall cause such Work to be executed, and shall account for the Execution thereof to the Grand Jury at the following Assizes.

Form of Security.

IX. And be it enacted, That such Security so to be entered into by Contractors under this Act and their Sureties shall be a Recognizance to Her Majesty, Her Heirs and Successors, and of like Force, Validity, and Effect as other Recognizances made to the Queen's Majesty; and at such adjourned Special Presentment Sessions any Justices present, or the Chairman, are and is hereby authorized to take such Recognizance, and the Secretary of the Grand Jury shall prepare the same, and come provided therewith, so as to prevent Delay; and the Expense of preparing the same, not exceeding Sixpence, shall be defrayed by the Party or Parties entering thereinto; and such Recognizances shall be preserved in Custody of such Secretary until the Condition of such Recognizance shall have been fulfilled, and shall then be delivered up to the Contractor or Contractors therein named, or to any Person by him or them duly authorized, to be cancelled.

Secretary of the Grand Jury shall keep a Book with Particulars of Contracts;

and shall prepare Schedules.

X. And be it enacted, That the Secretary of the Grand Jury shall have charge of all such Contracts as aforesaid, and shall provide and keep a Book in which he shall insert an Abstract of all such Contracts, setting out the Names of the several Contractors, and the Particulars of each Contract, and all Contracts so entered in such Book shall be numbered, and every such Book shall have an alphabetical Index referring to the Number of each Contract; and such Secretary of the Grand Jury shall, as soon as may be afterwards, prepare Schedules of all Reports and Certificates for Works so contracted for, approved of and presented for as aforesaid, and cause the same to be printed and distributed in the same Manner as he is by the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth required to do with respect to Applications approved of at Presentment Sessions, and shall immediately thereafter deliver all such Reports of Works so presented for to the Clerk of the Crown for the County to which the same shall relate, who shall preserve the same, and within Seven Days after such Delivery deliver to the Treasurer of such County, without Fee or Reward, a Copy thereof, attested upon Oath, and signed by himself; and such Treasurer shall return the same to the Foreman of the Grand Jury, at the Time when they shall be first impannelled at the ensuing Spring Assizes; and all and every the Powers, Authorities, or Provisions given or contained in the said last-mentioned Act in relation to Works, or the Execution of the same, and the raising or levying the Expense of the same, shall, as far as the same are applicable, and not inconsistent with this Act, extend and be applied in relation to the Works to be executed under this Act; and the several Forms in the Schedule to the said last-mentioned Act contained shall be used and applied, or altered and made applicable, as Occasion may require, in or in relation to the several Proceedings under this Act.

Money for Completion of Works to be raised by compulsory Payment.

XI. And be it enacted, That the Secretary of the Grand Jury for each such County as aforesaid, upon receiving the Certificate of Approval of the Lord Lieutenant or other Chief Governor or Governors of any Public Works for which Presentments shall have been made under the Provisions of this Act, or of any Part thereof, shall lay before the respective Grand Jury, at the next Assizes or Presenting Term, such Certificate of Approval, together with a Schedule under his Hand, attested upon Oath, of the respective Presentments for the Works as so approved, or in part approved, by the Lord Lieutenant, which shall have been contracted for or given in charge to the County Surveyor as aforesaid, and also specifying the respective Sums so under the Provisions of this Act required to be raised for such Works so wholly or in part approved and contracted for or given in charge within any such Barony or Half Barony respectively, and the Number and Amount of Instalments, if any, in which every such Sum respectively is by such Presentment so approved to be raised, with Interest thereon as aforesaid; and it shall be lawful for every such Grand Jury, and they are hereby required, to present the Sum or Instalments, as the Case may be, mentioned in every such Certificate of Approval and Schedule in the Manner therein approved and described, to be raised off the respective Baronies or Half Baronies, as the Case may be, within which such Works shall be respectively situate: Provided always, that if the Grand Jury of any County shall fail to present the Sum, or any Part thereof, or the Instalment, as the Case may be, specified in any such Certificate and Schedule, the Treasurer of such County shall and he is hereby required to insert such Sum, or such omitted Part thereof, or such Instalment, as the Case may be, in his Warrant for raising the Monies presented at the same Assizes, as if such Sum or Instalment had been duly presented by such Grand Jury to be raised off such Barony or Half Barony as aforesaid, and the Sum or Instalment shall be raised and levied off such Barony or Half Barony accordingly, as if the same had been so presented; and in the Case of Sums to be so raised by Instalments such respective Treasurer shall and he is hereby required, in like Manner, and without further Presentment or Authority in that Behalf, to insert a like Instalment or Sum payable for each such Work as so approved and described in such Certificate and Schedule in his Warrant for raising and levying the Sums presented at each succeeding Assizes, until the whole Sum respectively payable for each such Work as so approved shall, with Interest as aforesaid, be so raised and levied off the respective Barony or Half Barony as aforesaid, and the same shall be raised and levied accordingly; and all the Provisions of the said recited Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, with reference to the raising, Applotment, Collection, Levy, or Recovery of Grand Jury Cess, and the Payment of the same by the Treasurer, shall, as far as the same are applicable, apply to all such Sums of Money so inserted in such Warrant.

County Treasurer may borrow Money on Security of Presentment.

XII. And be it enacted, That it shall and may be lawful for the Treasurer of any County in which Presentment shall have been made for the Completion of any Work under the Provisions of this Act, and which or any Part of which shall have been so approved by the said Lord Lieutenant or other Chief Governor or Governors, to borrow, upon the Security of the Presentment herein-before mentioned, any Sum not exceeding the Amount that the said Lord Lieutenant shall have approved for the Purpose of completing any such Work as aforesaid, with such Interest thereon as shall be stated in the Presentment for such Work as is herein-before mentioned; and if any Person shall agree with the said Treasurer to lend or advance the Amount of such Presentment, or of any Instalment thereof, for the Purposes of this Act, and shall pay the same into the Bank with which the said Treasurer has his public Account, to the Credit of the said Account, it shall be lawful for the said Treasurer to give to him a Draft upon the said Bank for the Amount of such Presentment or Instalment thereof as he shall so advance, and which Draft shall be countersigned by the Clerk of the Crown of the said County, and shall be made payable to the Payee or his Order, with such Interest as aforesaid, at the Assizes at which the said Presentment or Instalment ought to be paid under the Provisions of this Act; and any Sum or Sums which shall be lent or advanced as aforesaid shall be paid and applied by the said Treasurer

Treasurer in like Manner as the said Presentment or Instalment is directed to be applied under the Provisions of this Act.

Advances may be paid to Contractor in certain Cases not exceeding Three Fourths of the Cost of Work.

XIII. And be it enacted, That in Cases where the Cost of completing and executing any Work as aforesaid shall exceed Twenty Pounds it shall and may be lawful for the Justices or Justice and Cess-payers, at any such Special Presentment Sessions, to authorize the Treasurer of the County, out of any Funds which he may have under his Control, to advance from Time to Time during the Execution of the Work to the Contractor or County Surveyor to whom any such Work shall be given in charge as aforesaid, and presented under this Act, upon his Application, any Sum or Sums not exceeding in the whole Three Fourths of the Costs of such Work: Provided always, that no such Advances shall be made by such Treasurer unless such Application shall be accompanied by a Certificate attached thereto, and signed by the County Surveyor, that more than the Sum applied for by such Contractor in addition to any previous Advances made to him for such Work has been fairly and honestly expended upon the Work conformably to the Contract.

County Surveyor when satisfied of the Completion of the Work may grant his Certificate of Approval to the Contractor.

XIV. And be it enacted, That any Person who may have contracted for the Execution of any Work under this Act may, on the Completion of the Work for which he may have contracted, if completed within the Year One thousand eight hundred and forty-eight, give Notice thereof by Post, addressed to the County Surveyor at his Office, who shall, either by himself or by his Assistants, within Fifteen Days from the Receipt of such Notice, examine the Work so represented to be completed, and in case he shall be fully satisfied of the due Execution of such Work, but not otherwise, shall grant his Certificate of Approval thereof to such Contractor, which Certificate shall set forth the Amount to be paid, and the Description and Number of the Contract on account of which Payment is to be made.

On Production of such Certificates to the County Treasurer he shall give a Draft for the Amount thereof.

XV. And be it enacted, That the Treasurer of such County shall thereupon, upon the Production to him of such Certificate, give to the Person entitled to such Payment a Draft for the Amount thereof, which Draft shall contain a Specification of the Purposes for which the same shall have been drawn, and of the Person to whom it is payable, and when so signed it shall be the Authority for the Bankers in whose Bank the County Funds may be deposited to pay the Amount thereof, any thing in an Act of the First and Second Years of Her present Majesty's Reign, intituled *An Act to amend an Act of the last Session of Parliament, for providing more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for Public Monies, and to secure the same*, to the contrary in anywise notwithstanding, and such Draft shall be as valid to all Intents and Purposes as any Draft for the Payment of any Money given under the said last-mentioned Act; provided that after the Expiration of the Year One thousand eight hundred and forty-eight the Contractors for any such Works shall make Application for and receive Payment subject to the Provisions and Regulations of the Acts relating to the Presentment of Public Monies by Grand Juries in *Ireland*. 1 & 2 Vict. c. 53.

Secretary of Grand Jury in any Barony or Half Barony where Special Presentment Sessions have been held to convene a Special Presentment Sessions for the County for the Purposes of this Act.

XVI. 'And whereas it may be expedient to complete Public Works in certain Baronies and Half 'Baronies in *Ireland* which have been commenced under the Provisions of the said first-recited Act, 'and which still remain unfinished, although the Amount authorized to be applied to the Execution of 'such Works by the Commissioners of Her Majesty's Treasury under the Provisions of the said Act shall 'have been expended, or shall not be sufficient to complete such Work;' be it therefore enacted, That it shall be lawful for the Secretary of the Grand Jury of any County in *Ireland* in any Barony or Half Barony of which a Special Presentment Sessions shall have been held under the Provisions of this Act, and he is hereby required, by Notice under his Hand, to be posted at the usual Places of posting public Notices, to convene a Special Presentment Sessions for the County, to be holden in the County Court House, for the Purposes of this Act, at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice nor later than Six Weeks after the first Special Presentment Sessions shall have been held for any Barony or Half Barony within such County under the Provisions of this Act.

How such Special Presentment Sessions for the County shall be composed.

XVII. And be it enacted, That it shall and may be lawful for every Justice of the Peace in and for such County, not being a Stipendiary Magistrate, to attend, and all such Justices are hereby required to assemble, and with the Cess-payers associated with them respectively, as herein-after appointed, to hold such Special County Presentment Sessions for the Purposes of this Act, at the said County Court House, at such Time as shall be specified in the said Notice; and at such Sessions the Secretary of the Grand Jury shall attend; and the said Justices and Cess-payers, or so many of them as shall be present at such Sessions, shall constitute a Special County Presentment Sessions for the Purposes of this Act; and the several Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth relating to the Selection of a Chairman, and the Powers, Duties, and Authorities of such Chairman and of Justices and Cess-payers respectively at County Presentment Sessions, and relating to adjourned Sessions for opening Tenders and the making of Contracts thereat, and relating to the Declarations to be made by the Justices and Cess-payers respectively who shall act at any County Presentment Sessions, and also relating to the Powers, Duties, and Authorities of the Secretaries of Grand Juries, County Surveyors, Clerks of the Crown, Clerks of the Peace, and all other Officers respectively, shall, as amended by an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to amend an Act passed in the Seventh Year of the Reign of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, as far as the same are applicable, or may be necessary for carrying out the Provisions of this Act, and not inconsistent with such Provisions, extend to all Proceedings respectively to be had at the Special County Presentment Sessions to be held under the Provisions 7 W. 4. & 1 Vict. c. 2.

sions of this Act, in as full and ample a Manner as if the same were herein repeated and enacted, unless where other Provisions are hereby substituted; provided that in any Declaration to be made by any such Justice or Cess-payer the Title of this Act shall be inserted together with the Title of the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth.

One Cess-payer for every Barony or Half Barony to be associated with Justices of the County at Special Presentment County Sessions.

Proceedings at Special County Presentment Sessions.

XVIII. And be it enacted, That the Justices and Cess-payers associated at each Special Presentment Sessions held for any Barony or Half Barony under the Provisions of this Act shall select One of the said Cess-payers for every Barony or Half Barony for which such Sessions are appointed to be associated with the Justices of the County as a Member of the said Special County Presentment Sessions, and the Secretary of the Grand Jury shall make out a List of the Persons so chosen at such Special Presentment Sessions held for such Barony or Half Barony, and shall forthwith notify the same, and the Day appointed for such Special County Presentment Sessions, to them, and shall read out the same List previous to the Appointment of the Chairman for the said Special County Presentment Sessions; and the Secretary of the Grand Jury shall place before such Sessions the Report or Reports made by the County Surveyor to the Special Presentment Sessions held for any Barony or Half Barony, or Baronies or Half Baronies, within the County, as the same shall have been endorsed by the Chairman thereof respectively under the Provisions of this Act; and the Justices and Cess-payers associated in the Business of the said Special County Presentment Sessions shall take such Reports into consideration, as far as the same shall relate to Works in respect of which no Residue or Balance shall remain unexpended of the Amount authorized by the Commissioners of Her Majesty's Treasury to be applied to the Execution of the same, under the Provisions of the said first-recited Act, or in respect of which such Residue or Balance shall not be sufficient to complete such Works, and shall decide, by a Majority of Voices, on the Merits of each of such last-mentioned Works, and whether the same ought or ought not to be completed, and whether wholly or in part, or conditionally in the event of the Expense thereof not exceeding a certain specified Sum, and what Modification thereof, if any, may be proper, and in case of their Approval of the Completion of any of such last-mentioned Works, either wholly or in part, or conditionally, or of any Modification thereof, shall give Directions respecting the Preparations of Forms of Tender for the same; and all and every the Powers, Authorities, or Provisions given or contained in this Act in relation to Works approved of wholly or in part at Special Presentment Sessions held for any Barony or Half Barony, and the Execution of the same, and the Approval of the same by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and in relation to presenting Monies or raising or levying Monies presented for the Execution of such Works, and borrowing Money on the Security of such Presentment, and making Advances to Contractors in respect of the same, and otherwise relating to such Monies or such Works, shall extend and be applied, as far as the same are applicable, in relation to all Works approved of wholly or in part at any such Special County Presentment Sessions held under the Provisions of this Act.

Five per Cent. Interest to be allowed on all Sums advanced by Treasurer or Bank under the Provisions of this Act. 7 W. 4. & 1 Vict. c. 54.

XIX. 'And whereas under an Act passed in the Session held in the First Year of Her present 'Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties 'of Cities in* Ireland *account for Public Monies, and to secure the same*, it was enacted, that every 'Treasurer then in Office, and no other, shall have and receive the Interest due on Exchequer Bills 'purchased from any Balance standing to the Credit of such Treasurer's Account, so that such Interest 'does not exceed One Half of the Salary appertaining to his Office: And whereas it is just that such 'Treasurer, and that the Bank which the Grand Jury of any County shall have appointed for receiving 'the Public Monies of such County, should be allowed Interest on Sums paid or advanced by such 'Treasurer or Bank under this Act;' be it therefore enacted, That the Officer whom the Lord Lieutenant or other Chief Governor or Governors in *Ireland* has or have authorized or may hereafter authorize to audit and declare the Accounts of the Treasurers of Counties in *Ireland* under the last-mentioned Act may and he is hereby required, on being applied to by or on behalf of any Treasurer entitled to receive Interest under said Act, or of any Bank having made any Advance above the Balance at the Credit of such County, to ascertain the Amount of Interest at the Rate of Five Pounds *per Centum per Annum* which would be due to such Treasurer or Bank on the Amount so from Time to Time advanced under the Provisions of this Act, and remaining unpaid, from the Time or Times at which such Money shall have been paid by the Treasurer of such County or such Bank until the same shall have been discharged, or until the first Day of the Assizes next succeeding such Application, and to certify the same to the Secretary of the Grand Jury, and it shall be lawful for any Grand Jury and they are hereby required to present to the said Treasurer or Bank such Interest so certified to be due, which Interest shall be paid to such Treasurer or Bank out of any Balance in hand, and shall be raised and levied off the Barony or Half Barony liable to pay such Sums.

Definition of "County."

XX. And be it enacted, That the Word "County" shall include County of a City or County of a Town; and that all the Provisions of this Act may extend and be applied to any County of a City or County of a Town in *Ireland*.

Definition of Terms.

XXI. And be it enacted, That the Word "Treasurer" shall, as to the County of *Dublin*, mean and include the "Finance Committee," and the Word "Assizes" shall, as to the said County of *Dublin*, mean and include the "Presenting Term," and the Word "County Surveyor" shall, as to the said County of *Dublin*, mean and include the "District Surveyor;" and that the Provisions of an Act passed in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments*, in the said County, and any Act for amending the same,

7 & 8 Vict. c. 106.

same, shall with reference to the raising, applotting, levying, or recovering of Grand Jury Cess, and to the Powers for the Execution of Works, so far as the same are applicable, apply, as to the said County of *Dublin*, to Sums of Money to be presented and raised and the Works to be executed under this Act.

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. II.

An Act for the better Prevention of Crime and Outrage in certain Parts of *Ireland* until the First Day of *December* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament. [20th *December* 1847.]

'WHEREAS, in consequence of the Prevalence of Crime and Outrage in certain Parts of *Ireland*, it is necessary to make Provision for the better Prevention thereof:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever, in the Judgment of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, it shall be necessary, for the Prevention of Crime and Outrage, that this Act should apply to any County, County of a City, or County of a Town, or any Barony or Baronies, Half Barony or Half Baronies, in any County at large, or any District of less Extent than any Barony or Half Barony, in *Ireland*, it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, to declare by Proclamation to be published in the "*Dublin Gazette*," that from and after a Day to be named in such Proclamation this Act shall apply to any County, County of a City, or County of a Town, or any Barony or Baronies, Half Barony or Half Baronies, in any County at large, or any District of less Extent than any Barony or Half Barony, in *Ireland:* Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by a new Proclamation, to be made by and with the Advice of the Privy Council of *Ireland*, and published in the "*Dublin Gazette*," to revoke any Proclamation issued under this Act, as to the whole or any Part of the District named in any such first-mentioned Proclamation; and thereupon the original Proclamation mentioned therein shall, from and after a Day to be named in such new Proclamation, stand and be revoked so far as such new Proclamation shall purport to revoke the same.

Provisions of this Act to apply to any Part of Ireland specified in Proclamation issued by Lord Lieutenant, &c. and published in the Dublin Gazette.

Power to Lord Lieutenant, &c. to revoke any Proclamation as to the whole or Part of the District named.

II. And be it enacted, That printed Copies of every Proclamation issued under this Act shall be posted on or near to the Doors of all Places of Public Worship and of every Police Station and Barrack within the District named in such Proclamation, and at the Foot of every Copy of any such first-mentioned Proclamation so posted as aforesaid an Abstract of the Provisions of this Act shall be printed, for the Information of all Persons affected by the Enactments herein contained.

Proclamations and Abstract of this Act to be posted in proclaimed Districts.

III. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for and during the Period for which such Proclamation shall be in force, from Time to Time to appoint such and so many additional Sub-Inspectors, Head Constables and other Constables, and Sub-Constables, as he or they shall think proper, for any County, County of a City, County of a Town, Barony, Half Barony, or District of less Extent than any Barony or Half Barony named in any such Proclamation, or any Part thereof, respectively: Provided always, that it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall think proper, at any Time or Times during the Continuance in force of any such Proclamation to withdraw the said Sub-Inspectors, Head Constables and other Constables, and Sub-Constables, so appointed as aforesaid, or any of them, from the District for which they shall have been so appointed.

Power to Lord Lieutenant to increase the Constabulary Force in proclaimed Districts; and to withdraw them from Time to Time.

IV. And be it enacted, That, save as herein mentioned, all and every the Powers, Provisions, Qualifications, Matters, and Things mentioned and contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, and any Act or Acts amending the same, shall extend and apply to the Sub-Inspectors, Head Constables and other Constables, and Sub-Constables appointed under this Act.

Provisions of 6 & 7 W.4. c. 13., &c. to apply to the Constables appointed under this Act.

V. And be it enacted, That in addition to the Number of Sub-Inspectors, Head Constables, Constables, and Sub-Constables which by any former Act or Acts the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is or are empowered to appoint as and for a Reserve Force, it shall be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors to appoint Two additional Sub-Inspectors, Four additional Head Constables, and any Number not exceeding Two hundred additional Constables and Sub-Constables, who shall constitute and be deemed to be a Part of the said Reserve Force, and shall be subject to all and every the Provisions and Regulations applicable to the said Reserve Force under any Act or Acts now in force.

Power to Lord Lieutenant, &c. further to increase the Reserve Constabulary Force.

VI. And be it enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them for the Time being, to order that any such Sum or Sums as he or they shall think proper shall from Time to Time be advanced and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the Payment of the several Salaries and Remunerations and Allowances, and the Purchase of Arms, Accoutrements, Horses, Bridles, Saddles, Appointments, Houses, Outhouses, Furniture, and Accommodations, payable under and proper for the Use of the Constabulary Force to be appointed under

Expenses of Constables absent on Duty from their Residences under the Authority of this Act to be advanced out of the Consolidated

Fund under Regulations of the Treasury.

under this Act, and also for all Rents and Taxes payable for and in respect of such Houses and Outhouses, and for repairing all such Houses and Outhouses from Time to Time, and for the Forage of such Horses, and for the Expenses of the Sub-Inspectors, Head or other Constables, or Sub-Constables, when they shall respectively be absent on Duty from their Residences under the Authority of this Act, and for all other necessary and reasonable Costs, Charges, and Expenses incurred or to be incurred in the Execution of this Act; and all Money so issued shall be paid to the Receiver for the Constabulary Force of *Ireland*, with such Securities and under such Rules and Regulations as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time appoint and direct.

Such Advances to be repaid by the District in such Proportions as the Lord Lieutenant shall direct.

VII. And be it enacted, That whenever the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint any such additional Sub-Inspectors, Head Constables, or other Constables or Sub-Constables, for any County, County of a City, County of a Town, Barony, Half Barony, or other District as aforesaid, or any Part thereof respectively, under the Provisions of this Act, so much of all Monies advanced out of the growing Produce of the Consolidated Fund as shall be declared by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to relate to such County, County of a City, County of a Town, Barony, Half Barony, or other District, or such Part thereof respectively as aforesaid, in respect of such additional Sub-Inspectors, Head Constables or other Constables, or Sub-Constables, shall be repaid by such County, County of a City, County of a Town, Barony or Half Barony, or other District or Part thereof respectively, in such Proportions as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, and shall be levied and collected in the Manner herein-after mentioned.

Lord Lieutenant, &c. to cause Estimates of Expenses to be made from Time to Time, and to issue Warrants to Collectors acting under 6 & 7 W. 4. c. 116. requiring them to collect the same.

VIII. And be it enacted, That whenever the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint any such additional Sub-Inspector, Head Constable or other Constables, or Sub-Constables, for any County, County of a City, County of a Town, Barony, Half Barony, or other District, or Part thereof respectively as aforesaid, under the Provisions of this Act, he or they shall cause an Estimate to be made for the Period of Three Calendar Months next after such Appointment, and so from Time to Time for every successive Period of Three Calendar Months during which such additional Sub-Inspector, Head Constable or other Constables, or Sub-Constables, shall remain and be in such County, County of a City, County of a Town, Barony, Half Barony, or other District, or Part thereof respectively, by virtue of such Appointment, of the probable Charges and Expenses of such additional Sub-Inspector, Head Constable and other Constables, and Sub-Constables, and of the Proportion of such Charges and Expenses to be borne and paid by each Barony or Half Barony, or other District less than a Barony or Half Barony, within such County, County of a City, or County of a Town; and that when and so soon as any such Estimate shall have been made as aforesaid the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, if he or they shall so think fit, issue his or their Warrants, under the Hand of his or their Chief Secretary or Under Secretary, directed to the several Collectors appointed and acting under an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, requiring and commanding such Collectors respectively to levy and collect, within the respective Districts for which they shall have been so appointed as aforesaid, the Sums mentioned in such Warrants respectively, together with such Fees for levying and collecting the same as to the said Lord Lieutenant or other Chief Governor or Governors shall seem proper, not exceeding in the whole the Sum of Nine-pence in the Pound upon the Sum so to be levied and collected; and every Collector to whom any such Warrant shall be directed, or who shall be authorized under this Act to execute the same, is hereby required forthwith to levy and collect the Sums therein mentioned in the Manner and subject to the several Provisions and Regulations mentioned and contained in the said last-recited Act, and to pay over the same to the Receiver for the Constabulary Force of *Ireland*, to be by him received and applied with such Securities and under such Rules and Regulations as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, shall from Time to Time appoint and direct; and every such last-mentioned Warrant shall be and remain in full Force and Effect for the Term of Two Years next after the Date thereof, notwithstanding the Death, Resignation, or Removal of the Person to whom it was originally directed, unless the Sums mentioned therein shall have been sooner levied and collected and paid over as aforesaid, and shall from Time to Time during the Continuance thereof in force be put in execution by the Collector for the Time being appointed under the said last-recited Act for the District mentioned in such Warrant; and any Security given by any such Collector or his Sureties for the due Execution of his Duties under the said recited Act shall extend to any Duties imposed on any such Collector under the Provisions of this Act: Provided always, that whenever any such first-mentioned Proclamation shall have ceased to be in force an Account shall be made up by the said Receiver for the Constabulary Force of *Ireland*, in such Manner and under such Regulations as the said Lord Lieutenant or other Chief Governor or Governors shall from Time to Time direct, of the actual Charges and Expenses of such Sub-Inspector, Head Constable and other Constables, and Sub-Constables; and if upon the making up of any such Account such Charges and Expenses shall exceed the Amount of the Estimates thereof so made as aforesaid, such Excess shall be raised by a Grand Jury Presentment off the County, County of a City, County of a Town, Barony, Half Barony, or other District for and in respect of which such Estimate shall have been made, the Amount thereof being first ascertained and certified in the Manner directed by the aforesaid Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth; and if such Charges and Expenses shall be less than the Amount

6 & 7 W. 4. c. 116.

When Proclamation shall have ceased to be in force, an Account shall be made up by Receiver as the Lord Lieutenant shall direct.

of

of the Estimates thereof so made as aforesaid, all Monies which shall have been so levied and collected, and paid over to the Receiver of the Constabulary Force in *Ireland*, as herein-before directed, in respect of the District for which such Estimates shall have been made, beyond the actual Amount of such Charges and Expenses, shall be repaid by the said Receiver to the Treasurer of the County within which such District shall be situate, to be by him retained to the Credit of such District, and the Amount thereof shall be deducted from the next Collection which may be required to be made in such District under the Provisions of the said last-recited Act of the Seventh Year of the Reign of His said late Majesty King *William* the Fourth.

Penalty for unlawfully carrying Arms within proclaimed Districts.

IX. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation, and thenceforth during all the Time for which any such Proclamation shall be in force, it shall not be lawful for any Person whomsoever (except Justices of the Peace, Persons in Her Majesty's Naval or Military Service, or in the Coast Guard Service, or in the Service of the Revenue, or in the Police or Constabulary Force, or Special Constables, or Persons duly licensed to kill Game, or Persons to whom any Licence shall have been granted under this Act, as herein-after secondly mentioned,) to carry or have, within the District specified in any such Proclamation, elsewhere than in his or her own Dwelling House, any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition; and every Person carrying or having any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act, shall be guilty of a Misdemeanor, and shall be liable on Conviction thereof to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Power to apprehend Persons unlawfully carrying Arms.

X. And be it enacted, That it shall be lawful to and for any Person or Persons whomsoever to seize and apprehend any Person who shall be found carrying any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act, and to deliver such Person as soon as may be into the Custody of a Constable or Peace Officer, in order to his or her being forthwith conveyed before some Justice of the Peace to be dealt with according to Law; and it shall be lawful to and for any Justice of the Peace, Constable, or Peace Officer to search any Person whom he may suspect to be carrying or having any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or any Ammunition, contrary to the Provisions of this Act, and to seize and take from such Person any Gun, Pistol, or other Fire-arm, or any Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, and to keep and detain the same to and for the Use of Her Majesty.

Power to Justices, Constables, &c. to search Persons suspected of carrying Arms, and take away the same.

Power to Lord Lieutenant, by Notice published in the Dublin Gazette, to require Persons having Arms in proclaimed Districts to deposit them in a Place named in such Notice.

XI. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Notice to be published in the "*Dublin Gazette*," and posted as herein-before mentioned, from Time to Time to require all Persons (not being Justices of the Peace, or Persons in Her Majesty's Naval or Military Service, or in the Coast Guard Service, or in the Service of the Revenue, or in the Police or Constabulary Force, or Special Constables, or Persons duly licensed to kill Game, or Persons to whom any Licence shall have been granted under this Act, and not revoked, as herein-after mentioned,) residing or being within any County, County of a City, County of a Town, Barony, Half Barony, or other District named in any such first-mentioned Proclamation, or any Part thereof respectively, on or before a Day to be named in such Notice, to deposit and leave, at a Place or Places to be named in such Notice, or at the nearest Police Station or Barrack, any Gun or Guns, Pistol or Pistols, or other Fire-arm or Fire-arms, or any Part or Parts of any Gun, Pistol, or other Fire-arms, or any Sword or Swords, Cutlass or Cutlasses, Pike or Pikes, Bayonet or Bayonets, or any Bullets, Gunpowder, or Ammunition, which he, she, or they may have in his, her, or their Custody, Power, or Possession; and all Guns, Pistols, and other Fire-arms, and all Parts of Guns, Pistols, and other Fire-arms, and all Swords, Cutlasses, Pikes, and Bayonets, and all Bullets, Gunpowder, and Ammunition, so deposited and left as aforesaid, shall be kept and detained in safe Custody at such Places and under such Regulations as the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time direct, until the said Lord Lieutenant or the Chief Governor or Governors of *Ireland* shall otherwise order, or until such first-mentioned Proclamation shall have ceased to be in force, to be then restored to the Owner thereof in such Manner and under such Regulations as the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct: Provided always, that no Person carrying any Gun, Pistol, or other Fire-arm, or Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, for the Purpose only of depositing and leaving the same as herein-before mentioned, shall by reason thereof be deemed or taken to be a Person carrying or having any Gun, Pistol, or other Fire-arm, or Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act.

Persons carrying Arms to deposit them not deemed to be acting contrary to the Provisions of this Act.

Punishment of Persons knowingly having Arms within proclaimed Districts.

XII. And be it enacted, That every Person who, after the Day named in any such last-mentioned Notice, shall knowingly have in his or her Custody, Power, or Possession any Gun, Pistol, or other Fire-arm, or Part or Parts of any Gun, Pistol, or Fire-arm, or any Sword, Cutlass, Pike, or Bayonet, or any Bullets, Gunpowder, or Ammunition, contrary to the Provisions of this Act, shall be guilty of a Misdemeanor,

meanor, and shall be liable, on Conviction thereof, to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Power to Lord Lieutenant to issue Warrant to search for and seize Arms in proclaimed Districts.

XIII. And be it enacted, That from and after the Day named in any such last-mentioned Notice it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time, by Warrant under the Hand of the Chief Secretary or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, to direct a Search or Searches to be made in any County, County of a City, County of a Town, Barony, Half Barony, or other District named in any such last-mentioned Notice, or in any Part thereof respectively, or in any House or Houses or other Place or Places within the same respectively, at any Time whilst such first-mentioned Proclamation shall be and remain in force, for any Guns, Pistols, or other Fire-arms, or Parts of any Guns, Pistols, or other Fire-arms, or any Swords, Cutlasses, Pikes, or Bayonets, or any Bullets, Gunpowder, or Ammunition, which any Person or Persons shall or may have in his, her, or their Custody, Power, or Possession, contrary to the Provisions of this Act; and all Guns, Pistols, and other Fire-arms, Parts of Guns, Pistols, and other Fire-arms, Swords, Cutlasses, Pikes, and Bayonets, Bullets, Gunpowder, and Ammunition, found upon any such Search or Searches, shall be forfeited, and the same shall be seized and detained to and for the Use of Her Majesty.

Powers of Persons acting under such Warrant.

XIV. And be it enacted, That it shall be lawful to and for any County Inspector or Sub-Inspector to whom any such Warrant shall be directed, and to and for all Constables and other Persons acting in their Aid or Assistance, within the Space of Twenty-one Days next after the Date of any such Warrant, including the Day of the Date thereof, to enter into any House or Place at any Time between Sunrise and Sunset, in order to execute such Warrant, and in case Admittance shall be refused to any such County Inspector, Sub-Inspector, Constables, or Peace Officers, or other Persons as aforesaid, or shall not be obtained by them within a reasonable Time after it shall have been first demanded, then to enter by Force into such House or Place in order to execute such Warrant.

Power to Lord Lieutenant to appoint Persons to grant Licences to carry or have Arms within proclaimed Districts.

XV. And be it enacted, That it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under the Hand of the Chief Secretary or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, to be published in the "*Dublin Gazette*," from Time to Time to appoint One or more fit and proper Persons to grant, at the Discretion of such Person or Persons, at a Place or Places and Time or Times named in a Notice or Notices to be issued by such Person or Persons, and posted as herein-before mentioned, a Licence or Licences, in the Form (A.) in the Schedule to this Act annexed contained, to any Person or Persons, to have, within the District named in any such first-mentioned Proclamation, in his, her, or their own Dwelling House or Dwelling Houses only, or a Licence or Licences, in the Form (B.) in the Schedule to this Act annexed contained, to carry and have, within the District named in any such first-mentioned Proclamation, any Gun or Guns, Pistol or Pistols, or other Fire-arm or Fire-arms, or Part or Parts of any Gun, Pistol, or other Fire-arm, or any Sword or Swords, Cutlass or Cutlasses, Pike or Pikes, Bayonet or Bayonets, or any Bullets, Gunpowder, or Ammunition: Provided always, that it shall be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors, by Order under the Hand of the said Chief Secretary, or Under Secretary, to be published in the "*Dublin Gazette*," at any Time or Times to revoke any Licence or Licences so granted as aforesaid, and from and after the Publication of any such Order in the "*Dublin Gazette*" the Licence or Licences therein mentioned shall cease and determine; and a Copy of every such Order shall, within Four Days after the making thereof, be delivered to or left at the last known Place of Abode of every Person whose Licence shall be revoked thereby.

Power to Justices and Constables to call upon Persons within proclaimed District to join in pursuit after Offenders.

XVI. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation, if any Murder shall have been committed, or there shall have been any Attempt to commit Murder, or if any Justice of the Peace or any Constable or Peace Officer shall have reasonable Ground for believing that any Murder has been committed, or that there has been any Attempt to commit Murder, in any County, County of a City, County of a Town, Barony, Half Barony, or other District named in any such first-mentioned Proclamation, it shall be lawful for any Justice of the Peace, Constable, or Peace Officer to give Notice to any Male Person between the Ages of Sixteen and Sixty, residing or being within such County, County of a City, County of a Town, Barony, Half Barony, or other District, that Search and Pursuit is to be made for the Purpose of apprehending the Offender or Offenders guilty or believed to be guilty of such Murder or Attempt to murder, and to call upon and require every such Person to join in such Search and Pursuit, and thereupon it shall be the Duty of every such Person to join in such Search and Pursuit, and to do his utmost to assist in discovering and apprehending such Offender or Offenders; and every such Person refusing or neglecting to join in such Search and Pursuit, or to do his utmost to assist in discovering and apprehending such Offender or Offenders, shall be guilty of a Misdemeanor, and shall be liable, on Conviction thereof, to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Punishment of Persons refusing.

Provisions of 15 & 16 G. 3. c. 21. (I.) and 1 & 2 W. 4. c. 44. to apply to Districts proclaimed under this Act.

XVII. And be it enacted and declared, That whilst any Proclamation issued under this Act shall remain and be in force all and every the Powers and Provisions now in force of an Act passed in the Parliament of *Ireland* in the Session holden in the Fifteenth and Sixteenth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned*, and also of another Act amending the same, passed in the Parliament of the United Kingdom in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled*

intituled 'An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for 'other Purposes therein mentioned,' shall extend and apply to every County, County of a City, County of a Town, Barony, Half Barony, and other District specified in any such Proclamation; and that upon any Trial or Proceeding under the said last-recited Acts or either of them, or under this Act, it shall not be necessary to prove that the District or Place in which any Offence or Offences against the said last-recited Acts or either of them, or against this Act, was or were committed, was at the Time of the Commission thereof in a State of public or general Disturbance or insurrectionary Movement, or that any such Offence or Offences, or the Circumstances attending the same, was or were of an insurrectionary Nature or Character.

Not necessary to prove the District to be in an insurrectionary State.

XVIII. And for the more effectual Prosecution of Accessaries after the Fact to the Offences of Murder and Attempt to murder, be it enacted, That from and after the Day named in any such first-mentioned Proclamation every Person who shall become an Accessary after the Fact to any Murder or Attempt to murder committed in any County, County of a City, County of a Town, Barony, Half Barony, or other District named in such first-mentioned Proclamation, may be indicted and convicted either together with the principal Offender or after the Conviction of the principal Offender, or may be indicted and convicted of a substantive Felony, whether the principal Offender shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may, howsoever indicted, be punished in the same Manner as any Accessary after the Fact to the same Offence may be punished: Provided always, that no such Person who shall be once duly tried, whether as an Accessary after the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Accessaries after the Fact to any Murder committed may be tried and punished, although the Principals may not have been convicted or taken.

No Person to be tried twice for same Offence.

XIX. And be it enacted, That from and after the Day named in any such first-mentioned Proclamation, and thenceforth during all the Time for which any such Proclamation shall be in force, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by his or their Order, to be signified by his or their Chief or Under Secretary, to direct that any Person or Persons, being imprisoned in any Gaol, Prison, Bridewell, or other Place of Confinement in any District specified in such Proclamation, or in the County, County of a City, or County of a Town within which such District may be situate, under any Sentence of Transportation or Imprisonment, shall and may be removed from such Gaol, Prison, Bridewell, or other Place of Confinement to such other Gaol, Prison, Bridewell, or Place of Confinement in *Ireland* as to the said Lord Lieutenant or other Chief Governor or Governors shall seem fit, there to remain till he or she shall be transported, or till he or she shall have therein served the Term of his or her Imprisonment, or till he or she shall be otherwise discharged by due Course of Law; and every such Person, when so removed, shall be to all Intents and Purposes deemed and considered to be in the proper legal Custody for and during the Time of such Removal, and for and during such Time as he or she shall be in the Place to which he or she shall be so removed, in like Manner to all Intents and Purposes as if such Person had continued in his or her original Place of Confinement: Provided always, that the Expenses of the Support and Maintenance of such Prisoners in the Place to which they shall be so removed shall be paid and provided for by the County, County of a City, or County of a Town from which respectively they shall be so removed, as the same were or ought to be paid or provided for before such Removal; and the Expenses of any such Removal under this Act shall be charged and chargeable on the County, County of a City, or County of a Town from which such Persons shall have been respectively so removed, and shall be paid and provided for in like Manner and subject to like Provisions as are contained in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to regulate the Expenses of conveying Prisoners in* Ireland.

Prisoners under Sentence may be removed from one Prison to another by Order of the Lord Lieutenant.

1 & 2 Vict. c. 6.

XX. And be it enacted, That when any Person shall be prosecuted by Indictment for any Offence against this Act committed within such proclaimed County, County of a City, County of a Town, Barony or Half Barony, or other District as aforesaid, such Person shall plead to such Indictment, and the Trial thereof shall proceed, at any Special Commission, Assizes, or Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace to be holden in and for the County wherein such Offence shall have been committed next after such Person shall have been committed for Trial or held to Bail, or if such Offence be committed after the Commencement of such Special Commission, Assizes, Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace, then at the same Special Commission, Assizes, Court of Oyer and Terminer and General Gaol Delivery, or Sessions of the Peace, unless the Court shall otherwise direct.

No Traverse of Indictment allowed.

XXI. And be it enacted, That the Production of the "*Dublin Gazette*," purporting to be printed by the Queen's Printers, containing the Publication of any Proclamation, Warrant, or Notice under this Act, shall be deemed and taken to be conclusive Evidence, in all Courts of Justice in *Ireland*, of all such Facts and Circumstances as were or shall be necessary to authorize the issuing of any such Proclamation, Warrant, Order, or Notice; and every such Proclamation, Warrant, Order, and Notice shall be deemed and taken, in all such Courts respectively, to all Intents and Purposes whatsoever, to have been issued in conformity with this Act.

Production of Dublin Gazette to be Evidence.

XXII. And be it enacted, That this Act shall be in force until the Thirty-first Day of *December* One thousand eight hundred and forty-nine, and from thence until the End of the then next Session of Parliament.

Duration of Act.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

(A.)

Form of Licence to have Arms, &c. in a Dwelling House only.

I *A. B.*, having been duly appointed in that Behalf under an Act passed in the Eleventh Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for the better Prevention of Crime and Outrage "in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, "and to the End of the then next Session of Parliament," do hereby grant to *C. D.* of [*here insert the Name, Description, and Place of Residence,*] a Licence to have in his [*or* her] Dwelling House, situate at and not elsewhere, One Gun [*or other Arm or Arms or Ammunition, as the Case may be*]. Dated this Day of 184 .

(Signed) *A. B.*

(B.)

Form of Licence to carry and have Arms, &c. in proclaimed District.

I *A. B.*, having been duly appointed in that Behalf under an Act passed in the Eleventh Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for the better Prevention of Crime and Outrage "in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, "and to the End of the then next Session of Parliament," do hereby grant to *C.D.* of [*here insert the Name, Description, and Place of Residence,*] a Licence to carry and have One Gun [*or other Arm or Arms or Ammunition, as the Case may be,*] within the County [County of the City, County of the Town, Barony, Half Barony, *or other District, as the Case may be,*] of . Dated this Day of 184 .

(Signed) *A. B.*

CAP. III.

An Act to give further Time for making certain Railways. [20th *December* 1847.]

'WHEREAS divers Acts of Parliament have been passed for making Railways, and in such Acts 'respectively certain Periods of Time are limited within which only the Powers thereby granted, 'whether for making the Railways or for the compulsory Purchase of the Lands therein referred to, can 'be lawfully exercised: And whereas it is expedient that in certain Cases further Time be granted for 'the Purposes aforesaid:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Railway Company or Person authorized by any Act or Acts of Parliament to construct a Railway or any Works connected with a Railway, or to purchase Lands for any such Purpose, desire that the Period limited by such Act or Acts for the Completion of such Railway or Works, or for the Purchase of such Lands, be extended, such Company or Person may, at any Time within Two Calendar Months after the passing of this Act, make Application, in Writing, to the Commissioners of Railways, setting forth what Extension of Time is desired by them or him, and to what Part of the Railway or the Works or Lands connected therewith, the same is intended to apply, and the Grounds on which such Application is made.

Railway Companies may apply to Commissioners of Railways for Extension of Time for Purchase of Lands, &c.

II. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, they shall require the Company or Person making the same to give Notice of such Application having been made, by Advertisement, inserted in such Form as shall be approved of by the said Commissioners, once in the *London, Edinburgh*, or *Dublin Gazette*, accordingly as such Railway or Works or Lands are in *England, Scotland*, or *Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of such Railway or Works or Lands to which the Extension of Time is intended to apply is situated, and affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway or Works or Lands is situated; and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Extension of Time, and who desires to object thereto, may bring such Objections before the said Commissioners.

Commissioners may require Company to give Notice of Application by Advertisement in the Gazette.

III. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all such Objections, if any, which have been brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, extend the Period allowed by any such Act or Acts as aforesaid, whether for the Completion of such Railway or Works or for the compulsory Purchase of Lands for that Purpose, for such further Time as the said Commissioners think fit, not exceeding Two Years from the Expiration of the Periods so allowed by such Act or Acts respectively; and they may so extend such Periods respectively, either as to the whole of such Railway or Works, and the whole of the Lands required for the same, or as to so much of such Railway or the Works, or the Lands connected therewith, as shall be specified for that Purpose in such Warrant.

Commissioners of Railways, by Warrant under their Seal, may, upon Proof that Notice has been given, enlarge the Time for the Completion of Purchases and Works.

IV. And

Acts mentioned or referred to in such Warrants to be construed with reference to the same.

IV. And be it enacted, That when any such Warrant as aforesaid is granted by the said Commissioners, the Act or Acts of Parliament authorizing the Construction of the Railway or Works mentioned or referred to in such Warrant shall, as to the Portion of Railway or the Works or Lands described thereby or comprised in such Warrant, be construed as if the extended Period or Periods of Time mentioned in such Warrant had been by such Act or Acts limited as the Period or Periods respectively within which the Powers of such Act or Acts might lawfully be exercised, whether for the Construction of such Railway or Works or for the compulsory Purchase of the Lands required for the same, instead of the Periods mentioned in such Act or Acts respectively.

Not to revive expired Powers

Existing Contracts and Notices to take Lands to be construed as if this Act had not passed.

V. Provided always, and be it enacted, That this Act shall not have the Effect of reviving any Powers which had expired before the making of such Application, and that it shall not prejudice or affect any Contract or Agreement entered into before the passing of this Act; and where before the passing of this Act any Contract hath been entered into or Notice given by any such Railway Company or Person, for purchasing, taking, or using any Lands which, under any such Act or Acts as aforesaid, such Company or Person is entitled to purchase, take, or use, this Act, or any Warrant thereunder, shall not authorize any Extension of the Time allowed for the Purchase of the Lands comprised or mentioned in such Contract or Notice; and every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Notices of Warrants being granted to be published in the Gazette.

VI. And be it enacted, That within One Calendar Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners they shall cause Notice thereof to be inserted in the *London, Edinburgh*, or *Dublin Gazette*, accordingly as the Railway, Works, or Lands mentioned therein is or are in *England, Scotland*, or *Ireland*.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

VII. Provided always, and be it enacted, That whenever any such Warrant as aforesaid shall have been granted by the said Commissioners for extending the Time within which any of the Powers given by any such Act or Acts may lawfully be exercised, the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who under the Provisions of such Act or Acts shall award or assess the Compensation to be made by any such Company or Person as aforesaid to the Owners or Occupiers of or other Persons interested in any Lands taken or used for the Purposes of any such Railway or Works, or injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons, by reason of any such Extension of Time having been granted as aforesaid.

Contracts for new Works not to be entered into for a limited Period, except in certain Cases.

VIII. And be it enacted, That no Railway Company authorized by Act of Parliament to construct a Railway, or any Works connected with a Railway, who had not before the Twenty-seventh Day of *November* in the Year One thousand eight hundred and forty-seven executed any Part of the Works, or entered into any Contract or Agreement for the Execution of any Part of the Works, which they were for the first Time authorized by such Act to construct, shall within Twelve Calendar Months after the passing of this Act enter into any Contract or Agreement for the Execution of any Works so for the first Time authorized by such Act, excepting always from this Enactment Contracts and Agreements for the Construction of Part of any Railway or Works which by any Act shall have been substituted by way of Deviation from any Part of the Line of such Railway as authorized by some previous Act, or in lieu of some other Works authorized by some previous Act, and also Contracts and Agreements for the Construction of such other Works as the Company shall be authorized to proceed in constructing by the Consent of the Holders of Three Fifths of the Shares or Stock held by such of the Shareholders of such Company as shall signify their Assent thereto or Dissent therefrom within the Time and in the Manner herein-after mentioned, or as they shall be authorized to proceed in constructing by an Order of the said Commissioners of Railways published in the *London, Edinburgh*, or *Dublin Gazette*, according as the Works are situated in *England, Scotland*, or *Ireland*; and all Contracts and Agreements entered into in contravention of this Enactment shall be utterly void and of no effect.

Mode of ascertaining Consent of Shareholders to the making of Contracts for new Works.

IX. And be it enacted, That for the Purpose of ascertaining such Consent of the Shareholders as aforesaid a General Meeting of the Shareholders of such Company shall be held within Six Weeks after the passing of this Act, of which public Notice shall be given by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company; and a Circular Letter shall be sent by the Post, addressed to each of the Shareholders of such Company, according to his registered Address or other known Address, describing the Portion of Line or Works proposed to be executed, and stating that a General Meeting of the Shareholders of such Company will be held, at a Time and Place mentioned in such Circular, for the Purpose of determining whether a Contract for executing such Works shall be entered into or not within the Twelve Months next after the passing of this Act, and requesting such Shareholder to signify his Assent to or Dissent from the making of such Contract, according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto; and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and at the Meeting so to be held the Chairman thereof shall cast up the Number or Amount of Shares or Stock held by Shareholders assenting to the making of such Contract, and the Number or Amount of Shares or Stock held by Shareholders dissenting therefrom, whether such Assent have

have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof; and such Chairman shall thereupon publicly announce the Number or Amount of Shares or Stock of the Shareholders assenting to the making of such Contract, and the Number or Amount of the Shares or Stock of those dissenting therefrom, and shall state whether or not the Holders of Three Fifths of the whole of such Shares or Stock consent to the making of such Contract: Provided always, that in computing the Number or Amount of the Shares of Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have paid all the Calls then due by him upon the Shares held by him.

Certificate of the Chairman of Company, countersigned by the Secretary, to be Evidence of Consent.

X. And be it enacted, That a Certificate under the Hand of the Chairman of the Company, and countersigned in each Case by the Secretary of the Company, stating that such Meeting as aforesaid has been duly held, and such Circular Letter sent, and such Consent given as aforesaid, in Cases where the same is given, shall, within One Week after the Day of holding such Meeting, be deposited in the Office of the said Commissioners of Railways; and such Certificate, or a Copy thereof, certified under the Seal of the said Commissioners to be a true Copy, shall be received as Evidence in all Courts, and before all Justices and others, that such Consent was duly given within the Time aforesaid.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE referred to by the foregoing Act.

(1) Name of Railway.	(1) Name of Shareholder.	(1) No. of Shares or Amount of Stock held by him.	(1) Works proposed to be contracted for.	(2) Whether assenting or dissenting.

(1) The Secretary will insert these Particulars.
(2) In this Column the Shareholder will write the Word "assenting" or "dissenting," as the Case may be, and sign his Name thereunder.

CAP. IV.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight. [7th *March* 1848.]

CAP. V.

An Act to suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the *New Zealand* Islands; and to make other Provision in lieu thereof. [7th *March* 1848.]

9 & 10 Vict. c. 103.

'WHEREAS by an Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to make further Provision for the Government of the* New Zealand *Islands*, certain Powers were 'vested in Her Majesty, to be executed by Letters Patent to be from Time to Time issued under the 'Great Seal of the United Kingdom, or by Instructions under Her Majesty's Signet and Sign Manual, 'approved in Her Privy Council, and accompanying or referred to in such Letters Patent: And 'whereas in pursuance of the said Act Her Majesty did, by Letters Patent bearing Date at *Westminster* 'the Twenty-third Day of *December* in the Year aforesaid, and by certain Instructions made and 'approved as required by the said Act, and bearing even Date with and accompanying the said Letters 'Patent, execute certain of the Powers by the said Act vested in Her Majesty for the better Government 'of the said Islands, reserving by the said Letters Patent full Power and Authority to Herself, Her 'Heirs and Successors, from Time to Time to amend, and for that Purpose to add to or if necessary to 'repeal, the said Letters Patent and Instructions: And whereas it is expedient that certain of the 'Provisions of the said Act, Letters Patent, and Instructions should not for the present be carried into 'effect, but Doubts have been entertained whether the said Act is sufficient to enable Her Majesty to 'suspend the Operation of the same, and of the said Letters Patent and Instructions, or any of them:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

Authority of the same, That so much of the said Act, Letters Patent, and Instructions as relates to the Constitution and Establishment of Two or more separate Assemblies within the said Islands, and to the Constitution and Establishment of a General Assembly in and for the said Islands, and to the Powers, Rights, and Privileges of such Assemblies respectively, and to the Qualifications of the Members of such Assemblies, and to the Manner of their Election and Appointment, and to the Forms, the Transmission, and the Disallowance of Laws and Ordinances to be enacted by the said Assemblies respectively, and to the Appropriation of the Revenues arising from Laws of the General Assembly, shall be suspended for the Period of Five Years from the Day of the passing of this Act, unless Her Majesty, by and with the Advice of Her Privy Council, shall direct that the said Act, Letters Patent, or Instructions shall before the Expiration of that Period be carried into effect.

So much of recited Act, &c. as relates to the Constitution and Establishment of Assemblies, &c. in New Zealand suspended.

II. 'And whereas by the said first-mentioned Act another Act passed in the Fourth Year of Her 'Majesty's Reign, and certain Letters Patent bearing Date the Sixteenth Day of *November* in the 'same Year, and all Charters, Letters Patent, Instructions, and Orders in Council made and issued in 'pursuance of the last-mentioned Act, were repealed, abrogated, and annulled as therein mentioned: 'And whereas by the said Letters Patent bearing Date the Sixteenth Day of *November* in the Fourth 'Year of Her Majesty's Reign, and by certain Instructions bearing Date the Fifth Day of *December* in 'the same Year, Her Majesty did amongst other things authorize the Governor for the Time being of 'the said Islands, and certain other Persons, to be a Legislative Council for the said Islands, and did 'require and enjoin that the said Legislative Council should, in pursuance of the last-mentioned Act, 'make and ordain all such Laws and Ordinances as might be required for the Peace, Order, and good 'Government of the said Islands: And whereas it is expedient to revive the Operation of the last-'mentioned Act, Letters Patent, and Instructions, in so far as the same relate to the Legislative Council 'established or to be established under and by virtue of the last-mentioned Act, Letters Patent, and 'Instructions for the Time during which the said first-mentioned Act, Letters Patent, and Instructions 'continue to be suspended as aforesaid by virtue of this Act:' Be it therefore enacted, That the said Act, Letters Patent, and Instructions of the Fourth Year of Her Majesty's Reign, in so far as the same relate to the Legislative Council last aforesaid, and to the Constitution, Rights, Powers, Jurisdiction, and Authority of the same, shall be revived and be in full Force and Operation for the Time during which the first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act; and that during such Time the said Legislative Council shall have and exercise all the Rights, Powers, Jurisdiction, and Authority which it had or was invested with, or was to have or be invested with, under and by virtue of the last-mentioned Act, Letters Patent, and Instructions, or any of them, or any other Letters Patent or Instructions granted or issued, or to be granted or issued, under the last-mentioned Act; and that all Laws, Ordinances, Acts, and Things lawfully done by the said Legislative Council during such Suspension as aforesaid shall be and remain in full Force and Effect after and notwithstanding the Termination of such Suspension, until and unless they be hereafter repealed by competent Authority in that Behalf.

So much of 3 & 4 Vict. c. 62. of Letters Patent dated 16th Nov. 1841, and of Instructions dated 5th Dec. 1841, as relate to the Legislative Council, &c. revived during the said Suspension.

III. And be it enacted, That for the Time during which the said first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act it shall be lawful for the Governor-in-Chief of the said Islands, from Time to Time as he may think proper, but subject to the Disallowance of Her Majesty as herein-after mentioned, to add to the Members of the said Legislative Council, and for that Purpose from Time to Time to summon and appoint such Person or Persons as he may think proper to be personally or by virtue of his or their Office Member or Members of such Legislative Council; and the said Legislative Council, with such additional Member or Members, and every Member thereof, shall have and exercise the same Rights, Powers, Jurisdiction, and Authority as the said Legislative Council or any Member thereof had or exercised before any Addition to the same was made.

Power to Governor-in-Chief to increase the Number of Legislative Council.

IV. And be it enacted, That for the Time during which the first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act it shall be lawful for the said Governor-in-Chief, by and with the Advice and Consent of the said Legislative Council, by Ordinance, if he shall think proper, to constitute within and for any of the Provinces into which the Islands of *New Zealand* are now or may be hereafter divided a Provincial Legislative Council, to be appointed or elected, or appointed and elected, in such Manner and by such Person or Persons as by such Ordinance shall be provided in that Behalf; and the Provincial Legislative Council or Councils so constituted shall have all such Rights, Powers, Jurisdiction, and Authority as shall be granted in that Behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance and none other.

Power to Governor-in-Chief to constitute Provincial Legislative Councils.

V. 'And whereas by the said first-mentioned Instructions the said Governor-in-Chief was directed 'to divide certain Parts of the said Islands into Municipal Districts, and to constitute within such 'Districts Municipal Corporations, consisting of a Mayor, Court of Aldermen, and Common Council, and 'of Burgesses possessing the Qualification prescribed by the said first-mentioned Instructions in that 'Behalf: And whereas it is expedient that the said Qualification should be subject to Regulation as 'herein-after mentioned:' Be it therefore enacted, That it shall and may be lawful for the said Governor-in-Chief, from Time to Time, by and with the Advice and Consent of the said Legislative Council, by Ordinance, to depart from the said first-mentioned Instructions in so far as the same relate to the Nature and Extent of the said Qualification, and to make and ordain such other or further Rules and Regulations with respect to the Nature and Extent of the Qualification for Burgesses in the said Municipal Districts or any of them, or in any particular Case, as the said Governor-in-Chief, by and with

Power to Governor-in-Chief to regulate Qualification for Burgesses in Corporate Districts.

with the like Advice and Consent, may think proper, any thing in the said first-mentioned Act, Letter Patent, or Instructions to the contrary notwithstanding.

Power to Her Majesty to disallow any Orders, &c. of the Governor-in-Chief.

VI. Provided always, and be it enacted, That it shall be lawful for Her Majesty, if She shall think proper, from Time to Time to disallow any Order for Addition to the Number of the said Legislative Council, or any Ordinance for the Constitution of or relating to any Provincial Legislative Council, or with respect to the Qualification of Burgesses in any Municipal District; and in case of such Disallowance, upon the same being signified to the said Governor-in-Chief within the said Islands, the Order or Ordinance so disallowed shall be annulled to all Intents and Purposes whatsoever, except in so far as relates to any Law, Ordinance, Act, Matter, or Thing lawfully done under or by reason of the Order or Ordinance disallowed between the Date of such Order or Ordinance and the Signification of Disallowance as aforesaid.

Act to be construed with first-recited Act.

VII. And be it enacted, That this Act, and the first-mentioned Act as altered by this Act, shall be read and construed together as One Act.

Commencement of Act.

VIII. And be it enacted, That this Act shall take effect within the said Islands at the Expiration of Ten Days from the Day of the Proclamation thereof within the same.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. VI.

An Act to make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to *North America*. [28th *March* 1848.]

'WHEREAS it is expedient to make further Provision respecting the Carriage of Passengers by Sea to certain Parts of *North America* and the Islands adjacent thereto, and for that Purpose to alter certain Provisions of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels*, and of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Passengers Act, and to make further Provision for the Carriage of Passengers by Sea;*' be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey, Alderney, Sark*, or *Man*, to any Port or Place on the Eastern Coast of *North America*, or in the Islands adjacent thereto, or in the *Gulf of Mexico*, shall proceed on such Voyage with or shall carry more Passengers on board than in the Proportion of One Passenger to every Two Tons of the registered Tonnage of such Ship; and that no such Ship shall, whatever be the Tonnage thereof, proceed on such Voyage with or carry more Passengers on board than in the following Proportion to the Space occupied by them and appropriated to their Use, and unoccupied by Stores not being the personal Luggage of the Passengers; (that is to say,) on the Deck upon which the Passengers live, One Passenger for every Twelve clear Superficial Feet, or on the Orlop Deck, if any, One Passenger for every Thirty such Superficial Feet; and that if any Ship carrying Passengers upon any such Voyage as aforesaid shall carry any Person or Passenger beyond such Proportions, or any of them, the Master of the Ship shall, for and in respect of every Person or Passenger constituting such Excess, be liable to the Payment of a Penalty not exceeding Five Pounds Sterling.

5&6 Vict. c. 107.

10 & 11 Vict. c. 103.

No Ship carrying Passengers allowed to take more than a limited Number according to Space and Tonnage.

How Children shall be computed.

II. And be it enacted, That in computing the aforesaid Proportions Two Children, each being under the Age of Fourteen Years, shall be computed as One Person or Passenger, and that Children under the Age of One Year shall not be included in such Computation.

No Ship carrying a certain Number of Passengers to proceed on her Voyage without a Ship's Cook.

III. And be it enacted, That no Ship carrying One hundred or more Passengers shall clear out or proceed on her Voyage unless there shall be on board a Ship's Cook approved by the Emigration Officer at the Port of Clearance, and engaged for the Purpose of cooking the Food of the Passengers, nor unless a convenient Place shall have been set apart, and a sufficient Apparatus provided for that Purpose, to the Satisfaction of the said Emigration Officer; and if any Ship shall proceed on her Voyage, not having on board such Ship's Cook and cooking Apparatus as herein is required, the Master of the said Ship shall be liable to a Penalty not exceeding Fifty Pounds.

Ships carrying Passengers to have a Surgeon, else Number to be limited.

IV. And be it enacted, That whenever any Ship shall carry One hundred or more Passengers on any such Voyage as aforesaid, there shall be on board a Surgeon duly qualified as herein-after mentioned, or in default thereof it shall not be lawful for any such Ship to carry more Passengers on the Deck upon which the Passengers live than in the Proportion of One Passenger to every Fourteen Superficial Feet so occupied and appropriated as aforesaid.

Computation of Children.

V. And be it enacted, That in the Calculation of such Proportion every Child above the Age of One Year shall be computed as One Passenger.

Qualification of Surgeon.

VI. And be it enacted, That every such Surgeon as aforesaid shall be a Person duly qualified by Law to practise in the United Kingdom as Physician, Surgeon, or Apothecary, and who shall not be objected to by the said Emigration Officer.

No Ship to proceed until the

VII. And be it enacted, That, except as herein-after provided, no Ship shall clear out or proceed on any such Voyage as aforesaid, until the said Surgeon, or, in case of Ships not carrying Surgeons, until some

some Medical Practitioner, to be appointed by the said Emigration Officer, shall have inspected as well the Medicine Chest of the said Ship as the Passengers on board, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers appear to him likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the Persons on board: Provided always, that the Master, Owner, or Charterer of every Ship inspected by any Medical Practitioner so appointed as aforesaid shall pay to such Medical Practitioner a Sum, to be fixed by the said Emigration Officer, not exceeding Twenty Shillings for every Hundred Passengers: Provided also, that in case on any particular Occasion it shall be deemed by the Emigration Officer impossible to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her Voyage, on receiving from the said Emigration Officer written Permission for the Purpose.

Medicine Chest and Passengers have been inspected by a Medical Practitioner.

Remuneration of Medical Practitioner.

If no Medical Practitioner can be obtained Ship may proceed.

VIII. And be it enacted, That in case any such Surgeon or Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed on such Voyage as aforesaid is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to re-land, or cause to be re-landed, any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him; and no Ship shall be cleared out or proceed on any such Voyage so long as any such Person or Persons shall be on board, and the Master of any such Ship who shall wilfully proceed on the said Voyage with any such Person or Persons on board shall be liable to a Penalty not exceeding Fifty Pounds Sterling.

Passengers affected with Diseases may be re-landed.

Penalty for wilfully proceeding with diseased Persons on board.

IX. And be it enacted, That any Person or Persons who shall be so re-landed as aforesaid, or the Emigration Officer on his or their Behalf, shall be entitled to recover by summary Process, before Two or more Justices of the Peace, in like Manner as in the said first-recited Act is provided in the Cases of Monies thereby made recoverable, the whole of the Monies which shall have been paid by him or them, or on his or their Account, for his or their Passage in such Ship as aforesaid, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

Passengers so re-landed entitled to recover Passage Money by summary Process before Two Justices.

X. And be it enacted, That it shall be lawful for Her Majesty, by any Order or Orders in Council to be by Her made, with the Advice of Her Privy Council, to prescribe any such Rules and Regulations as to Her Majesty may seem fit for preserving Order, and for securing Cleanliness and Ventilation, on board of *British* Ships proceeding on such Voyage as aforesaid, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke as Occasion may require; and that any Copy of such Order in Council contained in the *London Gazette*, or purporting to be printed by the Queen's Printer, shall, throughout Her Majesty's Dominions, be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Her Majesty may issue Orders in Council for preserving Order, &c. on board Vessels.

XI. And be it enacted, That in every *British* Ship it shall be lawful for the Surgeon, or, in Ships not having a Surgeon on board, for the Master of any such Ship, to exact Obedience to all such Rules and Regulations as aforesaid, under the Penalties next herein-after provided.

Obedience to Rules and Regulations.

XII. And be it enacted, That any Person on board such Ship who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Master or Surgeon of such Ship in the Execution of any Duty imposed upon him by such Rule or Regulation, shall be liable to the Payment of a Penalty not exceeding Two Pounds Sterling; and it shall be lawful for the Justices of the Peace in any Part of Her Majesty's Dominions, before whom any Person shall be convicted of such Obstruction or Resistance as aforesaid, to order such Person, in addition to the Penalty herein-before mentioned, to be confined in the Common Gaol for any Period not exceeding One Month.

Penalty for refusing to observe Rules and Regulations.

XIII. And be it enacted, That the said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstract as they may think proper of the whole or Part of this and of the said recited Acts, and of any Order in Council to be made as aforesaid; and that Six Copies of the said Abstract, together with Two Copies of this and of the said recited Acts, shall, on Demand, be delivered by the Collector or Comptroller of the Customs of the Port of Clearance to the Master of every Ship carrying Passengers on such Voyage as aforesaid; and that such Master shall, so long as any Passenger be entitled to remain in the Ship, keep posted, in at least Two conspicuous Places between the Decks of the said Ship, Copies of such Abstract, and shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstract shall fail to be so posted; and that any Person displacing or defacing such Abstract so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

Land and Emigration Commissioners to prepare an Abstract of Acts and Orders in Council.

Such Abstract to be posted up in each Ship.

Penalty for Neglect, and for defacing same.

XIV. And be it enacted, That all Penalties imposed by this Act shall be sued for and recovered by such Persons only, and in such Manner, as in the said first-recited Act is provided in the Case of the Penalties thereby imposed.

How Penalties to be recovered.

XV. And be it enacted, That the Bond required by the said herein-before firstly-recited Act to be given in certain Cases to Her Majesty in respect of Ships carrying more than Fifty Passengers shall include and be a Security, not only for the Matters and Payments in the said Act mentioned, but also for the faithful Observance of the Provisions as well of the said herein-before secondly-recited Act as of this Act, and of any Rules and Regulations to be prescribed by any such Order in Council as aforesaid, and further

Bond required by first-recited Act to be Security for Observance of Provisions of secondly-recited

Act and this Act.

further for the due Payment by the Master of any such Vessel of all Penalties which he may be adjudged to pay under or by virtue of the said herein-before secondly-recited Act or of this Act.

Duties of Emigration Officer may be performed by his Assistant.

XVI. And be it enacted, That all Powers and Duties given to or imposed upon the Emigration Officer herein-before mentioned may be exercised and performed respectively by his Assistant in his Absence, or, at Ports where there shall be no such Emigration Officer, by the Officer of the Customs whose Duty it may be to grant a Clearance to such Ship.

Interpretation of Act.

XVII. And be it enacted, That in the Interpretation of this Act the Term "Passenger" shall be held not to include the Class of Passengers commonly known by the Name of Cabin Passengers; and the Term "Ship" shall include every Description of Sea-going Vessel; and the Term "Master" shall include any Person being in Command of such Vessel for the Time being; and that, unless there be something in the Subject Matter or Context repugnant to such Construction, every Word importing the Singular Number or the Masculine Gender only shall be construed to include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively.

Exemption of Ships carrying less than One Passenger to 25 Tons.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall apply to any Ship in which the Number of Passengers shall not bear to the registered Tonnage a greater Proportion than that of One Passenger to every Twenty-five Tons: Provided also, that if in any Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship carrying Passengers on any such Voyage as aforesaid did or did not carry a greater Number of Passengers than aforesaid in proportion to the Tonnage thereof, the Burden of proving that the Number of Passengers so carried in proportion to the Tonnage of the Ship was not greater than that of One Person to every Twenty-five Tons shall lie upon the Person against whom any such Action, Prosecution, or other legal Proceeding may be brought; and, failing such Proof, it shall, for any such Purpose as aforesaid, be taken and adjudged that the Number of Passengers so carried did exceed that Proportion.

In certain Actions as to Ships carrying Passengers, Proof to lie on Defendant.

Short Title of Act.

XIX. And be it enacted, That in all Proceedings it shall be sufficient to cite this Act by the Title of "The *North American* Passengers Act."

Continuance of Act.

XX. And be it enacted, That this Act shall remain in force for the Period of One Year from the passing thereof, and from thence to the End of the then next Session of Parliament.

Act may be amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. VII.

An Act to amend an Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prison, and for regulating the Queen's Prison. [28th *March* 1848.]

5 & 6 Vict. c. 22.

'WHEREAS by an Act, intituled *An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison*, passed in the Fifth Year of the Reign of Her 'Majesty, it is among other things enacted, that in the Queen's Prison the Male Prisoners shall be 'separated from the Female Prisoners, so as to prevent all Communication between them, and that the 'Prisoners shall be divided into Classes, and that the First Class shall be constituted of Debtors 'remanded by the Commissioners of the Court for the Relief of Insolvent Debtors on the Ground of 'Fraud, or for refusing to file a Schedule of their Property: And whereas Doubts have arisen as to the 'Construction and Application of so much of the above-recited Act as sets forth the Description of 'such Debtors as shall be comprised in the First Class:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as prescribes and sets forth that the First Class of Prisoners in the Queen's Prison shall comprise and be formed of Debtors remanded by the Commissioners of the Court of Insolvency on the Ground of Fraud, or for refusing to file a Schedule of their Property, shall be and is hereby repealed.

So much of recited Act as relates to First-class Prisoners repealed.

What Persons shall compose First-class Prisoners after passing of this Act.

II. And be it enacted, That from and after the passing of this Act the First Class of Prisoners in the Queen's Prison shall be composed of the Three following Descriptions of Persons; namely,

First.—Debtors adjudged under the Seventy-seventh, Seventy-eighth, and Ninety-sixth Clauses of the First and Second of *Victoria*, Chapter One hundred and ten, as not entitled to the Benefit of the said Act, and to be discharged at some future Period:

Secondly.—Debtors refusing or neglecting to file a Schedule of their Property when ordered to do so by the Court for the Relief of Insolvent Debtors under the Provisions of the Thirty-sixth Section of the First and Second of *Victoria*, Chapter One hundred and ten:

Thirdly.—Bankrupts against whom a Warrant may be issued and lodged by the Commissioners of Bankruptcy for Fraud or Contempt of Court.

Indemnity to Secretary of State and others for Acts already done in regard to Classification of Prisoners, &c.

III. And be it enacted That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to Her Majesty's Secretary of State and to the Keeper of the Queen's Prison respectively, and to all Persons acting under his or their Authority and Control, for all Things heretofore done or permitted to be done by the said Secretary of State or by the said Keeper or other Persons in regard to the Classification of the Prisoners in the Queen's Prison, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to the Prejudice or Detriment of the said Secretary of State or the Keeper of the Queen's Prison, or any Persons acting under his or their Authority and Control.

IV. And

IV. And be it enacted, That the Person appointed to act as Deputy Keeper of the Queen's Prison in case of the Illness or unavoidable Absence of the Keeper shall have all the Powers and execute all the Duties of the Keeper of the Queen's Prison, and the Keeper of the Queen's Prison shall be civilly responsible for all Acts and Omissions of his Deputy Keeper. In case of Illness, &c. of Keeper, Deputy Keeper to act.

V. And be it enacted, That every Tipstaff of the High Court of Chancery, and of the Courts of Queen's Bench, Common Pleas, and Exchequer, shall and he and they is and are hereby required to give such Security, by Bond or otherwise, to the Keeper of the Queen's Prison for the Time being as the Commissioners of Her Majesty's Treasury or any Three or more of them shall direct, for the faithful Discharge of the Duties intrusted to them as such Tipstaffs of the said Courts respectively in regard to any Prisoners confined in the Queen's Prison; and the said Tipstaffs shall and they are hereby required to obey all such Directions and Instructions as they or either of them may from Time to Time receive from the said Keeper of the Queen's Prison or his Deputy in respect of such Prisoners; and every Tipstaff of the said Courts neglecting or refusing to give such Security when required so to do, or not obeying the Directions and Instructions of the Keeper of the Queen's Prison or his Deputy shall for every such Default forfeit and pay the Sum of One hundred Pounds, to be recovered in any of Her Majesty's Courts of Law, in such Manner as the said Commissioners of Her Majesty's Treasury may direct. Tipstaffs of Court of Chancery, &c. to give Security to Keeper for faithful Discharge of Duties. Penalty on Tipstaffs neglecting to give Security or disobeying Instructions.

VI. 'And whereas under the Provisions of Acts heretofore passed certain Penalties or Terms of 'Imprisonment are imposed upon Persons convicted of carrying or taking any spirituous or fermented 'Liquor into any Prison, and Power has been given by subsequent Acts to any Justice or Justices of the 'Peace before whom the Offender is convicted to reduce or lessen the Penalty or Term of Imprisonment, 'and it is expedient to alter such Provisions in regard to the Queen's Prison:' Be it therefore enacted, That, so far as relates to the Queen's Prison established under the Act passed in the Fifth Year of Her present Majesty's Reign, the Power to reduce or lessen any Penalty or Term of Imprisonment shall no longer exist; and if any Person, in contravention of the existing Rules of the said Prison, shall carry or take or shall attempt to carry or take into the Queen's Prison any spirituous or fermented Liquor, it shall be lawful for the Keeper of the said Prison or his Deputy, or any Turnkey or other Person acting under his or their Authority, to apprehend or cause to be apprehended any Person so offending, and to convey him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Cases in a summary Manner; and if the said Justice shall convict any Person of such Offence, he shall commit such Offender to the Common Gaol or House of Correction, there to be kept in Custody for any Period not exceeding Three Months, without Bail or Mainprize, unless such Offender shall immediately upon Conviction pay down such Sum of Money as shall be adjudged by the said Justice, not exceeding Ten Pounds nor less than Three Pounds: Provided nevertheless, that in every Case where it shall be proved that the spirituous or fermented Liquor was concealed about the Person of the offending Party in Bladders or Skins, it shall not be lawful for any Justice to reduce such Penalty below the Sum of Ten Pounds; any Law, Custom, or Usage to the contrary notwithstanding. Former Provisions as to reducing Penalties, &c. for introducing Liquors into Prison no longer to exist. Persons acting contrary to Rules as to introducing spirituous Liquors may be taken before a Justice. Penalty for certain Offences not to be reduced below 10*l*.

VII. And be it enacted, That so much of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons*, as provides that the Sum to be given to any one Prisoner shall not exceed Sixpence *per Diem*, shall be and the same is hereby repealed. Repealing so much of 55 G. 3. c. 113. as restricts Sum given to Prisoners.

CAP. VIII.

An Act to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices. [13th *April* 1848.]

'Most Gracious Sovereign,

'WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An 'Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, 'and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, certain Rates and 'Duties arising from Property, Professions, Trades, and Offices were granted to Your Majesty for a 'Term therein limited and now expired, and by an Act passed in the Eighth Year of Your Majesty's 'Reign the same Rates and Duties were continued for a further limited Term, expiring with the Fifth 'Day of *April* One thousand eight hundred and forty-eight, We, Your Majesty's most dutiful and loyal 'Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, 'towards raising the necessary Supplies to defray Your Majesty's public Expenses, have freely and 'voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your Majesty for 'the Period herein-after limited; and do most humbly beseech Your Majesty that it may be enacted;' and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Rates and Duties by the said first-recited Act granted shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, from and after the Fifth Day of *April* One thousand eight hundred and forty-eight, for the Term of Three Years thence next ensuing, and until the Assessments made or which ought to be made for the last Year of the said Term, or for any preceding Year, shall be completed, collected, levied, and paid. 5&6 Vict. c. 35. Rates and Duties granted by recited Act further continued for Three Years.

II. And be it enacted, That the said first-recited Act, and all and every other Act and Acts in force upon or immediately before the Fifth Day of *April* One thousand eight hundred and forty-eight, in relation The several Acts continued in force.

relation to the Duties granted by the said first-recited Act, shall severally be continued and remain in full Force and Effect in relation to the Duties hereby continued and granted as aforesaid; and all and every the Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall (so far as the same shall be consistent with and shall not be superseded by the express Provisions of this Act) severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof respectively, for assessing, levying, recovering, paying, deducting, and accounting for the said Duties and all Arrears thereof, and for re-assessing the same in default of Payment, and for the suing for, adjudging, and recovering any Penalty which shall have been or may be incurred in relation to the said Duties, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby continued and granted as aforesaid.

Assessments under Schedules (A.) and (B.) for the Year 1848 to be in force for Three Years.

III. 'And whereas under and by virtue of the said recited Acts the Assessments made for the Year 'commencing from and after the Fifth Day of *April* One thousand eight hundred and forty-five of the 'Duties chargeable under the respective Schedules (A.) and (B.) of the said first-recited Act were 'continued in force for Three successive Years, and it is expedient that the Assessments of the Duties 'chargeable under the same Schedules by virtue of this Act should in like Manner be in force for the 'Term herein-after mentioned:' Be it enacted, That the Assessments to be made for the Year commencing from the Fifth Day of *April* One thousand eight hundred and forty-eight of the several Duties chargeable under the said respective Schedules (A.) and (B.), by virtue of this Act, shall respectively be and remain in force for Three successive Years, under and subject to the same Rules, Regulations, and Conditions as are specified in the said first-recited Act with reference to the Assessments made under the same Schedules for the Period of Three Years in the said first-recited Act mentioned; Provided always, that the respective Commissioners acting in the Execution of the said Acts shall cause fresh Duplicates of the said Assessments to be made out for the Second and Third Years respectively of the said Term for which the said Duties are continued by this Act, and such Duplicates to be delivered, together with Warrants under their Hands and Seals, to the Collectors to be appointed for collecting and levying the said Duties for the said Second and Third Years respectively, any thing in the said first-recited Act contained to the contrary notwithstanding.

Power to compound for Duties under Schedule (D.) continued.

IV. 'And whereas Contracts for Compositions for the Duties chargeable under Schedule (D.) of the said 'first-recited Act have been entered into, pursuant to the Powers given by the said recited Act in that 'Behalf, for a Term expiring with the Fifth Day of *April* One thousand eight hundred and forty-eight, 'and it is expedient to renew and continue the Powers of the Commissioners to enter into new Contracts 'for such Compositions for the Term limited by this Act:' Be it enacted, That it shall be lawful for the Commissioners for Special Purposes in the said first-recited Act mentioned to contract and agree for a Composition for the Duties chargeable under the said last-mentioned Schedule by virtue of this Act with any Person who may be desirous of compounding for the same for the Period of Three Years, to commence from the Fifth Day of *April* One thousand eight hundred and forty-eight, under and subject to the Rules, Regulations, and Conditions specified in the said first-recited Act with reference to the Compositions thereby authorized to be made for the Duties chargeable under the same Schedule for the Term in the said first-recited Act mentioned.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. IX.

An Act to continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same. [13th *April* 1848.]

'Most Gracious Sovereign,

5 & 6 Vict. c. 82.

'WHEREAS by an Act passed in the Fifth and Sixth Years of Your Majesty's Reign, intituled *An 'Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for 'collecting and managing the same, until the Tenth Day of* October *One thousand eight hundred and 'forty-five*, certain Rates and Duties denominated Stamp Duties were granted to Your Majesty for a 'Term therein limited, and now expired; and by an Act passed in the Eighth Year of Your Majesty's 'Reign, the same Rates and Duties were continued for a further limited Term, which will expire on the 'Tenth Day of *October* One thousand eight hundred and forty-eight: We, Your Majesty's most dutiful 'and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament 'assembled towards raising the necessary Supplies to defray Your Majesty's public Expenses, have 'freely and voluntarily resolved to continue the said Rates and Duties, and to grant the same to Your 'Majesty for the Period herein-after mentioned; and do most humbly beseech Your Majesty that it may 'be enacted;' and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the several Sums of Money, and Duties, and Composition for Duties, granted by the said first-recited Act, and not repealed by any subsequent Act, and also all

Duties continued for Three Years.

Duties

Duties now payable in lieu or instead of any of the said Duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, for the Term of Three Years, to commence on and to be computed from the Tenth Day of *October* One thousand eight hundred and forty-eight.

Recited Acts and other Acts continued in force.

II. And be it enacted, That the said first-recited Act, and all and every other Act and Acts now in force in relation to the Duties granted by the same Act, shall severally be continued and remain in full Force in all respects in relation to the Duties hereby continued and granted, and all and every the Powers and Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said Acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said Duties hereby continued and granted, as well during the Term herein limited as after the Expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said Duties and all Arrears thereof, and for the preventing, detecting, and punishing of all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if the same Powers, Authorities, Rules, Regulations, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. X.

An Act for empowering certain Officers of the High Court of Chancery to administer Oaths and take Declarations and Affirmations. [13th *April* 1848.]

'WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for abolishing certain Offices in the High Court of Chancery in* England, the Clerk of Enrolments in Chancery and the Clerks of Records and Writs were empowered to administer Oaths and take Affirmations and Attestations of Honour: And whereas it is expedient that the Clerk of Enrolments in Chancery and Clerks of Records and Writs should be empowered to take such Declarations as herein-after mentioned: And whereas by an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for the Discontinuance of the Attendance of the Masters in Ordinary of the High Court of Chancery in the Public Office, and for transferring the Business of such Public Office to the Affidavit Office in Chancery*, it was amongst other things enacted, that certain Duties theretofore done and performed by the Masters in Ordinary in the Public Office should thereafter be done and performed by the Clerk of Affidavits and the Assistant Clerks of Affidavits in manner directed by the said Act, and *William Thodey Smith* was thereby appointed the Second Assistant Clerk of Affidavits under the said Act: And whereas it is expedient that the Clerk of Affidavits and Assistant Clerks of Affidavits respectively should be empowered to administer such Oaths and take such Declarations and Affirmations, and Attestations upon Honour, as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for every Clerk of Enrolments in Chancery and Clerk of Records and Writs to take any Declaration required for the Purpose of enrolling any Deed or other Document in Chancery.

5 & 6 Vict. c. 103

10 & 11 Vict. c. 97.

Clerk of Enrolments and Clerks of Records and Writs may take Declarations.

Clerk of Affidavits and Assistant Clerks may administer Oaths and take Declarations.

II. And be it enacted, That from and after the passing of this Act it shall be lawful for every Clerk of Affidavits, Assistant Clerk and Second Assistant Clerk of Affidavits of the High Court of Chancery, to administer all such Oaths, and take all such Declarations, Affirmations, and Attestations upon Honour, as can now be administered or taken, or at any Time hereafter may by any Act of Parliament be directed to be administered or taken, by or before a Master in Ordinary of the said Court.

Persons swearing or declaring before such Officers to be subject to Penalties for Perjury.

III. And be it enacted, That all Persons swearing, declaring, affirming, or attesting before any Clerk of Enrolments in Chancery, or Clerk of Records and Writs, or Clerk of Affidavits, or Assistant Clerk or Second Assistant Clerk of Affidavits, under this Act, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before the High Court of Chancery or any of the Masters in Ordinary thereof.

Filling up Office of Second Assistant Clerk of Affidavits.

IV. And be it enacted, That as often as the Second Assistant Clerk of Affidavits or any of his Successors shall die or resign, or be removed from his Office, the Lord Chancellor shall have Power to appoint a Second Assistant Clerk of Affidavits in the Room of such one who shall so die, resign, or be removed.

Interpretation of "Lord Chancellor."

V. And be it enacted, That in construing this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and First Commissioner for the Custody of the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, for the Time being.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [22d *April* 1848.]

[*Number of Forces* 113,847. *This Act is the same, except as to Dates and the Sections here inserted, as* 10 & 11 *Vict. c.* 12.]

Power to constitute Courts-martial.

VI. And be it declared and enacted, That for the Purpose of bringing Offenders against this Act and the Articles of War to Justice Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British* Isles as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any Part of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried or punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

District or Garrison Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer nor to pass any Sentence of Death or Transportation.

Courts-martial in special Cases out of the Queen's Dominions.

XI. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

President of Courts-martial.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment or Detachment to which the Prisoner belongs; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission.

Previous Convictions to be put in Evidence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried shall, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by his Adjutant General, Brigade Major, or other competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under

Trial

Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay when in Confinement under Sentence;

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier by reason of his Imprisonment, whether under Sentence of a Court-martial, or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or being an Apprentice by reason of his being allowed to serve out his Time with his Master shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence instead of submitting to such Imprisonment or Forfeiture; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion, or of Absence without Leave;

or when absent without Leave, not exceeding Five Days.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. And be it enacted, That any General, Garrison, or District Court-martial, before which any Soldier shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such

such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period, not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; provided, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Fourteen Days, or may sentence a Soldier to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be Part in solitary Confinement and Part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days.

Custody of Prisoners under Military Sentence in Common Gaols.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier, for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Their Subsistence in Common Gaols.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary of War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Soldiers not to be taken for Debts under 30*l*.

LII. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out, amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such

such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Enlisting and swearing of Recruits.

LV. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital, authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Enlistment and Re-enlistment abroad.

LIX. 'And whereas it is expedient that Provision should be made for enlisting and attesting of 'Soldiers desirous of re-enlisting and others desirous of enlisting abroad;' be it therefore enacted, That it shall be lawful for any Person duly appointed by Her Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer, nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Tolls.

LXXVII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Penalty on Keepers of Prisons refusing to confine, &c. Military Offenders.

LXXXIX. And be it enacted, That any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalties upon Civil Subjects offending

XCI. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet

against the Laws relating to Billets and Carriages.

billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers, or shall neglect or refuse to execute such Warrants of the Justice as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Form of Actions at Law.

XCIV. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

SCHEDULES referred to by the foregoing Act.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom, were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?

12. Do you now belong to the Militia?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the East India Company* for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

DECLARATION to be made by a SOLDIER renewing his Service.

I (*may be,*) Number in Captain Company in the Regiment; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be*], for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

CAP. XII.

An Act for the better Security of the Crown and Government of the United Kingdom.

[22d *April* 1848.]

'WHEREAS by an Act of the Parliament of *Great Britain* passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Safety and Preservation of His Majesty's Person and Government against treasonable and seditious Practices and Attempts*, it was among other things enacted, that if any Person or Persons whatsoever, after the Day of the passing of that Act, during the natural Life of His said Majesty, and until the End of the next Session of Parliament after the Demise of the Crown, should, within the Realm or without, compass, imagine, invent, devise, or intend Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint of the Person of His said Majesty, His Heirs or Successors, or to deprive or depose Him or Them from the Style, Honour, or Kingly Name of the Imperial Crown of this Realm or of any other of His said Majesty's Dominions or Countries, or to levy War against His said Majesty, His Heirs and Successors, within this Realm, in order, by Force or Constraint, to compel Him or Them to change His or Their Measures or Counsels, or in order to put any Force or Constraint upon or to intimidate or overawe both Houses or either House of Parliament, or to move or stir any Foreigner or Stranger with Force to invade this Realm or any other of His said Majesty's Dominions or Countries under the Obeisance of His said Majesty, His Heirs and Successors, and such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, should express, utter, or declare, by publishing any Printing or Writing, or by any overt Act or Deed, being legally convicted thereof, upon the Oaths of Two lawful and credible Witnesses, upon Trial, or otherwise convicted or attainted by due Course of Law, then every such Person or Persons so as aforesaid offending should be deemed, declared, and adjudged to be a Traitor and Traitors, and should suffer Pains of Death, and also lose and forfeit as in Cases of High Treason: And whereas by an Act of Parliament passed in the Fifty-seventh Year of the same Reign, intituled *An Act to make perpetual certain Parts of an Act of the Thirty-sixth Year of His present Majesty, for the Safety and Preservation of His Majesty's Person and Government against treasonable and seditious Practices and Attempts, and for the Safety and Preservation of the Person of His Royal Highness the Prince Regent against treasonable Practices and Attempts*, all the herein-before recited Provisions of the said Act of the Thirty-sixth Year of His said Majesty's Reign which relate to the Heirs and Successors of His said Majesty, the Sovereigns of these Realms, were made perpetual: And whereas Doubts are entertained whether the Provisions so made perpetual were by the last-recited Act extended to *Ireland*: And whereas it is expedient to repeal all such of the Provisions made perpetual by the last-recited Act as do not relate to Offences against the Person of the Sovereign, and to enact other Provisions instead thereof applicable to all Parts of the United Kingdom, and to extend to *Ireland* such of the Provisions of the said Acts as are not hereby repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Provisions of the said Act of the Thirty-sixth Year of the Reign of King *George* the Third, made perpetual by the said Act of the Fifty-seventh Year of the same Reign, and all the Provisions of the last-mentioned Act in relation thereto, save such of the same respectively as relate to the compassing, imagining, inventing, devising, or intending Death or Destruction, or any bodily Harm tending to Death or Destruction, Maim or Wounding, Imprisonment or Restraint of the Person of the Heirs and Successors of His said Majesty King *George* the Third, and the expressing, uttering, or declaring of such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, shall be and the same are hereby repealed.

36 G. 3. c. 7.

57 G. 3. c. 6.

After passing of this Act, Provisions of 36 G. 3. c. 7. and 57 G. 3. c. 6. repealed, except as to Offences against the Person of the Sovereign.

II. And be it declared and enacted, That such of the said recited Provisions made perpetual by the said Act of the Fifty-seventh Year of the Reign of King *George* the Third as are not hereby repealed shall extend to and be in force in that Part of the United Kingdom called *Ireland*.

Certain Provisions of 36 G. 3. c. 7. extended to Ireland.

III. And be it enacted, That if any Person whatsoever after the passing of this Act shall, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our most Gracious Lady the Queen, Her Heirs or Successors, from the Style, Honour, or Royal Name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's Dominions and Countries, or to levy War against Her Majesty, Her Heirs or Successors, within any Part of the United Kingdom, in order by Force or Constraint to compel Her or Them to change Her or Their Measures or Counsels, or in order to put any Force or Constraint upon or in order to intimidate or overawe both Houses or either House of Parliament, or to move or stir any Foreigner or Stranger with Force to invade the United Kingdom or any other Her Majesty's Dominions or Countries under the Obeisance of Her Majesty, Her Heirs or Successors, and such Compassings, Imaginations, Inventions, Devices, or Intentions, or any of them, shall express, utter, or declare, by publishing any Printing or Writing, or by open and advised Speaking, or by any overt Act or Deed, every Person so offending shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of his or her natural Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Two Years, with or without hard Labour, as the Court shall direct.

Offences declared Felonies by this Act to be punishable by Transportation or Imprisonment.

IV. Pro-

IV. Provided always, and be it enacted, That no Person shall be prosecuted for any Felony by virtue of this Act in respect of such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised Speaking only, unless Information of such Compassings, Imaginations, Inventions, Devices, and Intentions, and of the Words by which the same were expressed, uttered, or declared, shall be given upon Oath to One or more Justice or Justices of the Peace, or to any Sheriff or Steward, or Sheriff Substitute or Steward Substitute, in *Scotland*, within Six Days after such Words shall have been spoken, and unless a Warrant for the Apprehension of the Person by whom such Words shall have been spoken shall be issued within Ten Days next after such Information shall have been given as aforesaid, and unless such Warrant shall be issued within Two Years next after the passing of this Act; and that no Person shall be convicted of any such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open or advised Speaking as aforesaid, except upon his own Confession in open Court, or unless the Words so spoken shall be proved by Two credible Witnesses.

Time within which Prosecution shall be commenced, Warrant issued, &c.

V. And be it enacted, That it shall be lawful, in any Indictment for any Felony under this Act, to charge against the Offender any Number of the Matters, Acts, or Deeds by which such Compassings, Imaginations, Inventions, Devices, or Intentions as aforesaid, or any of them, shall have been expressed, uttered, or declared.

In Indictments more than One overt Act may be charged.

VI. Provided always, and be it enacted, That nothing herein contained shall lessen the Force of or in any Manner affect anything enacted by the Statute passed in the Twenty-fifth Year of King *Edward* the Third, *A Declaration which Offences shall be adjudged Treason.*

Nothing herein to affect 25 Edw. 3. c. 2.

VII. Provided also, and be it enacted, That if the Facts or Matters alleged in an Indictment for any Felony under this Act shall amount in Law to Treason, such Indictment shall not by reason thereof be deemed void, erroneous, or defective; and if the Facts or Matters proved on the Trial of any Person indicted for any Felony under this Act shall amount in Law to Treason, such Person shall not by reason thereof be entitled to be acquitted of such Felony; but no Person tried for such Felony shall be afterwards prosecuted for Treason upon the same Facts.

Indictments for Felony under this Act valid, though the Facts may amount to Treason.

VIII. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree and every Accessary before the Fact shall be punishable in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessary after the Fact to any such Felony shall on Conviction be liable to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

As to the Punishment of Accessaries before and after the Fact.

IX. Provided always, and be it enacted, That no Person committed for Trial in *Scotland* for any Offence under this Act shall be entitled to insist on Liberation on Bail, unless with Consent of the public Prosecutor, or by Warrant of the High Court or Circuit Court of Justiciary, in such and the like Manner and to the same Effect as is provided by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide that Persons accused of Forgery in* Scotland *shall not be entitled to Bail, unless in certain Cases;* but the Trial of any Person so committed, and whether liberated on Bail or not, shall in all Cases be proceeded with and brought to a Conclusion under the like Certification and Conditions as if Intimation to fix a Diet for Trial had been made to the public Prosecutor in Terms of an Act passed in the *Scottish* Parliament in the Year One thousand seven hundred and one, intituled *An Act for preventing wrongous Imprisonment, and against undue Delays in Trials.*

Felonies under this Act in Scotland not bailable, except as provided by 5 & 6 W. 4. c. 73.

Trial to take place in Terms of Act of Scottish Parliament of 1701.

X. And be it enacted, That it shall not be lawful for any Court before which any Person shall be prosecuted or tried for any Felony under this Act to order Payment to the Prosecutor or the Witnesses of any Costs which shall be incurred in preferring or prosecuting any such Indictment.

No Costs allowed in Prosecutions under this Act.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

CAP. XIII.

An Act for amending the Law for the leasing of Mines in *Ireland.* [22d *April* 1848.]

'WHEREAS by an Act passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the further Encouragement of finding and working Mines and Minerals within this Kingdom*, it is amongst other things enacted, that it shall be lawful to and for all Archbishops and Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries, and other Dignitaries Ecclesiastical, Parsons, Rectors, Vicars, and to and for all Bodies Politic and Corporate, Colleges, Cathedral or Collegiate Churches, and Hospitals, and to and for all and every Person or Persons whatsoever who now are or at any Time hereafter shall be Tenant or Tenants for Life, with an immediate Remainder to his or her First and every other Son in Tail Male, and also to and for all and every Person and Persons who now are or at any Time hereafter shall be Tenant in Dower or by Courtesy, by and with the Consent and Concurrence of such Person and Persons as shall be seised in reversion or remainder of an Estate of Inheritance of and in any Mines therein-after mentioned, immediately expectant upon the Death of such Tenant in Dower or by the Courtesy, or in case of the Nonage, Idiotcy, or the Lunacy of such Person so seised in reversion or remainder, then with and by the Consent of the Guardian or Guardians of such Minor, or the Committee of such Idiot or Lunatic, by and with the Approbation of the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal of this Kingdom, for the Time being, in the said Cases of Nonage, Idiotcy, 10 G. 1. (I.)

'Idiotcy, or Lunacy, by Indentures under their respective Hands and Seals, whereof Counterparts are 'to be duly executed by the respective Lessees, to make and grant Leases, not exceeding the Term of 'Thirty-one Years, of all Mines and Minerals whatsoever which are already found or shall or may 'hereafter be found and discovered within their respective Manors, Glebes, or Lands, so as the same be 'made to commence in possession, without any Fine or Income, or any other Consideration than the 'yearly Rent in such Lease or Leases reserved and mentioned, and so as the most improved Rent that 'can be reasonably gotten for the same be reserved upon every such Lease, and that such Rent be not 'less in Value than One Tenth Part or Share of the Ore to be dug and raised out of such Mines or 'Minerals, without any Regard had to the Charges and Expenses in digging, raising, and laying the 'same on the Bank, and so as such Rent shall be reserved and made payable in and by such Leases to 'such Lessor or Lessors or such other Person and Persons as should from Time to Time during the 'Continuance of such Lease have been actually entitled by the Laws of this Kingdom to the Benefit of 'such Mines and Minerals in case this Act had not been made: And whereas by an Act passed in 'the Parliament of *Ireland* in the Fifteenth Year of the Reign of King *George* the Second, intituled 15 G. 2. (I.) '*An Act for explaining and amending an Act intituled 'An Act for the further Encouragement* ''*of finding and working Mines and Minerals in this Kingdom,*' the Provisions of the said Act of 'the Tenth Year of the Reign of King *George* the First were extended to Coal Mines: And whereas 'by an Act passed in the Parliament of *Ireland* in the Twenty-third Year of the Reign of 23 G. 2. (I.) 'King *George* the Second, intituled *An Act for explaining and amending an Act intituled 'An Act* ''*for the further Encouragement of finding and working Mines and Minerals within this King-*''*dom,*' the Provisions of the said recited Act of the Tenth Year of the Reign of King *George* the 'First are further extended, and the Persons and Parties therein mentioned are empowered to make 'Leases of Coal Mines for any Term or Number of Years not exceeding Forty-one Years, in possession, 'and not in reversion, at any Rent or Rents not less than Two-pence for every Ton of Coals which 'shall be raised and laid upon the Bank, without Fine or Income or any other Consideration than the 'yearly Rent reserved: And whereas certain of the said Acts were further amended by an Act of the 46 G. 3. c. 71. 'Forty-sixth Year of the Reign of King *George* the Third, intituled *An Act to amend several Acts for* ''*the Encouragement of finding and working Mines and Minerals within* Ireland; and it is expedient 'further to amend the Provisions of the said Acts, in relation to the Duration of the Term and to the 'Rent to be reserved on Leases therein provided for:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act of the Tenth Year of King *George* the First, and of the said recited Acts amending the same, as limits the Term of such Leases to Thirty-one Years, and as requires that the Rent reserved upon such Lease or Leases be not less in Value than One Tenth Part or Share of the Ore to be dug and raised out of such Mines or Minerals, without any Regard to the Charges and Expenses in digging and raising and laying the same on the Bank, and also so much of the said recited Act of the Twenty-third Year of King *George* the Second, or of any Act amending the same, as provides that the Rent or Rents reserved in any such Leases of Coal Mines as in the said Act mentioned shall not be less than Two-pence for every Ton of Coals which shall be raised and laid upon the Bank, shall be and the same is and are hereby repealed; and that it shall be lawful for all and every the respective Person or Persons, Bodies Politic or Corporate, empowered to make Leases by the said recited Acts respectively, or by any of them, and they and every of them are hereby empowered, in like Manner as in the said Acts respectively mentioned, to make and grant for any Term of Years not exceeding Forty-one Years any such Lease or Leases as is or are authorized by the said recited Acts or any of them to be made for a Term not exceeding Thirty-one Years, or any Term therein mentioned, so as every such Lease be made to commence in possession, without any Fine or Foregift or any other Consideration than the yearly Rent or other Return in the Nature of Rent in such Lease or Leases reserved and mentioned, and so as the best and most improved Rent or other Return in the Nature of Rent, whether in Money or in Kind, that can be reasonably gotten for the same, be reserved upon every such Lease, and so as such Rent or Return in the Nature of Rent shall be reserved and made payable in and by every such Lease to such Lessor or Lessors, or such other Person and Persons as should from Time to Time during the Continuance of such Lease have been actually entitled by Law to the Benefit of such Mines and Minerals in case the said recited Acts and this Act had not been passed, and so as in every such Lease there be contained a Condition for Re-entry on Nonpayment of the Rent or Return in the Nature of Rent to be thereby reserved, and so as every such Lessee do execute a Counterpart of his Lease; and the several Clauses and Provisions of the said recited Acts now in force, and not hereby altered or repealed, shall, so far as the same are respectively applicable, and not repugnant to this Act, be construed to extend to such Leases as are hereby authorized.

So much of recited Acts as specifies a minimum Rent upon Leases of Mines, or limits the Term of such Leases to Thirty-one Years, repealed; and Leases of Mines authorized by the said Acts may be made for Forty-one Years, so as the best improved Rent that can be reasonably gotten be reserved, &c.

II. And be it enacted, That it shall be lawful for any Trustee or Trustees, Feoffee or Feoffees, for any charitable or other Purposes, or Feme Coverte or Infant, of any Freehold Estate in any such Mines or Minerals as aforesaid, or of any Estate therein (other than a Lease at Rack Rent) created for a Term of Years not exceeding Fifty Years unexpired, or determinable upon the Fall of any Life or Lives, or upon the Execution of any Trusts mentioned in any Deed or Assurance creating such Term, and also for any Trustee or Trustees of any such Estate or Interest who shall be in the actual Possession of such Mines or Minerals, or the Rents and Profits thereof, or in receipt of the Rents payable by the Tenants thereof, on behalf of their respective Cestuique Trusts or such Feme Coverte or Infant as aforesaid, to make any Lease

Trustees, &c. of any Freehold Estate in Mines may make Leases for 41 Years upon like Terms as hereinbefore provided.

Lease or Leases of the same, and of Lands contiguous thereto, as in any of the said recited Acts specified, for any Term of Years not exceeding Forty-one Years, upon like Terms and Conditions as herein-before provided as to the Leases hereby authorized.

Leases under recited Acts may be surrendered, and re-granted.

III. And be it enacted, That it shall be lawful for any of the said respective Persons, Bodies Politic or Corporate, herein-before mentioned, to accept a Surrender or Surrenders of any existing Lease or Leases made under the Authority of the said recited Acts or any of them, and thereupon to make and grant a Lease or Leases of the same Mines or Minerals under the Provisions of this Act.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XIV.

An Act for authorizing a Borough Police Superannuation Fund. [22d *April* 1848.]

5 & 6 W. 4. c. 76.

'WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, whereby 'the Council to be elected for any Borough within the Provisions of the said Act was directed to appoint 'a Watch Committee, and such Committee was directed to appoint from Time to Time, as Occasion 'should require, a sufficient Number of fit Men to act as Constables for preserving the Peace by Day 'and by Night, which Constables are usually called the Police Force of such Borough; and the said 'Watch Committee was thereby authorized to frame Regulations for rendering such Constables efficient 'in the Discharge of their Duties; and the Treasurer of each Borough was thereby directed to pay to 'such Constables such Salaries, Wages, and Allowances as such Watch Committee, with the Appro-'bation of the Council, should order to be paid, or as a Compensation for Wounds or severe Injuries 'received in the Performance of their Duty, or as an Allowance to such of them as should be disabled 'by bodily Injury received, or be worn out by Length of Service: And whereas it might tend to the 'Encouragement of such Constables to continue in such Service, and to behave themselves in an 'orderly Manner, if the Council were enabled to establish a Superannuation Fund in each Borough, 'from which Fund each Police Constable, on the Events hereafter mentioned, shall be entitled to have 'and receive the Allowance herein-after mentioned, independently of any Payment that may be 'awarded to him under the Provisions of the Act above mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Town Council of any Borough within the Provisions of the said Act, or subsequently incorporated, if it see fit, to declare that a Police Superannuation Fund shall be established in such Borough, and thereupon such Police Superannuation Fund shall be established accordingly, and the Provisions of this Act shall thenceforth be in full Force and Effect.

Councils of Boroughs may establish Police Superannuation Funds.

Superannuation Funds to be supported by Contributions of the Police Force, &c.;

II. And be it enacted, That there shall be thenceforth deducted from the Pay of every Constable belonging to the Police Force of such Borough, either as Superintendent or Head Officer of the Police, or as Inspector, Acting Inspector, Serjeant, or Private Constable, or Clerk, a weekly Sum, as nearly as may be equal to One Thirty-sixth Part of his weekly Pay and Emoluments (Clothing excepted), which said Sums shall be so deducted from every Constable holding any such Office, Rank, or Situation respectively, by whatever Name or Title they may respectively be denominated in such Force; which Sums so deducted, and also all Monies accruing from Fines imposed on any of the Constables for Misconduct, and all Monies arising from the Sale of worn or cast-off Clothing supplied for the Use of the Police, and all Monies paid for the Service of Summons or Orders and Execution of Warrants by the Police, shall from Time to Time be paid into a separate Fund of such Borough, to be called the "Police Superannuation Fund;" and such Fund, and the Accounts thereof, shall be kept separate from the Borough Fund, but shall be in all respects managed and audited like the other Funds of such Borough, and shall be from Time to Time applied in Payment of such Superannuation or Retiring Allowances to Police Constables as herein-after mentioned; (that is to say,) if he shall have served as Police Constable in the said Police Force for Fifteen Years successively as a Private Police Constable, or as Serjeant or Inspector, Acting Inspector, Superintendent, or Head Officer, or any or all of those Ranks, he shall be entitled then to retire on a yearly Superannuation Allowance of an Amount equal to Half his full Pay; but if he shall then be able and willing to continue to serve as a Police Constable, and the Watch Committee shall consent thereto, he shall then receive his full Pay as a Constable from the Borough Fund, and also One Third, but no more, of the above-named Allowance from the Superannuation Fund; and when he shall have served as aforesaid for Twenty Years he shall be entitled to retire on a yearly Pension equal to Two Thirds of his full Pay; but if he shall then be able and willing still to serve as a Police Constable, and the Watch Committee shall consent thereto, he shall then receive his full Pay as a Constable from the Borough Fund, and also One Third Part, and no more, of the said last-named Allowance from the Superannuation Fund; and if at any Time any Police Constable so entitled to a retiring Pension, but receiving a reduced Pension, while continuing to serve as a Constable, shall retire from the Police Force, he shall thenceforth receive the full Pension he would have been entitled to receive had he not continued so to serve: Provided always, that if any Police Constable who shall have served the necessary Period before Superannuation shall have so served in different Ranks or Capacities, his Superannuation Allowance shall be granted to him for a like Number of Years respectively in which he served in such several Ranks or Capacities, according to the Rate of Pay of each of the said several Ranks or Capacities.

and to be kept separate from Borough Fund.

Rates of Superannuation or Retiring Allowances.

Rate of Superannuation where Constable has served in different Ranks.

III. And

No Superannuation under 50, unless unfit for Service.

III. And be it enacted, That no Police Constable shall be entitled to be superannuated who is under Fifty Years of Age, unless he be reported, in Writing, by the Surgeon to the Police Force, to be unfit for further Service in the Force from Infirmity of Body or Mind.

Superannuation may be ordered by Watch Committee, on Certificate of Police Surgeon.

IV. And be it enacted, That if any Party shall have served with Diligence and Fidelity in the Police Force for Ten Years successively, and from Injury received in the Service, or from Infirmity of Mind or Body, shall become incapable of discharging the Duties of his Office, and such last-named Circumstance shall be certified by the Police Surgeon for the Time being, thereupon it shall be lawful for the Watch Committee to order such Constable to be superannuated, and to receive out of the Police Superannuation Fund any Superannuation Allowance which such Watch Committee shall see fit to order, not exceeding Half his full Pay as before mentioned.

Constables dismissed or retiring to forfeit Claim to Superannuation, &c.

V. And be it enacted, That nothing herein contained shall be construed so as to prevent the Dismissal of any Police Constable, who shall thereupon, or upon his retiring from the said Police Force, forfeit all Claim upon the Superannuation Fund; but if restored to the said Police Force, the Watch Committee may, if it see fit, at any Time make an Order enabling him to have the Time of his former Service reckoned in as Time served in respect of Superannuation, and thereupon it shall be so reckoned accordingly.

Monies paid to Superannuation Fund to be employed in aid of Borough Fund, &c.

VI. And be it enacted, That, until the Town Council of such Borough shall otherwise direct, the Monies belonging to such Superannuation Fund shall be paid over to the Treasurer of the Borough, and employed in aid of the Borough Fund, and such Borough Fund shall be liable and answerable for the Amount thereof and of every Part thereof, when and as the same shall become liable under the Provisions hereof, and for all Accumulations and Interest thereon, after the yearly Rate of Five Pounds in the Hundred Pounds; and a separate Account shall nevertheless continue to be kept and audited, and a Debtor and Creditor Account kept, of all Receipts and Payments made as between the Borough Fund and Police Superannuation Fund: Provided always, that it shall be lawful for the Town Council to order the same or any Part thereof to be invested in Government Stock or Real Security in the Name of "The Treasurer of the Borough of [here insert the Name of the Borough] for the Time being;" and immediately upon such Investment, so long as the same shall remain so invested, the Borough Fund shall cease to be liable for the Monies so invested, or any Interest thereon, but the Dividends on such Stock shall from Time to Time be received by such Treasurer, and shall be by him caried to the Credit of such Superannuation Fund; and it shall be lawful for the said Council at any Time to order the said Treasurer to re-sell such Funds, and place the Produce thereof again in the Borough Fund, subject to the like Rules as before mentioned.

Power to Town Council to invest Monies in Government Securities;

and to re-sell and replace same in Borough Fund.

This Act may apply to existing Superannuation Funds.

VII. And be it enacted, That it shall be lawful for the Town Council of any Borough, if it see fit, to declare that any Superannuation Fund heretofore established in the Police Force of such Borough shall, after the passing of this Act, be deemed to be, and the same shall thereupon be, a Superannuation Fund under this Act, and shall thereafter be in all respects regulated according to the Provisions hereof.

If Fund exhausted, Town Council may advance Money; but if Town Council decline to advance Superannuations to be reduced pro ratâ.

VIII. And be it enacted, That in case the Superannuation Fund shall become exhausted, it shall be lawful for the Town Council, if it see fit, to cause Money to be advanced on account thereof out of the Borough Fund by the Treasurer, who shall thereupon receive the Funds coming to such Superannuation Fund from Time to Time on account of the Borough Fund, till such Advances shall have been paid off; but if the Town Council shall decline to make any such Advance, then the respective Payments to all Parties entitled to Superannuation from the said Fund shall be reduced *pro ratâ*, during such Time as the said Fund shall be insufficient to pay the whole of the Superannuation chargeable thereon in full; but the Amount of such Reductions shall nevertheless be a Charge on the said Fund, payable whenever afterwards the said Fund shall be capable of paying the total Amount thereof to all the said Parties whose Superannuations shall have been so reduced.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[22d *April* 1848.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 10 & 11 *Vict. c.* 13.]

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VII. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer

shall

shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Courts-martial in special Cases out of the Queen's Dominions.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

President of Court-martial.

XV. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor the Commanding Officer of the Division to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission.

Previous Convictions to be put in Evidence.

XVIII. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried shall, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate, or by the Officer officiating as such, or by the Officer confirming the Proceedings, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Power to inflict Corporal Punishment and Imprisonment.

XXIX. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment with or without hard Labour.

Power to commute Corporal Punishment.

XXX. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period hereinafter prescribed.

Forfeiture of Pay when in Confinement;

XXXIII. And be it enacted, That if any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and that no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and that any Marine who shall be convicted of Desertion or of Absence without Leave shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may, moreover, order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited; provided that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

or during Absence on Commitment, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. And be it enacted, That any General, Garrison, or District Court-martial, before which any Marine shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such Court is competent to award, deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay, for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages

XXXVI. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good —

Any

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Accoutrements or Necessaries, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Accoutrements or Necessaries of any other Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that, after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power of Imprisonment by different Kinds of Courts-martial.

XXXIX. And be it enacted, That a General or District Court-martial may sentence any Marine to Imprisonment with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Fourteen Days, or may sentence a Marine to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be Part in solitary Confinement and Part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days.

Subsistence of Prisoners in Common Gaols.

XLIV. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. And be it enacted, That for and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Punishment for inducing Marines to desert.

LIV. And be it enacted, That any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Marines not to be taken for Debts under 30*l.*, or for not supporting Family.

LVI. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by reason of the Warrant of any Justice or other Process for not supporting or leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Marine shall be liable to be taken out of Her Majesty's Service by any Process or Execution whatsoever, other than for some criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the

Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine, or left at his last Quarters or Place of Residence before such listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Enlisting and swearing of Recruits.

LIX. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight Hours but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Billeting of Marines.

LXIX. 'And whereas there is and may be Occasion for the marching and also for the quartering of 'the Royal Marine Forces when on shore:' Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates hereinafter provided; and at no Time when Marines are on March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more

Justices

Justices within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh:* Provided always, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Supply of Carriages.

LXXI. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Exemption from Tolls.

LXXVI. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein

herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Definition of Terms.

XCI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly credited as such.

Marines not to be billeted in private Houses, &c.

SCHEDULE referred to by this Act.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and where and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Magistrate is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve

serve Her Majesty, Her Heirs and Successors, as a Marine for a further Term of . . . . Years [*to be filled up with* Twelve Years, *and in the Case of a Marine about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-four Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

_____ *Signature of Marine.*

_____ *Signature of Witness.*

CAP. XVI.

An Act for raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight. [22d *April* 1848.]

CAP. XVII.

An Act to amend the Act of the present Session to facilitate the Completion of Public Works in *Ireland*. [22d *April* 1848.]

11 Vict. c. 1.

'WHEREAS by an Act passed in the present Session of Parliament, intituled *An Act to facilitate the Completion, in certain Cases, of Public Works in* Ireland, certain Returns for the Purposes of the said Act are directed to be made at the then ensuing Spring Assizes, and under the said recited Act and the Acts incorporated therewith certain Presentments and Proceedings are to be made and taken at the same Assizes: And whereas it is expedient that the Time for Proceedings under the said Act should be extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Returns, Special Sessions, Presentments, and Proceedings which, under the Provisions of the said recited Act, should or might be made, held, or taken previous to or at the Spring Assizes in the Year One thousand eight hundred and forty-eight, shall and may be made, held, and taken in like Manner previous to or at the Summer Assizes of the same Year, notwithstanding any Special Sessions or Proceedings that may have been previously held or taken under the said recited Act; and that all the Powers and Provisions of the said recited Act shall extend and apply to the said Summer Assizes, and to any Grand Jury empannelled thereat, and to the Returns, Presentments, Matters, and Things to be made or done thereat, or previously or subsequently thereto, as fully and effectually as to the said Spring Assizes, or to any Grand Jury empannelled thereat, or to the Returns, Presentments, Matters, and Things to be made or done thereat, or previously or subsequently thereto.

Proceedings which under the recited Act might be done at the Spring Assizes, may be done in like Manner at the Summer Assizes of this Year.

II. 'And whereas it is by the said recited Act amongst other things enacted, that in certain Cases therein mentioned the Secretary of the Grand Jury of any County shall, by Notice under his Hand, convene a Special Presentment Sessions for the County, to be holden at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice nor later than Six Weeks after the First Special Presentment Sessions shall have been held for any Barony or Half Barony within such County under the Provisions of the said Act:' Be it enacted, That any such Special Presentment Sessions for the County shall and may, in the like Cases as in the said Act provided for the holding of such Sessions, notwithstanding any such Special Sessions that may have been previously held under the said recited Act, be convened by the Secretary of the Grand Jury by Notice under his Hand, to be holden in the County Court House, for the Purposes of the said Act and this Act, at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice nor later than Six Weeks after the First Special Presentment Sessions shall have been held after the passing of this Act for any Barony or Half Barony of such County, for the Purposes of the said recited Act and this Act, and subject to like Provisions.

Time for holding Presentment Sessions for the County extended.

III. And be it declared and enacted, That any Sessions holden under the Provisions of the said recited Act and this Act may be continued from Day to Day, or may be adjourned as shall be found expedient or necessary: Provided always, that within Thirty Days from the Termination of such adjourned or continued Sessions the adjourned Sessions for the opening of sealed Tenders and Proposals, as in the said recited Act mentioned, may be holden for the Purposes in the said Act mentioned.

As to Adjournment of Sessions held under recited Act and this Act.

IV. And be it enacted, That the said recited Act and this Act shall be construed together as One Act.

Construction of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XVIII.

An Act to remove certain Doubts as to the Law for the Trial of controverted Elections. [5th *May* 1848.]

'WHEREAS Petitions have been presented in several Cases to the House of Commons, complaining of an undue Election or Return of a Member or Members to serve in Parliament: And whereas such Petitions are endorsed by a Certificate under the Hand of the Examiner of Recognizances, to the Effect that the Recognizances required by an Act passed in the Eighth Year of the Reign of Her present

7 & 8 Vict. c. 103.

'present Majesty, intituled *An Act to amend the Laws for the Trial of controverted Elections of Members to serve in Parliament*, have been entered into and received by him, with the Affidavits thereunto annexed: And whereas in some of such Cases Doubts have been entertained as to the Validity of the Recognizances so entered into as aforesaid: And whereas in some of the Cases wherein such Doubts have been entertained as aforesaid other Petitions have also been presented from the sitting Member or Members, complaining of the Invalidity of the Recognizances entered into in pursuance of the said recited Act, and praying for Relief in the Premises: And whereas it is desirable that the Doubts hereinbefore mentioned should be put an end to, and that a Mode of proceeding should be prescribed with respect to the Determination of the several before-mentioned Petitions:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Sitting Members may, in all Cases of Election Petitions presented before the 1st of March, object to the Recognizance, on Grounds omitted to be specified in recited Act.

That in all Cases of Election Petitions which shall have been presented before the First of *March* in the present Year, and which shall after the passing of this Act be tried during the present Session of Parliament, it shall be lawful for all and every the sitting Members and Member against whose Return any such Petition shall have been presented, by themselves or himself, or their or his Agents or Agent, to deliver in to the Clerk of the General Committee of Elections, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return, Notice in Writing that a preliminary Objection will be made before such Select Committee to the Form or Substance of the Recognizance or Recognizances entered into by or on behalf of the Petitioner or Petitioners against such Return, provided that the Ground or Grounds of such Objection be not such as would, under the said recited Act, have entitled any sitting Member petitioned against to object to the Sureties or any of them who shall have entered into such Recognizance or Recognizances, and that the Grounds of Objection be stated in such Notice.

Select Committee appointed to try Petition shall inquire into such Objection, and if Recognizances good proceed to try the Merits of the Return.

If Recognizances be invalid through Neglect, no further Proceedings to be had.

If Recognizances be void, but not through the Neglect of the Petitioners, or if of doubtful Effect, Committee may amend the same, or Petitioners may enter into new Recognizances.

II. And be it enacted, That in all Cases in which such Notice of Objection shall have been delivered in as aforesaid the Select Committee chosen to try the Election Petition or Election Petitions to which such Notice relates shall in the first instance inquire into and decide upon such preliminary Objection; and such Select Committee shall have, for the Purpose of such Inquiry and Decision, all the Powers given to Select Committees by the said recited Act for the Purpose of trying the Merits of the Return or Election petitioned against; and if such Select Committee shall be of opinion that such Recognizance or Recognizances is or are good and valid for all the Intents and Purposes of the said recited Act, such Committee shall decide that the same is or are good, and shall thereafter proceed to try the Merits of the Return or Election the Petition relating to which shall have been referred to them; and if such Committee shall be of opinion that the Recognizance or Recognizances objected to are void, and that such Invalidity is in any degree attributable to the Neglect or Laches of the Petitioner or Petitioners, or the Party or Parties entering into such Recognizance or Recognizances, or their or any of their Agents, then the Committee shall report to the House accordingly, and no further Proceeding shall be had upon such Petition or Petitions, and the Order referring the same to such Select Committee shall be discharged; and if such Select Committee shall be of opinion that such Recognizance or Recognizances are void, as herein-before mentioned, but that any such Invalidity as aforesaid is in no degree attributable to the Neglect or Laches of the Petitioner or Petitioners, or of the Party or Parties entering into such Recognizance or Recognizances, or their or any of their Agents, or shall be of opinion that the Validity of such Recognizance or Recognizances is doubtful, or that any Party for whose Security such Recognizance or Recognizances was or were intended might be embarrassed in enforcing the same, then the Committee shall (as the Case may be) decide accordingly, and in either Case that such Recognizance or Recognizances may be amended; and thereupon, if the Person or Persons who shall have entered into such Recognizance or Recognizances, or the Survivors or Survivor of them, shall consent thereto, in Writing signed by his or their Hand or Hands, the Committee shall forthwith, by their Chairman, amend such Recognizance or Recognizances, by making the same conformable to the Form of Recognizance contained in the Schedule to the said recited Act, and the Chairman shall write in the Margin of the same, against every Amendment, the Words "amended by Committee," and shall sign his Name to such Words; or it shall be lawful for the Petitioner or Petitioners forthwith, before the Examiner of Recognizances who shall for that Purpose attend the Committee, to enter into a new Recognizance or new Recognizances, with sufficient Sureties, (as required by the said recited Act,) previously approved of by the Committee, who shall have, for the Purpose of inquiring into the Sufficiency of such Sureties, all the said Powers given to Select Committees by the said recited Act, and the Committee shall also be satisfied that the new Recognizance or Recognizances is or are in due Form and valid; and the Committee, having made such Amendment, or being satisfied with such new Recognizance or Recognizances, shall decide that the Recognizance or Recognizances so amended or newly entered into is or are good, and shall proceed to try the Merits of the Return or Election as aforesaid; but if the Person or Persons who shall have entered into such Recognizance or Recognizances shall not consent in manner aforesaid to such Amendment, and if no new Recognizance or Recognizances shall be entered into as aforesaid, the Committee shall report to the House that such Recognizance or Recognizances ought to be amended, or new Recognizances entered into, but that the Parties have not consented to such Amendment or entered into new Recognizances, and thereupon no further Proceedings shall be had upon the Petition referred to such Committee, and the Order referring the same to them shall be discharged.

Amended or new Recogni-

III. And be it enacted, That all and every Recognizances and Recognizance which shall be amended by any Select Committee shall after such Amendment have, and shall be held and taken in all Courts to

have

have had, from the Time when the same were or was entered into, the same Force and Effect for all Intents and Purposes whatsoever as if the same when entered into had been in the Words and Figures in which the same shall be when so amended as aforesaid; and the marginal Words "amended by Committee," written against any Amendment in the same, and appearing to be signed as aforesaid, shall be Evidence in all Courts that such Amendment was duly made, and such marginal Words duly signed, under the Authority of this Act; and any new Recognizance or Recognizances which shall be entered into under the Authority of this Act shall have, and shall be taken to have had, from before the receiving of the Petition to which the same shall relate, the same Force and Effect to all Intents and Purposes as if the same had been duly entered into under the said recited Act before the receiving of such Petition, and as if the Examiner of Recognizances had reported to the Speaker that the Sureties entering into the same are unobjectionable; and the Decision of every Select Committee that any Recognizance or Recognizances, or that any amended Recognizance or Recognizances, is or are good, shall be final and conclusive against all Parties, and the Validity of any such Recognizance or Recognizances shall not be called in question in any Court upon any Ground or Pretence whatever.

zances to have the same Effect as when originally entered into, and the Decision of the Committee, that the same is good, to be final.

IV. And be it enacted, That the said recited Act and this Act shall be read and construed together as One Act.

Construction of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine.

[9th *June* 1848.]

[*This Act is the same, except as to Dates, as* 10 & 11 *Vict. c.* 18.]

CAP. XX.

An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm. [9th *June* 1848.]

'WHEREAS it is expedient, for the due Security of the Peace and Tranquillity of this Realm, that 'Provision should be made, for a Time to be limited, respecting Aliens arriving or resident in this 'Kingdom:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called *Great Britain*, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquillity of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any Part of this Realm, or who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called *Great Britain*, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called *Ireland*, by Order under his or their Hand or Hands respectively, to be published in the *London* or *Dublin* Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within *Great Britain* or *Ireland* respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order; and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority herein-after given.

Power to Secretory of State or Lord Lieutenant of Ireland to order Aliens to depart this Realm.

If Aliens wilfully refuse to obey such Order, they may be committed to Gaol until taken in charge for the Purpose of being sent out of the Realm.

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

Penalty on Aliens disobeying such Order.

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of *Ireland*, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to

Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of

Ireland, to be conveyed out of the Kingdom.

to One of Her Majesty's Messengers, or to any other Person or Persons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly: Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in *Great Britain* or in *Ireland*, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same, either absolutely or on such Condition as they shall think fit; and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the said Lords of Her Majesty's Privy Council; and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honourable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same.

Privy Council shall cause a Summary of Matters alleged against Alien to be delivered to him, &c.

Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alleged against him or her.

Where Alien not sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where Application has been made, to continue in or discharge such Alien out of Custody.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm, shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at *Westminster* or in *Dublin*, or for any of the Barons in *Great Britain* or *Ireland*, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in *Scotland*, or for any Two of Her Majesty's Justices of the Peace in any Part of the United Kingdom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or to the Lord Lieutenant or Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorized, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

Duration of Act.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

CAP. XXI.

An Act to consolidate and amend the Laws relating to Insolvent Debtors in *India*.

[9th *June* 1848.]

9 G.4. c. 73.

2&3 W.4. c. 43.

'WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the* East Indies *until the First Day of* March *One thousand eight hundred and thirty-three:* And whereas a certain other Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty for the Relief of Insolvent Debtors in* India, whereby the said last-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred

¶ hundred and thirty-six: And whereas a certain other Act was passed in a Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Insolvent Debtors in* India: And whereas by an Act passed in a Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in* India, the first-mentioned Act, as amended by the said Act of the Session of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, was continued in force until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament: And whereas by a certain other Act of Parliament passed in a Session holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in* India, the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, were continued until the First Day of *March* One thousand eight hundred and forty-five, and from thence until the End of the then next Session of Parliament: And whereas by a certain other Act of Parliament passed in a Session holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to continue until the First Day of* March *One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in* India, the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, were continued until the First Day of *March* One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament: And whereas it is expedient to consolidate the Provisions of the said Acts into One Act, and to amend the Laws relating to Insolvent Debtors in *India*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, shall be and the same are hereby continued until the Thirty-first Day of *July* One thousand eight hundred and forty-eight, and that from and after that Day the same, and also the said Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, shall be and stand repealed, save as to all Acts, Matters, and Things which before then shall have been done under the Provisions of the said Three last-mentioned Acts or of any of them, and save as to all Rights, Exemptions, and Discharges whatsoever under and by virtue of any of the said last-mentioned Acts, and save as to all Matters and Things whatsoever under and by virtue of any of the said last-mentioned Acts which shall then be pending in any of the Courts for the Relief of Insolvent Debtors in *India*, or in any other Courts whatsoever, which shall be proceeded with in the like Manner, and have all the like Effects and Consequences, as if the said Acts hereby repealed had been in force, and had been permanently continued by this Act.

4 & 5 W. 4. c. 79.

6 & 7 W. 4. c. 47.

3 & 4 Vict. c. 80.

9 & 10 Vict. c. 14.

Recited Acts 9 G. 4. c. 73. and 4 & 5 W. 4. c. 79. repealed after 31st July 1848, save as to Acts then done and pending under 6 & 7 W. 4. c. 47., 3 & 4 Vict. c. 80., and 9 & 10 Vict. c. 14.

II. And be it enacted, That the Courts established under the first of the said recited Acts for the Relief of Insolvent Debtors in the *East Indies* shall be continued and shall continue to be Courts of Record, with all the same Powers as heretofore, and each shall continue to be styled "The Court for the Relief of Insolvent Debtors," and to be holden before any One Judge of the Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, within the respective Limits of the said Towns of *Calcutta*, *Madras*, and *Bombay*, and that all the Officers of the said Courts respectively now established for the Relief of Insolvent Debtors in the *East Indies* shall be, until removed under the Provisions herein-after contained, the Officers of the said Courts hereby continued respectively, and that all Rules and Orders not repugnant to the Provisions of this Act now in force in the said Courts respectively, and all Tables of Fees now in force therein, shall, until the same are varied or repealed, continue in force in like Manner to all Intents and Purposes as if the Acts in force with respect to Insolvent Debtors before this Act comes into operation had been continued by this Act.

Courts established under 9 G. 4. c. 73. for Relief of Insolvent Debtors continued with the same Powers as heretofore.

III. And be it enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and so often as may be found necessary within the Towns of *Madras* and *Bombay*, by any One Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for each of the said Courts to sit for the Despatch of Business at one and the same Time with the said Supreme Court of its Presidency; and every Advocate and Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively shall be entitled to practise in the way of his Profession in the Court for the Relief of Insolvent Debtors of that Presidency, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from Time to Time to make Rules to regulate the Proceedings of the Courts hereby continued for the Relief of Insolvent Debtors to be holden within their respective Jurisdictions, and from Time to Time to vary and repeal, in whole or in part, any of the Rules and Orders and any Table of Fees now in force in the said Courts respectively for the Relief of Insolvent Debtors in the *East Indies*, and especially to provide in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with their respective Seals a sufficient and proper List of Fees to be charged and received by the

A Court to be holden once a Month at least in Calcutta, and as often as found necessary in Madras and Bombay, by any One Judge of the respective Supreme Courts.

the Officers of the said Courts for the Relief of Insolvent Debtors of their respective Presidencies, and shall certify under their Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts, on any Pretence whatsoever, except such as shall be specified in such Lists.

Power to Supreme Courts to remove and appoint Officers, and reduce Emoluments.

IV. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall have Power from Time to Time to remove any of the Officers of the Courts hereby continued as the Courts for the Relief of Insolvent Debtors within their respective Presidencies, and to make such Reductions in the Number and in the Emoluments of such Officers as may be practicable, and to them shall seem fit, and from Time to Time to appoint such Persons as may be necessary to transact the Business of such Courts, and from Time to Time to annul all or any of such Appointments, and to reduce the Number of such Officers in case the Number of the same may be conveniently reduced; and that each of the said Courts hereby continued shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the said Court shall at any Time direct; and that the said Courts respectively may adjourn any of their Sittings from Time to Time, and to such Time as may be requisite, and shall have Power to administer Oaths, or, in the Case of such Persons as shall object on the Ground of any religious or conscientious Scruples to take an Oath, solemn Affirmations, and shall examine all Parties and Witnesses upon Oath or such solemn Affirmation for the Purposes of this Act; and the said Courts respectively shall have the like Powers of issuing Commissions to take Evidence as now are or may be hereafter possessed by the Supreme Courts respectively of their several Presidencies, and shall have the like Powers of compelling the Attendance of the Insolvent and all other Parties at all Times when their Attendance may be deemed requisite by the said Court, and of all Witnesses or any other Persons who may be able to give any Information respecting the Debts, Estates, and Effects of such Insolvent, before the said Courts respectively, or before any Officer of the said Courts respectively, and of requiring and compelling the Production of Books, Papers, and Writings, as now are or may hereafter be possessed by the Supreme Courts respectively of the respective Presidencies, or as are given to Commissioners of Bankrupts by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts;* and each of the said Courts hereby continued for the Relief of Insolvent Debtors shall have Power to order any Prisoner whose Estate shall be vested in any Assignee under the Provisions of this Act, or of any of the Acts herein-before referred to, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Officer as often as shall be requisite, which Order alone shall be a sufficient Authority and Protection to the Gaoler or Officer or Person in whose Custody he may be for the Production of such Prisoner; and each of the said Courts shall have the Power of fining in a summary Way, and of committing until such Fine be paid, or of committing in the first instance without fining, all Persons guilty of Contempt of the said Court, and of fining in a summary Way, and of removing any of the Officers of the said Courts who shall be guilty of Negligence, wilful or unnecessary Delay, or other Misconduct: Provided always, that the said Courts for the Relief of Insolvent Debtors shall not have the Power of awarding Costs against any Person, except in Cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any Rules which shall be made by the said Supreme Courts respectively as to Costs to be awarded in the said Courts for the Relief of Insolvent Debtors respectively.

Records, &c. to be sealed with the Seal of the Court.

Power to Courts to adjourn Sittings, administer Oaths, &c.

Courts may issue Commissions, and compel Attendance of Insolvents and Production of Books, &c.

Power to Courts to order Prisoners to be brought up as often as requisite.

Courts not to award Costs except in certain Cases.

Persons imprisoned for Debts may petition the Court for Relief according to the Forms in the Schedule to this Act.

V. And be it enacted, That from and after the Time appointed for this Act to take effect any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, or Money which such Person is solely or jointly with any other liable to pay, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence of or by reason of such Contempt, or who shall reside within the Jurisdiction of any of the Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, and, being indebted on account of any such Liability as aforesaid, shall be in insolvent Circumstances, may at any Time apply by Petition to the Court for the Relief of Insolvent Debtors within the Presidency where such Insolvent Debtor shall then be, for the Benefit of the Provisions of this Act, which Petition may be in the Form in the Schedule (A.) to this Act, or the Schedule (B.) to this Act, (as the Case may require,) with such Additions and Variations as may be necessary to adapt it to the particular Case; and such Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such Person as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by Petition, in such Manner as is herein-before mentioned, and under such joint Petition the joint Estate and the separate Estates of such Petitioners shall be dealt with and distributed.

Party petitioning to deliver in a Schedule in the Form in Schedule (C.)

VI. And be it enacted, That where any such Petition for Relief as is aforesaid shall be presented by any such Insolvent to the said Court for the Relief of Insolvent Debtors, the Party presenting the Petition, at the same Time, or within such further Time as the said Court may deem reasonable, shall deliver into the Court a Schedule in the Form in the Schedule (C.) to this Act annexed, with such Additions

Additions and Variations as may be necessary to adapt it to the particular Case, containing a full and true Description as to all Matters and Things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such Petitioner, and shall forthwith be filed in the said Court.

Upon filing Petition the Real and Personal Estate of Petitioner to be vested in Official Assignee as Court shall direct.

VII. And be it enacted, That upon the filing of any such Petition as is aforesaid, it shall be lawful for the said Court and the said Court is hereby authorized and required to order that all the Real and Personal Estate and Effects of such Petitioner, whether within the Territories within the Limits of the Charter of the *East India* Company or without, except the Wearing Apparel, Bedding, and other such Necessaries of such Petitioner and his Family, and the Working Tools and Implements of such Petitioner and his Family, not exceeding in the whole the Value of Company's Rupees Three Hundred for each Petitioner with his Family, and all Debts due to him, and all the future Estate, Right, Title, Interest, and Trust of the said Petitioner in or to any Real or Personal Estate or Effects within or without the said Territories which such Petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all Debts growing due to him before the Court shall have made its Order in the Nature of a Certificate as herein-after mentioned, do vest in the Official Assignee for the Time being of the said Court, and that all Books, Papers, Deeds, and Writings in any Way relating to such Petitioner's Estate and Effects in his Possession, or under his Custody or Control, shall be deposited with such Assignee, and such Order shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall direct; and such Order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said Petition, and shall instantly, and without any Conveyance or Assignment, vest all the Real and Personal Estate, Effects, and Debts as aforesaid in the said Official Assignee, who shall have full Powers for the Recovery thereof, and shall hold and stand possessed of the same for the Purposes and in manner herein-after mentioned: Provided always, that in case, after the making of any such Vesting Order, the Petition of any such Petitioner shall be dismissed by the said Court, such Vesting Order made in pursuance of such Petition shall from and after such Dismissal be null and void to all Intents and Purposes: Provided also, that in case any such Vesting Order as aforesaid shall become null and void by the Dismissal of such Petition, all Acts theretofore done by any Assignee or other Person acting under his Authority according to the Provisions of this Act shall be good and valid, and no Action or Suit shall be commenced against any such Assignee, nor against any Person duly acting under his Authority, except to recover any Property of such Petitioner detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon; and until the Appointment of an Official Assignee as herein-after is directed the Common Assignee of the Court shall stand and be in the Place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

In case, after making Vesting Order, Petition be dismissed, the same to be null and void; but all Acts done by any Assignee, &c. under this Act to be held valid.

Lying in Prison 21 Days for Debt shall be deemed an Act of Insolvency, on which Creditor may petition.

VIII. And be it enacted, That from and after the Time appointed for this Act to take effect, if any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, charged in Execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after such Prisoner shall have been so charged in execution or committed as aforesaid, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so charged in Execution or committed for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned, which Petition may be in the Form No. 1. in the Schedule (D.) to this Act annexed, with such Additions or Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Prisoner has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

Parties subject to the Bankrupt Laws lying in Prison 21 Days, or departing the Jurisdiction with Intent to defeat or delay their Creditors, or with like Intent make any fraudulent Gift, &c. shall be deemed to

IX. And be it enacted, That if any Person who, by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or an Act passed in the Session held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, or any other Act now in force or hereafter to be passed, would be deemed a Trader liable to become Bankrupt, having been arrested or committed to Prison for Debt, or for or by reason of any Contempt of any Court whatsoever, for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money or Costs as aforesaid, lie in Prison Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall be in Prison for Twenty-one Days after any Detainer for Debt, Nonpayment of Money or Costs as aforesaid, lodged against him and not discharged, or if any such Person shall depart from within the Limits of the Jurisdiction of any of the said Supreme Courts with

have committed an Act of Insolvency, on which Creditors may petition.

with Intent to defeat or delay his Creditors, or with the like Intent depart from his usual Place of Business or Abode within the said Jurisdiction, or make with like Intent any fraudulent Gift, Grant, Conveyance, Delivery, or Transfer of any of his Lands, Tenements, Money, Goods, or Chattels, or fraudulently with like Intent suffer his Lands, Money, Goods, or Chattels to be taken in Execution, attached, or sequestered, it shall be lawful for any Person being a Creditor, or for Two or more Persons being Partners in Trade and Creditors to the Amount of Company's Rupees Five hundred, or for any Two Creditors to whom such Person shall be indebted to the Amount of Seven hundred Company's Rupees, or for any Three or more Creditors to whom such Person shall be indebted to the Amount of Company's Rupees One thousand, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned or have resided at the Time of such Departure, or of such fraudulent Gift, Grant, Conveyance, Delivery, Transfer, or fraudulent Execution, Attachment, or Sequestration, which Petition may be in the Form No. 2. in the Schedule (D.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Person has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

Creditor whose Claim at Time of Act of Insolvency is not due may petition, &c.

X. And be it enacted, That every Person who shall have given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed any Act of Insolvency within the Meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any Security for such Sum or not.

On Adjudication of such last-mentioned Act of Insolvency, Vesting Order to take same Effect as where the Petition is presented by the Insolvent;

and Court invested with same Powers as if such Insolvent had petitioned.

XI. And be it enacted, That upon any such Adjudication being made as herein-before is mentioned, the said Court is hereby authorized and required to make the like Vesting Order as herein-before is authorized to be made in the Case of a Petition by an Insolvent Debtor, which said Vesting Order shall in like Manner be entered of Record and notified as is herein-before mentioned, and shall, when made, take effect by Relation from the filing of the Petition on which the Adjudication shall have proceeded; and such Order shall, when made, vest in like Manner all the said Estate and Effect, Right, Title, and Interest, Trust and Debts of the Insolvent in the Official Assignee, in like Manner, and as fully, and with the like Effect as is herein-before mentioned, and which said Vesting Order shall, in case of the Adjudication being for any Reason revoked, be thenceforth null and void, to all Intents and Purposes, in like Manner, and with the like Effect, and under the same Qualifications as herein-before is mentioned.

XII. Provided always, and be it enacted, That after the Adjudication of an Act of Insolvency in any of the Cases aforesaid, it shall be lawful for the Court to direct, and it is hereby required to direct, the Insolvent to file, within a Time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a Schedule in the Form in Schedule (C.) to this Act annexed, in the Court by which such Adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like Manner as in the Case of an Insolvent presenting a Petition for Relief under this Act.

Powers of Court to grant Interim Order for Protection of Insolvents.

XIII. And be it enacted, That in any Case where a Petition shall have been presented by an Insolvent Debtor as aforesaid, or an Act of Insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the said Court, after the filing of the Schedule required by this Act, if under the Circumstances it shall appear proper, to make an Interim Order for the Protection of the Insolvent from Arrest, and any such Interim Order may apply either to all the Debts or Liabilities mentioned in the said Schedule, or to any of them, as the Court may think proper, and may commence and take effect at such Time as the Court shall direct; and any such Order may be recalled and may be renewed as to the Court may appear proper; and any such Order, when so made, shall protect the Person to whom it shall be given from being arrested or detained in Prison for any Debt or Liability to which such Order shall apply within the Limits of the Towns of *Calcutta*, *Madras*, and *Bombay* respectively, or any other Place within the Territories under the Government of the *East India* Company; and any Person arrested or detained contrary to the Tenor and Effect of any such Order shall be entitled to his Discharge out of Custody upon Application to any Court or Judge which or who shall have Power to set at large Persons illegally detained in Custody under the Process by virtue of which such Person shall have been arrested or be so detained: Provided always, that no such Order shall operate as a Release or Satisfaction of the Debt or Demand of any Creditor, nor prejudice the Right of any such Creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same Debt or Demand, in case the Order shall be recalled, or shall fall by reason of the Petition of the Insolvent being dismissed, or the Adjudication being reversed.

Such Order not to operate as a Release, &c. in certain Cases.

Judges of Supreme Courts to appoint an Official Assignee for each Court.

XIV. And be it enacted, That as soon as this Act shall come into operation there shall be appointed by the Chief Justice of the Supreme Court at each of the said Presidencies, or in the Case of any Vacancy in the Office of Chief Justice then by the Senior Judge for the Time being of such Court, One Person to each Court for the Relief of Insolvent Debtors in each of the said Presidencies respectively, to be the Official Assignee in all Insolvencies in the Course of Prosecution at the Time when this Act shall take effect, or to be afterwards prosecuted in the said Court; and every such Official Assignee shall at all Times be, by virtue of such his Appointment, and without any other Assignment, an Assignee of every such Insolvent's Estate and Effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such Estate or Effects.

XV. And

Official Assignees to give Security, and be subject to Rules made by Supreme Court, &c.

XV. And be it enacted, That every such Official Assignee shall give such Security, and shall be subject to such Rules, and shall act in such Manner, as the Judges of the Supreme Court shall direct by any Rules and Orders of the said Court to be approved of by the Governor General of *India* in Council, and to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and all the moveable Estate and Effects, and the Rents and Profits of all immoveable Estate, and the Proceeds of Sale of all the Estate and Effects of the Insolvent, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court for the Relief of Insolvent Debtors to be possessed and received by such Official Assignee and the Special Assignee or Assignees (if any), which the said Court shall have Power, if it think fit, to direct, and in all Cases of such Receipt and Possession shall, within Seven Days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to and be kept in Deposit in such public Bank or other safe Place of Deposit, and be managed and dealt with as the Judges of the Supreme Court shall have directed or may direct by any Rules or Orders of the said Court, to be approved of by the Governor General in Council, and to be transmitted for Approbation, Correction, or Revision in manner aforesaid.

Insolvents Estates to be received by Official Assignee alone, except when directed by the Court to be otherwise.

As soon as Official Assignees appointed, Office of Common Assignee to cease, except as to Acts already done.

XVI. And be it enacted, That as soon as such Official Assignee shall be appointed to each of such Courts respectively the Office of Common Assignee shall cease and determine, but without Prejudice to any Acts, Matters, or Things previously done; and all Estates and Effects vested in him shall be divested, and vest in the Official Assignee instantly, by Operation of Law, by Force of the Appointment of such Official Assignee, without any Assignment; and upon the Death, Resignation, or Removal from Office of each such Official Assignee, another Official Assignee shall be appointed in his Place in the like Manner as upon the first of each of such Appointments.

On Application of Creditors, after Vesting Orders, &c. Court may order an Election of Assignees by the Creditors.

XVII. And be it enacted, That at any Time after the making of any such Vesting Order as aforesaid, or after any such Adjudication of Insolvency as aforesaid, if any Creditor or Creditors of any such insolvent Trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's Estate and Effects shall be chosen by the Creditors, he or they shall be at liberty to apply in Writing, by Petition to the Court, that such Election shall take place; and thereupon a Time and Place for such Election shall be appointed by the Court; and all Creditors whose Debts amount to One hundred Rupees and upwards, who shall be included in the Schedule as Creditors, or who shall have proved their Debts, shall be entitled to vote in such Choice, and the Choice shall be made by the major Part in Value of the Creditors so entitled to vote; and the Person or Persons so elected shall be appointed by the Court a Special Assignee or Special Assignees of the Estate of the said Insolvent; provided that any Creditor shall be at liberty to give Notice to any other Person whose Name is included in the Schedule of the Insolvent as a Creditor, but who shall not have proved his Debt, to prove his Debt before he shall be admitted to vote on such Election, and in such Case such Party shall not be entitled to vote until he shall have proved his Debt.

Power of Court to remove Assignees.

Mode of appointing or electing others.

XVIII. And be it enacted, That the Court may at any Time, in case of the Unwillingness to act, Removal from out of the Jurisdiction of the Court, Incapacity or Misconduct of any Official Assignee, or of any Assignee appointed by the Court, on the Election of the Creditors, or for any other Cause appearing to the Court sufficient, by its Order annul such Appointment, and thereupon, or in the Case of the Death of any such Official Assignee or other Assignee, another shall be appointed; provided that if it be the Case of a chosen Assignee such Appointment shall not be made unless some Creditor or Creditors shall apply in Writing, by Petition to the said Court, that an Election of another Person as Assignee may be had, and thereupon the Court shall proceed in all respects in like Manner, and such Election shall be made, conducted, and declared in all respects in like Manner, as is herein-before directed as to the Election of Assignees by Creditors; and no Act or Thing done prior to the Order whereby such Appointment is so vacated shall be annulled or in any way affected.

No Remuneration to be received by Assignee, except as herein provided.

XIX. And be it enacted, That no Remuneration whatever, whether in the Shape of Commission or otherwise, shall be received by any Assignee, except in the Manner nor beyond the Extent herein-after allowed; (that is to say,) the Court may allow a fair Remuneration to the Assignee or Assignees out of the Sum to be distributed as Dividends, and make an Order accordingly: Provided always, that the Court shall not have Power to order any Remuneration to be made to any Assignee or Assignees chosen by the Creditors, unless the Creditors shall at the Time of the Election declare that some Remuneration is to be made to the Assignee or Assignees chosen by them, and at what Rate such Remuneration is to be made, and in such Case the Court shall have Power to reduce, but not to increase, the Amount of such last-mentioned Remuneration.

Estate to vest, without Conveyance or Assignment in new Assignee.

XX. And be it enacted, That on every Appointment of a new Assignee the Estate, Effects, Rights, and Powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment in any Case whatever, vest in the actual Assignee or Assignees, in trust for the Benefit of the Creditors of such Insolvent, in respect of and in proportion to their respective Debts, according to the Provisions of this Act; and all Books, Papers, Deeds, and Writings in any way relating to the Estate and Effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from Time to Time, on each Change of Assignees, shall be transferred to the Possession of the Assignee or Assignees for the Time being of such Insolvent; and the Court shall have Power to compel any Assignee or Assignees whose Appointment may be vacated, or the Heirs, Executors, Administrators, or Assigns of any Person

once

once appointed such Assignee and deceased, to account for and deliver up all such Estates and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall have come to his or their Hands, and the Decision of the Court thereupon shall be final and conclusive; and whenever any Assignee shall die, or be removed from his Office, and any other Assignee or Assignees shall be appointed as aforesaid, no Action at Law or Suit in Equity brought or defended by him or them in the Character of Assignee or Assignees shall be thereby abated, but upon the Suggestion of each such Death, Removal, or new Appointment, such Action or Suit shall be prosecuted or defended in the Name of the existing Assignee or Assignees, and any Real and Personal Estate, Money and Effects, vested in or possessed by any Official Assignee shall not remain in him, if he shall resign or be removed from his Office, nor in his Heirs, Executors, or Administrators, in case of his Death, but shall in every such Case go to and be vested in his Successor in Office, by Relation, from the Time of his Resignation, Removal, or Death, as the Case may be; and every such Appointment of any Assignee other than the Official Assignee shall be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct, and every such Assignee so appointed shall be liable to the Control of the Court, in like Manner as any Officer of the said Court.

Power of Assignees.

XXI. And be it enacted, That every such Assignee as aforesaid shall with all convenient Speed take possession, by himself, or by means of Messengers of the Court, or by other fit and proper Persons, of all the Real and Personal Estate and Effects of the Insolvent of which immediate Possession may be obtained, and shall use his best Endeavours to seize, obtain, recover, and reduce into Possession, as speedily as possible, the rest of such Estate and Effects, and all Debts, Claims, and Choses in Action, which by virtue of his Appointment under this Act, and of the Vesting Order or Adjudication aforesaid, he shall have been empowered to obtain, recover, and get in.

After Vesting Order, no Distress to be made for Rent, but Landlord to prove for the Amount.

XXII. And be it enacted, That after any such Vesting Order shall be made as aforesaid no Distress for Rent due before such Vesting Order shall be made upon the Goods and Effects of the Insolvent; but the Landlord or Party to whom the Rent should be due shall be entitled to prove, in respect of such Rent so due as aforesaid, whether the same shall or not be inserted in the Schedule of the Insolvent, and to receive a Dividend in respect of the said Rent, and shall not, unless the Petition of such Insolvent be dismissed, or the Adjudication be reversed, be entitled to distrain for the said Rent.

Property in Insolvent's Possession, &c. to be deemed his Property,

XXIII. And be it enacted, That if any such Insolvent shall, at the Time of filing his Petition, or at the Time of filing the Petition on which an Adjudication of Insolvency shall be made by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Insolvent is reputed Owner, or whereof he has taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Insolvent, so as to become vested in the Official Assignee of the Court by the Order made in pursuance of this Act; provided that

Mortgages of Ships, &c. not to be invalidated or affected.

no Assignment or Transfer of any Ship or Vessel, or any Share thereof, made as a Security for any Debt either by way of Mortgage or Assignment, duly registered according to the Provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of *British* Vessels, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Fraudulent Conveyances, &c. made by Insolvent within Two Months before Insolvency, to be void.

XXIV. And be it enacted, That if any Insolvent who shall file his Petition for his Discharge under this Act, or who shall be adjudged to have committed an Act of Insolvency, shall voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any Creditor, or to any other Person in trust for or to, or for the Use, Benefit, and Advantage of any Creditor, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over, if made when in insolvent Circumstances, and within Two Months before the Date of the Petition of such Insolvent, or of the Petition on which an Adjudication of Insolvency may have proceeded, as the Case may be, or if made with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his Discharge from Custody under this Act, or of committing an Act of Insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

Government Stocks, Funds, &c. standing in the Name of Insolvent to be transferred to the Name of Assignee.

XXV. And be it enacted, That if any such Insolvent as aforesaid shall at any Time before he shall have obtained his Discharge in the Nature of a Certificate herein-after mentioned be entitled to or possessed of, in his own Right, any Government Stock, Funds, or Annuities, or any of the Stocks or Shares in any public Company, either in *England*, *Scotland*, or *Ireland*, or the Territories under the Government of the *East India* Company, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand against such Insolvent shall have been admitted or established in the Matter of the said Insolvency, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name or Names of such Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order: Provided always, that in all Transfers into the Name or Names of any such Assignee or Assignees, the Transferee or Transferees shall be described as Assignee or Assignees of the Estate and Effects of the Insolvent, and no Dividend shall be paid to, nor any future Transfer made by, any Person of any such Stock, Funds, Annuities, or Shares, except under a Power of Attorney, in the usual Form required for the Receipt of Dividends upon or Transfer of such Stock, Funds, Annuities, and Shares respectively, duly executed by such Assignee or Assignees, and attested by Two credible Witnesses, One of whom shall be an Officer

of

of such Court for Relief of Insolvent Debtors, and to which Attestation the Seal of such Court shall be affixed.

Persons holding Property of Insolvent, except Stocks, &c. or indebted to him, to transfer the same, and make Payment of Debts to the Assignee.

XXVI. And be it enacted, That in case any Person shall, after any such Insolvent shall have petitioned for his Discharge under this Act, or have been adjudged to have committed an Act of Insolvency, and before the said Insolvent shall have obtained his Discharge in the Nature of a Certificate as herein-after mentioned, be possessed of or have under his Power or Control any Property whatsoever of such Insolvent, other than any such Government Stock, Funds, or Annuities as aforesaid, or other than any of the Stock or Shares in any public Company either in *England*, *Scotland*, or *Ireland*, or within the Limits aforesaid, or to which such Insolvent may be in any way entitled, either under any Trust, express or implied, or otherwise held for his Use and Benefit, or in case any such Person shall be at any such Period indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand shall have been admitted or established in the Matter of the said Insolvency, to cause Notice to be given to such Person, directing him to hold and retain the said Property till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, to the Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent; and such Delivery and Payment shall be made accordingly in obedience to such Order, and such Person shall by such Payment and Delivery, so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever to all Intents and Purposes.

Offices, &c. held by Insolvent, if unsaleable, may be charged with proportionate Payment to Assignee, if saleable shall vest in Assignee.

XXVII. And be it enacted, That if any such Insolvent as aforesaid shall, at any Time before he shall obtain his Discharge in the Nature of a Certificate as herein-after mentioned, hold any public Office, Appointment, or Benefice, Civil, Military, or Ecclesiastical, not saleable, or shall be in any Situation or Employment whatsoever in respect of which he shall receive any Salary or Emolument, or shall be in the Receipt of any Pension, then it shall be lawful for the said Court to order the said Insolvent to pay such Proportion of his Receipts therefrom to his Assignee as the said Court shall think right; and all saleable Offices, Appointments, or Benefices shall vest, by virtue of the Vesting Order as aforesaid, in the Official Assignee, in trust for the Creditors of such Insolvent as aforesaid.

Power of Assignee to take Composition, and to submit Disputes, &c. to Arbitration.

XXVIII. And be it enacted, That it shall be lawful for the Assignee or Assignees, with the Leave of the Court first obtained, upon Application to such Court, and by and with such Notice to such Creditors as it shall think fit to direct, to take such reasonable Part of any Debts due to the Insolvent as may by Composition be gotten, in full Discharge of such Debts, and to submit to Arbitration any Difference or Dispute between the Assignee or Assignees and any other Person or Persons for or on account or by reason of anything relating to the Estate and Effects of such Insolvent.

Power of Assignee to institute and defend Actions and Suits.

Proviso as to Persons in Partnership with Insolvent.

XXIX. And be it enacted, That it shall be lawful for the Assignee or Assignees, with Leave of the Court first obtained, to commence, prosecute, or defend any Suits or Actions at Law or in Equity which the Insolvent might have commenced and prosecuted or defended, and to defray the Costs to which he may be put in respect of such Suits or Actions out of the Proceeds of the Estate and Effects of the Insolvent; and if there be any Partner of the Insolvent who hath not joined in the Petition, it shall be lawful for the Court to authorize the Assignee to join such Partner with himself as Plaintiff in such Suit or Action; and if such Partner shall execute any Release of the Debt or Demand for which such Suit or Action is brought, the Release shall be void: Provided always, that such Partner, if he shall take no Part in the Prosecution or Defence of such Suit or Action, shall not be liable to pay Costs in respect of the same; and it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the said Court shall direct.

Powers of Insolvent vested in Assignee for the Benefit of Creditors.

XXX. And be it enacted, That all Powers vested in any such Insolvent which he might lawfully execute for his Benefit shall be and are hereby vested in the Assignee or Assignees of the Real and Personal Estate of such Insolvent or Insolvents by virtue of this Act, to be executed by his Assignee or Assignees for the Benefit of his Creditors.

Sale of Insolvent's Estate.

Court may delay or postpone the Sale.

XXXI. And be it enacted, That the Assignee or Assignees shall, with all convenient Speed, make Sale of the Property and Effects of the Insolvent: Provided nevertheless, that the said Court shall have full Power and Authority, upon the Application of any Insolvent, or any Creditor or Mortgagee of such Insolvent, to delay or postpone the Sale of any Property, and to make such other Order respecting the same as to such Court shall seem meet.

Discretionary Power vested in the Court as to immediate Sales of Property of Insolvents entitled to Annuities, or contingent or uncertain Interests therein.

XXXII. 'And whereas Insolvents may be entitled to Annuities for their own Lives, or other uncertain 'Interests, or to reversionary or contingent Interests, or may have made Advances of Money for the 'Cultivation of Lands, or may be interested in Property in other Ways under such Circumstances that 'an immediate Sale and Payment of their Debts may be very prejudicial to them and to their Creditors, 'and it may be proper in some Cases to defer the Sale of their Property, or some Parts thereof, and to 'put it under temporary Management, or to authorize the raising of Money by way of Mortgage or 'otherwise for Payment of the Debts or Part of the Debts of an Insolvent, and for defraying the 'Expenses attending the Execution of this Act, instead of selling for such Purpose:' Be it enacted, That in all such Cases it shall be lawful for the said Courts for the Relief of Insolvent Debtors at any Time to take into consideration all Circumstances affecting any Property of the Insolvent which shall have been vested under the Provisions of this Act; and if it shall appear to any Court that it would be reasonable to make any special Order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said Property as it may be expedient not to sell immediately according to

the Provisions of this Act shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Insolvent, until the same can be properly sold, or until Payment of such Creditors be effected according to the Provisions of this Act, and to make such Order touching the Sale or Disposition or Management of such Property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to such Court shall seem just; and if it shall appear that the Debts of any such Insolvent can be discharged by means of Money raised by way of Mortgage or otherwise on any of the said Property of the said Insolvent, instead of raising the same by Sale, it shall be lawful for the said Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Insolvent in such Manner as may be most consistent with the Interest of such Insolvent and of his Creditors.

Assignees to keep Accounts of the Estates of Insolvents, with Liberty for Creditors to inspect the same.

XXXIII. And be it enacted, That the Assignee or Assignees shall keep Accounts of the Property, Debts, and Credits of such Insolvent, whether separate or joint, and of all Property of the Insolvent received by him or them, and all Payments made by him or them, which Accounts any Creditor shall be at liberty to inspect at all seasonable Times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors to summon the Assignee or Assignees before them, and require him or them to produce all Books, Papers, Deeds, Writings, and other Documents in his or their Possession relating to the Matters of such Insolvency; and upon his or their Default, it shall be lawful for such Courts respectively to issue an Attachment or Attachments against the Party or Parties so making Default, and to cause such Assignee or Assignees to be brought before them, and to commit such Assignee or Assignees to Prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's Estate.

XXXIV. And be it enacted, That if any Assignee shall knowingly retain in his Hands, for his own Benefit, or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ any Sum, Part of the Estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any Money or other Property in the Manner in which it may be his Duty for the Time being, according to Law, to invest, pay, or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his Office of Assignee for Misconduct, be liable to be charged in his Accounts with such Sum as shall be equal to Interest at the Rate of Twelve *per Centum per Annum* on the Amount or Value of such Money or Property, or if any higher Interest shall have in fact been made, then to the Extent of the Interest actually made, and Five *per Centum per Annum* in addition thereto on all such Money or Property, for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such Assignee in his Accounts accordingly, and the Amount so charged shall constitute a Debt from him to such Estate; and if any Assignee indebted to the Estate of which he is such Assignee, in respect of Money so retained or employed by him as aforesaid, become insolvent, his Discharge under the Provisions of this Act shall only have the Effect of freeing his Person from Arrest and Imprisonment on account of such Debt; but his future Effects, excepting the Wearing Apparel, Bedding, and other herein-before mentioned Articles excepted out of the Operation of the Vesting Order aforesaid, and not exceeding the Value herein-before limited in that Behalf, shall remain liable for so much of his Debts to the Estate of which he was Assignee as shall not be paid by Dividends under such Insolvency, together with legal Interest for the whole Amount.

After Petition and Schedule filed, &c. Notice to be given to Creditors, and published. Court in such Notice to appoint a Day for hearing.

XXXV. And be it enacted, That after the Petition and Schedule of any Insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and after any such Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, the Court shall cause Notice thereof to be given to any Creditor or Creditors of the Insolvent at whose Suit he may be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors resident within the Limits of the Territories of the *East India* Company, as the Court shall direct; and Notice to the like Effect shall be twice at least published in the Gazette of the Presidency where such Court shall be holden; and the Court in such Notice shall appoint a Day and Place for the hearing of the Matters of the Petition of such Insolvent, and for hearing any other Applications in the Matter of the Insolvency.

Course of Proceeding on hearing.

XXXVI. And be it enacted, That upon the Day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future Day to which such hearing may be adjourned, it shall be lawful for the Insolvent and for any Creditor of the Insolvent, as the Case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the Petition of the Insolvent, or on any other Application relating to the Insolvent or his Estate; and it shall also be lawful for the Court, on those or any other Occasions, and from Time to Time as often as Occasion may require, to order any Insolvent who is in Custody to be brought before it, and to summon any Insolvent who shall not be in Custody, and the Wife of any Insolvent, and any other Person, whether a Creditor or not, who may be known or suspected to have any of the Estate or Effects of the Insolvent in his or her Possession, or any Person who may be suspected to be indebted to the Insolvent, or any Person who is believed to be capable of giving any Information respecting the Estate and Effects of such Insolvent, or respecting his Acts, Dealings, or Conduct, or any Information which will more easily enable the Court to dispose of the Estate and Effects of the Insolvent for the Benefit of his Creditors; and it shall also be lawful for the Court to examine any Insolvent or his Wife, or any other such Person, whether a Creditor or not, in the same Way as any other Witnesses are examined in Her Majesty's Supreme Court at that Presidency,

Presidency, in any Suits at Law or in Equity, or according to any Rules which may be made for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving Effect to this Act, in the Manner which is herein prescribed: Provided always, that every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as by Law is required upon Service of a Subpœna to a Witness in an Action at Law.

Court may admit Affidavit instead of personal Appearance in case of Sickness, &c.

XXXVII. Provided also, and be it enacted, That in all Cases where any Creditor or other Person shall be prevented or hindered from attending the said Court, by reason of Sickness or Infirmity, or the Distance of his Residence, or other reasonable Cause, to be admitted by the Court, it shall be lawful for the Court to receive the Affidavit or solemn Affirmation of such Creditor or other Person, and also, if the Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any such Person.

Creditor whose Name is not included in the Schedule may claim and prove his Debt, and receive Dividends thereon.

XXXVIII. And be it enacted, That when any Petition shall have been presented under this Act by an Insolvent, or any Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, it shall be lawful for any Person to whom any such Insolvent shall be indebted or liable in respect of any Debt or Demand which would have entitled such Person to be inserted as a Creditor in the Schedule of such Insolvent, to make Claim upon the Estate of such Insolvent, and to prove his Debt or Demand, whether due by such Insolvent solely or jointly with any other Person or Persons; and such Person shall be entitled to and receive a Dividend thereon rateably with the other Creditors of the said Insolvent, although the Name of such Creditor may have been wholly omitted by the said Insolvent in his or her Schedule, or may have been inserted for a smaller Amount than the Debt or Demand really due to such Person; and where any Objection to the Existence or Amount of such Debt or Demand shall be made by such Insolvent, or any Creditor, such Court shall hear the same, and may make such Order thereon as may seem meet and just.

As to mutual Demands.

XXXIX. And be it enacted, That when there has been mutual Credit given to the Insolvent and any other Person or Persons, One Debt or Demand may be set against the other.

All Debts, &c. proveable under Fiat in Bankruptcy pursuant to 6 G. 4. c. 16. may be proved under Insolvency.

XL. And be it enacted, That all such Debts, Dues, and Claims as might be proved under a Fiat of Bankruptcy bearing even Date with the Insolvent's Petition or the Adjudication (as the Case may be), according to the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Law relating to Bankrupts*, or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is herein-before mentioned, in the same Manner and subject to the like Deductions, Conditions, and Provisions as in the said Statutes are or may be set forth and prescribed.

Power to Court to order Dividends to be declared, giving Notice of the same.

XLI. And be it enacted, That whenever it shall appear to the Court, either by the Accounts of any Assignee or Assignees, or otherwise, to be probable that a Dividend may be beneficially made amongst the Creditors, it shall be lawful for the Court to appoint a Day for the Purpose of making a Dividend, and to cause Notice thereof to be given, in such Manner as it shall direct; and on the Day appointed the Assignee or Assignees shall deliver in, upon Oath or solemn Affirmation, as the Case may be, a true Statement in Writing of all Money received by him or by them respectively, and when, and on what Account, and how the same have been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and shall ascertain what Balances, if any, have been from Time to Time in the Hands of such Assignee or Assignees respectively; and on the said Day all Parties interested shall be heard, and all Objections to the Schedule of the Insolvent, and to the Accounts or Conduct of the Assignee or Assignees; and any Claims of any Creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a Reference to the Examiner or other Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any Witnesses, either on Oath or Affirmation, and either at that Time to declare a Dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such Declaration or Direction of the same until a further Hearing, and to make such Order as shall be just.

As to Payment of Dividends out of joint and separate Estates to joint and separate Creditors.

XLII. Provided always, and be it enacted, That it shall not be lawful for such Court to order any Dividend to be made amongst the joint Creditors out of the separate Estate until the separate Creditors shall have been paid in full, nor to order any Dividend to be made to the separate Creditors out of the joint Estate until all the joint Creditors shall have been paid in full; in which latter Case it shall be lawful for such Court to order such Dividend to be made among the separate Creditors out of such Interest in the joint Estate as such Insolvent shall appear to be entitled to.

Unless Estate of the Insolvent is within Limits of the Charter, and all Debtors and Creditors reside therein, Assignee to reserve One Third Part undivided for 12 Months.

XLIII. Provided always, and be it enacted, That unless it shall appear to the Satisfaction of such Court that all the Property of the Insolvent is situate, and all the Debtors and Creditors resident, within the Limits of the Charter of the *East India* Company, then, until the Expiration of Twelve Calendar Months from a Notice, to be published in the *London Gazette*, of the Petition or Adjudication of or against any Insolvent as herein-after is mentioned, the Assignee or Assignees shall reserve the full Amount of One Third Part of all the Property of the said Insolvent which shall have been got in, and shall make a Dividend amongst the Creditors of the said Insolvent to the Amount of the remaining Two Third Parts only, which Third Part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such Way as such Court shall order, and shall not remain in the Hands of such Assignee or Assignees; and at the Expiration of the said Term of Twelve Calendar Months it shall be lawful for the Assignee or Assignees of such Insolvent to apply to such Court for a Return of the said Third Part so reserved as aforesaid, in order that the same may be so distributed amongst the Creditors as to place them all upon an equal Footing; and upon such Third Part so reserved as aforesaid being restored to such

At Expiration of 12 Months such One Third to be divided.

Assignee or Assignees, such Assignee or Assignees shall forthwith proceed to take an Account of the Debts of the said Insolvent admitted and established in the said Court, and of the Sum or Sums which shall or may have been paid by way of Dividend to any of such Creditors, and shall distribute the Fund then in the Hands of such Assignee or Assignees, so as to place all the Creditors of the said Insolvent, whether *Indian* or *British* or Foreign, upon a just and equal Footing, and so as that every Creditor whose Debt or Claim shall be admitted or established in the said Court shall receive a rateable and proportional Part of the Assets of the said Insolvent, according to the Amount of his Debt, without reference to the Time at which such Debt shall have been claimed.

If Creditors do not appear to claim Dividend, Court may order Payment or Deposit thereof in such Way as it shall see fit.

XLIV. And be it enacted, That if any Creditor whose Claim shall have been admitted or established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his Attorney or Agent, at the making of any Dividend, nor shall make Application to receive his Share thereof, the Assignee or Assignees shall certify the same to such Court at its first Sitting after the making of the Dividend, and it shall be lawful for the Court to direct in what Manner, and by whom, and upon what Conditions the Money so due to such Creditor shall be kept for or paid to him or to his lawfully constituted Attorney or Agent.

Power of Court over Assignees neglecting to pay Dividends or committing Breach of Duty as such Assignees.

XLV. And be it enacted, That if any Assignee or Assignees shall neglect to pay any Dividend which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect or commit any Breach of his or their Duty as Assignee or Assignees, it shall be lawful for such Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the Payment of such Dividend, with Interest at such Rate as the Court shall award, not exceeding Six Pounds *per Centum per Annum*, and to order the Assignee or Assignees to make such Compensation to any Party injured by such Neglect or Breach of Duty as to such Court shall seem fit, and in default of Obedience thereto to commit such Assignee or Assignees to the Common Gaol, there to remain without Bail until he or they shall obey the Order of such Court, and to levy by Distress and Sale of the Offender's Goods as much as shall be sufficient to satisfy the Order of the Court.

Court may award Wages, &c. to Servants or Clerks not exceeding Six Months, &c.

XLVI. And be it enacted, That if it shall appear to any of the said Courts for the Relief of Insolvent Debtors that any such Insolvent as aforesaid is indebted to any Servant or Clerk of such Insolvent in respect of Wages or Salary of such Servant or Clerk, it shall be lawful for the said Court to order so much as shall be due as aforesaid, not exceeding Six Months Wages or Salary, to be paid to such Servant or Clerk out of the Estate of such Insolvent, and such Servant or Clerk shall be at liberty to prove and receive Dividends for any Sum exceeding such last-mentioned Amount.

Court may, by Order of Discharge, protect Insolvent, or discharge from Custody, or dismiss, &c. Petition, or order to amend Schedule, or adjourn the Hearing, &c.

Court may remand Insolvent to Prison, &c., and order an Allowance for Maintenance.

XLVII. And be it enacted, That upon Application to the Court for that Purpose, it shall be lawful for the Court to declare that the Insolvent is entitled to his personal Discharge under this Act, and to order the same accordingly, which Order of Discharge shall have the Effect of protecting his Person from Arrest in respect of all Demands inserted in his Schedule or established in the same Court; and if such Insolvent be in Custody, it shall be lawful for the Court to order his immediate Discharge from Custody accordingly, or to dismiss or give Leave to amend the Petition aforesaid, or to order the Insolvent to amend his Schedule, or to adjourn the Hearing until a future Day, or to make a Reference to the Examiner or other Officer of the said Court to make Inquiry into any Matter of Account, or into the Truth of the Schedule or Schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the Insolvent to Prison, if a Prisoner, until a further Hearing, or until a further Time to be named in such Order, or to commit the Insolvent to Custody for any Debt or Demand if he shall not be in Custody at the Time of the Hearing, and to cancel or renew any such Order as is herein-before mentioned which may have been given for the Purpose of affording interim Protection to the Insolvent from Arrest, and to order and direct that the Assignee shall make some reasonable Allowance for Maintenance of the Insolvent until Final Order, the Amount of which shall be fixed by the Court, and shall not exceed Five Company's Rupees *per* Week; and the Court by which any Order of Discharge shall be made upon any such Hearing as is herein-before mentioned shall by such Order direct that the Assignee shall give such Notice of such Order as to the Court shall seem fit and convenient.

Discharge to extend to any Sums payable by Insolvent by way of Annuity, &c.

Persons who would be Creditors if Monies were presently due, entitled to Benefit of Provisions of this Act.

Discharge to extend to Costs incurred before Insolvency.

XLVIII. And be it enacted, That the Discharge of any such Insolvent as aforesaid shall and may extend to any Sum or Sums of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security whatsoever, and to any Sum or Sums of Money payable at a certain Time, which Time shall not have arrived at the Time of the Act of Insolvency or Petition of such Insolvent; and that every Person and Persons who would be a Creditor of such Insolvent for such Sum of Money if the same were presently due, shall be admissible as a Creditor of such Insolvent for the Value of such Sum of Money so payable as aforesaid, which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice, nevertheless, to the respective Securities of such Creditor, excepting as respects such Insolvent's Discharge under this Act; and the Discharge by virtue of this Act as to any Debt or Demand of any Creditor of the Insolvent shall be deemed to extend also to all Costs incurred by such Creditor before the Insolvency in any Action or Suit for the Recovery of the same, and to any Process of Contempt for enforcing the same, and to all Costs which the Insolvent would be liable to pay in clearing such Contempt; and that all Persons as to whose Demands for any such Costs as aforesaid the Discharge of the Insolvent is so to extend shall be deemed Creditors of the Insolvent in respect thereof, and entitled in respect thereof to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to ascertaining the Amount of such Demands by Taxation or otherwise.

XLIX. And

XLIX. And be it enacted, That if after the filing of any Insolvent's Schedule in the said Court for the Relief of Insolvent Debtors, and before such Insolvent shall obtain his Discharge in the Nature of a Certificate herein-after mentioned, any Suit or Action shall be pending against the Insolvent, his Heirs, Executors, or Administrators, in any Court within the Limits aforesaid, or any Execution or Process shall be sued out or issued from any of the said Courts, or be enforced against such Insolvent, his Heirs, Executors, or Administrators, for or in respect of any Debt or Demand admitted in the Schedule of the Insolvent, or disputed as to Amount only, the said Court in which such Action or Suit shall be pending, or from which such Execution or Process as aforesaid shall issue, on Proof to its Satisfaction that such Action or Suit, Execution or Process, is in respect of the Debt or Demand aforesaid, may stay the Proceedings in such Suit or Action, so far as the same respects the said Debt or Demand, until further Order of the said Court, and may set aside or suspend such Execution or Process, so far as the same respects the said Debt or Demand, until further Order of the said Court, as it shall think fit; and in such Case the Plaintiff shall pay all Costs reasonably incurred by such Insolvent, his Heirs, Executors, or Administrators, by reason of such Proceedings, and such Execution and Process as aforesaid, subsequent to such Plaintiff's having Notice of his Debt or Demand being included in such Schedule as aforesaid: Provided always, that no Prisoner whose Estate shall by an Order under this Act have been vested in the said Official Assignee shall after such Order, and whilst the same is in force, be discharged out of Custody otherwise than under the Provisions of this Act, as to any Action, Suit, or Process, or concerning any Demand with respect to which an Order of Discharge can, under the Provisions of this Act be made; nor shall such Action, Suit, or Process abate, be discontinued, terminated, or dismissed, or the Plaintiff be in any way subject to pay Costs, by reason merely of his not having taken any further Step in such Cause, Suit, or Process, or his forbearing to proceed with the same, after such Vesting Order as aforesaid.

Suits against the Insolvent pending at the Time of Insolvency, and all Proceedings therein, may be stayed, so far as relate to Debts contained in Insolvent's Schedule.

No Prisoner whose Estate is vested in Assignee to be discharged as to certain Actions, &c. except under this Act.

L. And be it enacted, That in case it shall appear to any Court for the Relief of Insolvent Debtors that any such Insolvent has fraudulently, with the Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Book, Paper, or Writing relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified any such Book, Paper, or Writing, or that such Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Insolvent, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, such Court shall have Power to adjudge that the Insolvent shall be imprisoned for a Period or Periods not exceeding Two Years in the whole, as such Court shall direct, and to declare him entitled to his Discharge as aforesaid at the Expiration of the Term of Imprisonment to which he shall be sentenced, and by Warrant under the Seal of the Court to order him to be arrested and committed to Prison, and there to be detained accordingly.

Penalty on Insolvent fraudulently concealing his Effects or destroying or falsifying Books, or giving undue Preference, or contracting Debts by Breach of Trust, &c.

LI. And be it enacted, That in case it shall appear to any such Court that such Insolvent shall have contracted any of his Debts fraudulently, or by means of Breach of Trust, or by means of false Pretences, or without having any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expense, by any vexatious or frivolous Defence or Delay, to any Suit for recovering any Debt or any Sum of Money due from such Insolvent, or shall be indebted in Costs incurred in any Action or Suit vexatiously brought or defended, or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel or for Slander, or Assault or Battery, or malicious Arrest, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, wherein it shall appear to the Satisfaction of such Court that the Injury complained of was malicious, or if it shall appear that the Insolvent's whole Debts so greatly exceed his Means of providing for the Payment thereof during the Time when the same were in the Course of being contracted, reference being had to his actual and expected Property, as to show gross Misconduct in contracting the same, then and in every such Case it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any Debts, Sum or Sums of Money, or Damages, to be specially mentioned in the Order, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for such Period or Periods, not exceeding Two Years in the whole, as such Court shall direct.

Insolvents fraudulently, vexatiously, frivolously, or maliciously contracting certain Debts not entitled to Discharge.

LII. And be it enacted, That in all Cases where it shall have been ordered that any such Insolvent shall be discharged from Imprisonment as aforesaid at some future Period, such Insolvent shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody, at the Suit of any One or more of his Creditors with respect to whom it shall have been so ordered, at any Time before such Period shall have arrived, in the same Manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Insolvent shall be entitled to the Benefit and Protection of this Act, notwithstanding that he may have been out of actual Custody

Where Insolvent is ordered to be discharged after Imprisonment, he may still be liable to be arrested and charged in Custody at the

Suit of certain Creditors.

Custody during all or any Part of the Time mentioned in such Order, by reason of such Insolvent not having been arrested or detained during such Time, or any Part thereof.

Where Insolvent liable to further Imprisonment, Court may order detaining Creditor to allow him a Sum for Maintenance.

LIII. And be it enacted, That in all Cases where such Insolvent shall, upon such Order as aforesaid, be liable to further Imprisonment at the Suit of his Creditors, or any of them, it shall be lawful at any Time for the Court by which such Order shall be pronounced, on the Application of such Insolvent, to order such Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Insolvent such Sum or Sums not exceeding the Rate of Five Company's Rupees by the Week in the whole, at such Times, and in such Manner, and in such Proportion, as such Court shall direct, and that in failure of Payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Creditor opposing Discharge of Insolvent to have Costs out of the Estate in certain Cases; if Opposition frivolous or vexatious, Court may award Costs against such Creditor.

LIV. And be it enacted, That whenever any Creditor or Creditors opposing such Insolvent's Discharge shall prove to the Satisfaction of any such Court that such Insolvent has done or committed any Act for which he may be liable to remain in such Custody as aforesaid, it shall be lawful for such Court to order the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Insolvent, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to an Insolvent's Discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like Manner; and that in case it shall appear to such Court that the Opposition of any Creditor to any such Insolvent's Discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such Costs to such Insolvent as shall appear to be just and reasonable, to be paid by the Creditors making such Opposition, which shall be paid accordingly.

Where Order has been issued for Discharge of Insolvent, the Court may also discharge him as to any Arrest or Detainers that may be lodged against him in respect of the same.

LV. And be it enacted, That where in the Matter of any such Petition heard before any such Court any Order shall have been made by such Court for the Discharge of any Insolvent, such Court shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Insolvent from Custody, as to any Arrest or Detainers under which he may then be confined, or which may be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Order of Discharge shall have been made, and that every such Order of Discharge shall take effect as from the Day on which it was pronounced, and that every such Order may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the Creditors as to whom he may be ordered to be so discharged at some future Period: Provided nevertheless, that in all Cases the Arrest or Detainer with respect to which any such Insolvent shall have been ordered to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of such Court to be delivered to the Gaoler in that Behalf.

Such Order for Discharge, except in Cases of Appeals, shall be final and conclusive unless obtained fraudulently.

LVI. And be it enacted, That every such Order for Discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in Cases of Appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient Cause to believe that such Order has been made on false Evidence, or has been made by reason of an improper Suppression of Evidence, or of any false Statements in the Insolvent's Schedule, or has otherwise been fraudulently obtained, in which Case it shall and may be lawful for such Court, upon the Application of such Insolvent, or of any Creditor of such Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up and the said Matter to be re-heard before the said Court, who shall thereupon re-hear the same, and shall and may, if just Cause shall appear, annul the original Order made in such Case, and shall have the same Powers and Authorities upon such Re-hearing as upon an original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Order in the said Matter shall not be confirmed, such Order, Certificate, and Warrant, so far as Circumstances require, shall be made as required by this Act to be made in the Case of the original Order; and the said Court shall and may, if necessary, remand the said Insolvent to the same Custody in which he or she was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Order therein had not been made; and thereupon all Detainers which were in force against such Insolvent at the Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her as if such former Order had not been made; and the Gaoler and Keeper of the Prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Insolvent shall refuse or neglect to appear before such Court according to such Order for re-hearing as aforesaid, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for such Court to order such Insolvent to be apprehended and committed to Custody to such Prison, and to issue its Warrant accordingly, and to cause such Insolvent to be brought up for Examination as often as to such Court shall seem fit: Provided always, that where upon such re-hearing it shall appear to such Court that such Insolvent is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Insolvent at such future Period, to be calculated without including the Time during which such Insolvent shall be out of Custody since the Time appointed for his or her Discharge by such former Order as aforesaid.

If Order issued erroneously,

LVII. Provided always, and be it enacted, That if in any Case an Order for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the intended Order of the Court

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in that Behalf, it shall be lawful for the said Court, on such Error being shown to the Court, to revoke such Order, and to annul, suspend, or amend the same, and, if necessary, to re-commit such Prisoner to his former Custody, when by such Order he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so re-committed is hereby required to receive such Prisoner into his Custody, according to such Re-commitment, and thereupon all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him as if such erroneous Order had not issued.

Court may revoke, annul, suspend, or amend the same, and re-commit the Prisoner.

LVIII. And be it enacted, That it shall and may be lawful to and for the Assignee or Assignees from Time to Time, although an Order for the Discharge of the Insolvent may have been made, to apply to the Court that such Insolvent may be further examined as to any Matter or Things relating to his Estate and Effects by such Court, and thereupon it shall be lawful for the said Court to order the same; and in case such Insolvent shall neglect or refuse to appear before such Court, at such Time and Place as shall be directed by such Order, or shall refuse to be sworn, or to answer to such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court by Warrant to commit such Insolvent to Gaol, there to remain without Bail or Mainprize, until such Time as he shall submit himself to the Order of such Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same, for the Purposes aforesaid.

On Request of Assignee, Insolvent may, although discharged, be further examined.

Penalty on Insolvent refusing to appear.

LIX. And be it enacted, That whenever it shall appear that the Estate of any Insolvent which has come to the Hands of his Assignee has sufficed to pay One Third of his Debts admitted or established in the Matter of the said Insolvency, or that a Majority in Number and Value of the Creditors whose Debts are admitted by the Schedule, or established by Proof, have consented to such Application, it shall be lawful for the said Court, at any Time after the Hearing of his Petition, upon the Application of the Insolvent by Petition, which may be in the Form contained in the Schedule (E.) to this Act annexed, with such Variations as the Case may require, to make an Order Nisi for his Discharge in the Nature of a Certificate, and such Order shall specify the Creditors whose Demands are thereby sought to be discharged, and shall appoint a Time for the further Hearing of the said Petition, and shall direct such Notice to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order, or of so much thereof as may appear necessary, to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter, without Delay, transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the *East India* Company, who shall, without Delay, cause an Extract from such Gazette to be inserted in the *London Gazette;* and upon the further Hearing of such Petition, it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further Hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from the Demands of all the Creditors named in the said Order Nisi: Provided always, that such Order shall not affect any Creditor without the Limits of the Charter of the said *East India* Company, unless Notice of the said Order Nisi shall have been directed to be given in the Gazette in manner aforesaid, and a Period of Twelve Calendar Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate as a Release or Discharge of any Person who was a Partner with such Insolvent, or jointly bound or liable with him.

Where Estate pays One Third of Insolvent's Debts, or where Creditors to that Amount consent, Court may grant an Order Nisi for final Discharge of Insolvent, appoint Time for Hearing, and direct Notices to be given.

LX. And be it enacted, That it shall be lawful for any Insolvent Debtor being such Trader as hereinbefore is mentioned, who shall have presented a Petition under this Act, or as to whom an Adjudication that he has committed an act of Insolvency shall have been made under this Act, provided he shall have filed his Schedule, to apply to the said Court by Petition, which may be in the Form contained in the Schedule (F.) to this Act annexed, with such Variations as the Case may require; and that it shall be lawful for the said Court, upon such Petition, to make an Order Nisi for his Discharge in the Nature of a Certificate, and to appoint a Time for the further Hearing of the said Petition, and to direct such Notices to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter without Delay transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the said *East India* Company, who shall without Delay cause an Extract from such Gazette containing such Notice to be inserted in the *London Gazette;* and upon the further hearing of the said Petition it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless such Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from all Demands which would be discharged by a Certificate under the Bankrupt Laws, granted under a Fiat bearing even Date with the Insolvent's Petition, or with the Adjudication, as the Case may be: Provided always, that such Order shall not affect any Creditor without the Limits aforesaid, unless Notice of the said Order Nisi shall have been directed to be given in the *London Gazette* in manner aforesaid, and

Court may, upon Application of insolvent Trader, provided he has filed his Schedule, make an Order Nisi for his Discharge, appoint a Time for Hearing, and direct Notices to be given.

and a Period of Twelve Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate as a Release or Discharge of any Person who was Partner with such Insolvent, or jointly bound or liable with him.

If Insolvent discharged by such Order be again sued in respect of former Debts, Court may, on his Application, order Proceedings to be stayed, and award Costs.

LXI. And be it enacted, That if any such Insolvent, his Heirs, Executors, or Administrators, shall, after such Order for Discharge in the Nature of a Certificate under this Act as aforesaid, be sued or arrested either on Mesne or Final Process, or Execution shall issue against his or their Property, for any Debt, Claim, or Demand from which the said Insolvent shall have been discharged by such Order, on his or their Application to any Court having Power to stay such Proceedings, or to discharge from such Arrest, or to set aside such Execution, and upon Proof to the Satisfaction of such Court of such Order, and that the Debt or Claim for which such Proceedings are had is the same from which the said Insolvent has been discharged by such Order as aforesaid, such Proceedings shall be stayed, and he or they shall be discharged from such Arrest, and such Process of Execution shall be set aside, and all further Proceedings in the Suit in which such Arrest or such Execution was shall also be stayed, and the said Court shall have Power to award Costs to the said Insolvent, or his Heirs, Executors, or Administrators, as aforesaid, in case the said Proceedings shall appear to the said Court to have been taken after Notice of the said Order, and without any reasonable Cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect Debts, Penalties, &c. due to the Crown.

LXII. Provided always, and be it enacted, That no Debt due to our Sovereign Lady the Queen, nor any Fine, Penalty, or Forfeiture whatsoever, nor any Recognizance whereby a Debt is acknowledged to the Queen, nor any Debt due on account of any Fine, Penalty, or Forfeiture, or any Estreat, shall be deemed or taken to be such a Debt or Debts as to entitle any Person or Persons to petition as is before mentioned, nor shall any Person be entitled to receive any Dividend for the same under this Act, nor shall any such Fines, Penalties, Forfeitures, Recognizances, Debts, or Estreats be in any way discharged or affected by anything done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special Provisions for insolvent married Women;

LXIII. And be it enacted, That the Provisions of this Act shall extend to married Women, and that the Order vesting the Estate and Effects of such married Woman in the Official Assignee shall extend to and operate upon her Interest in any Property, Real or Personal, in possession, reversion, remainder, or expectancy, subject to any Rights of her Husband therein, and to all Property over which she shall have any beneficial Power of Disposition, notwithstanding her Coverture, to the Extent of the Benefit which she might acquire therein by the Exercise of such Power; but that the same shall not extend to her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Two hundred Company's Rupees: Provided always, that the Discharge of any married Woman under the Provisions of this Act shall not extend to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

and for insolvent Lunatics.

LXIV. And be it enacted, That if any such Prisoner for Debt as aforesaid shall be or become of unsound Mind, and be therefore incapable of taking the Benefit of this Act in such Manner as he might have done if of sound Mind, the Gaoler or Keeper of the Prison wherein such Prisoner shall be shall give Information thereof to the Court for the Relief of Insolvent Debtors of the Presidency wherein such Prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the State of the Prisoner's Mind, by Examination of Witnesses upon Oath or solemn Affirmation, or by such other Means as it shall think fit; and if such Court shall conclude that the Prisoner is of unsound Mind, it shall be lawful for such Court, at the Instance of any Person on behalf of such Prisoner, to order Notice to be twice inserted in the Gazette of such Presidency, and in such Notice to specify and direct that Application shall be made to such Court for the Discharge of such Prisoner on a Day to be specified in such Notice, being Twenty Days at least from the first Time of Publication of such Notice; which Notice, together with Service of the Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney, shall be deemed sufficient to authorize such Court to proceed to the Discharge of such Prisoner, and such Court shall proceed accordingly, and discharge such Prisoner: Provided always, that all and every the Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which would vest in the Official Assignee under a Vesting Order in the Case of a Petition by such Insolvent if he were of sound Mind, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the Official Assignee in the Manner and for the Purposes herein-before mentioned.

Warrants of Attorney and Cognovits to be void unless filed in Six Weeks after Execution.

LXV. And be it enacted, That after the Time appointed for this Act to take effect every Warrant of Attorney to confess Judgment in any Personal Action in any of Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, and every Cognovit actionem given by any Defendant in any Personal Action which shall be pending in any of the said Courts, shall, within Six Weeks after the Execution of such Warrant or Cognovit, be filed, together with an Affidavit of the Time of the Execution thereof, with the Prothonotary or other proper Officer of the Court in which the Judgment is confessed or the Action is pending; and every such Warrant of Attorney and Cognovit actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null, and void, to all Intents and Purposes; and if any Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written

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on the same Paper or Parchment on which such Warrant or Cognovit shall be written before the Time when it shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes.

Prothonotary, &c. to keep Books for Registry of Warrants of Attorney and Cognovits, pursuant to 3 G. 4. c. 39.

LXVI. And be it enacted, That the Prothonotary or other proper Officer of Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall cause every Warrant of Attorney and Cognovit actionem in any Personal Action filed in his Office to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be entered an alphabetical List of all such Warrants and Cognovits according to the Form of a Schedule annexed to an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment;* which Book or Books, and every Warrant of Attorney and Cognovit actionem filed as aforesaid, shall and may be searched and viewed at all Times upon Payment of the Fees lawfully established.

Court may order Memorandum of Satisfaction to be endorsed.

LXVII. And be it enacted, That it shall be lawful for the Court in which any such Warrant or Cognovit is filed to order a Memorandum of Satisfaction to be written upon any such Warrant or Cognovit, if it shall appear to such Court that the Debt for which such Warrant or Cognovit was given as a Security shall have been satisfied or discharged.

Affidavits and Affirmations may be sworn, &c. before Courts, &c. appointed for that Purpose.

LXVIII. And be it enacted, That Affidavits and Affirmations to be used before any Court for the Relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other Person appointed by such Court for that Purpose, or any Judge or Commissioner for taking Affidavits in any of Her Majesty's Courts of Record within the Limits of the said *East India* Company's Charter, or before any Master or Master Extraordinary in Chancery in *England* or *Ireland*, or any Magistrate authorized to take Affidavits or Affirmations in *Scotland*.

Penalty for Perjury, or for forging or counterfeiting the Seal of any Court.

LXIX. And be it enacted, That if any Person, in any Proceeding, Examination, Affidavit, or Affirmation had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, or shall forge or counterfeit the Seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit Seal, for the Purpose of authenticating any Proceedings or Document, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge such Person to be transported to such Place and for such Term as the Court shall direct, or in either Case to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Penalty for Embezzlement or Concealment of Effects, Books, Papers, &c.

LXX. And be it enacted, That if any Insolvent who shall have filed a Petition for Relief, or against whom any such Adjudication as aforesaid of an Act of Insolvency shall have been made in any of the said Courts for the Relief of Insolvent Debtors in *India*, or any other Person, shall wilfully and fraudulently embezzle or conceal or remove any Part of the Real and Personal Estate or Effects of such Insolvent, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, or shall destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge that such Person shall be transported to such Place and for such Term of Years as the said Court shall direct, or to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Application of Fines imposed for the foregoing Offences.

LXXI. And be it enacted, That whenever any Person or Persons shall have been ordered and adjudged, under the Provisions of this Act, to pay any Fine for any Forgery or Perjury, or Embezzlement or Concealment, or any other such Offence as lastly herein-before is mentioned, and such Fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the Estate and Effects of any Insolvent or Insolvents shall be duly vested according to the Provisions of this Act to apply to the Court by which such Fine shall have been imposed; and if it shall be proved to the Satisfaction of the same Court that the Creditors for whose Benefit the said Assignee or Assignees shall hold in trust the said Estate and Effects have been defrauded, or have incurred Loss, by means of such Forgery, Perjury, Embezzlement, Concealment, or other Offence as aforesaid, the said Court by which the said Fine shall have been imposed may direct the same to be paid, after deducting the Costs of Prosecution, to the said Assignee or Assignees, for the Use and Benefit of the said Creditors: Provided always, that if no such Application shall be made by such Assignee or Assignees within One Year after any such Fine shall have been paid, it shall be lawful for the Court by which such Fine shall have been imposed to appropriate, apply, and to pay over such Fine to such Uses, Purposes, and Persons, and in such Manner, as any other Fine imposed by the same Court for any other Crime or Misdemeanor may be lawfully appropriated, applied, and paid over.

Any Person interested in Proceedings before the Court may, on making a Deposit, require the Evidence, &c. to be taken down by a

LXXII. And be it enacted, That any Person who shall be interested in any Proceeding of any of the said Courts for the Relief of Insolvent Debtors, upon depositing with the proper Officer of the Court a Sum of Money, of which the Amount shall be fixed by the Court, may require that the whole of the Evidence relating to any such Proceeding may be taken down in Writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such Person shall not within One Calendar Month thereafter present a Petition of Appeal as is herein-after directed, it shall be lawful for the Court in which such Evidence shall have been so taken down in Writing as aforesaid to pay the reasonable

sworn Officer of the Court.

able Costs and Expenses thereof out of the Money which shall have been so deposited as aforesaid, returning the Surplus, if any, to the Person who shall have deposited the same.

Power of Appeal to the Supreme Court of the Presidency.

LXXIII. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Adjudication, Order, or Proceeding of any such Court for the Relief of Insolvent Debtors to present, within One Calendar Month thereafter, a Petition to the Supreme Court of Judicature of the Presidency; and it shall be lawful for such Court to order that the whole of the Evidence, if any, which shall have been so taken down in Writing as aforesaid, and the Minutes and Records of the Proceedings of which Complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the Matter of the Petition, and of such Proceedings and Evidence, and shall make such Order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what Manner the Costs of such Petition, and of the Proceedings which shall have been had thereon, and of the taking down of any such Evidence in Writing, and of the Proceedings of which Complaint shall have been made, shall be paid; and such Order shall be final and conclusive as to all Parties, and shall be compulsory and binding upon the Court in which such Proceedings so complained of shall have been had.

Officers of Courts to produce Proceedings and give Copies thereof.

LXXIV. And be it enacted, That the proper Officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Insolvent as aforesaid, or of any Creditor or Creditors of such Insolvent, or his, her, or their Attorney, produce and show to such Insolvent, Creditor or Creditors, and his, her, or their Attorney, at such Times as such Courts respectively shall direct, every Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had relating to such Insolvent; and the said Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the Case may be, to permit the said Insolvent, Creditor or Creditors, or their respective Attornies, to have Inspection, at all reasonable Times, of all Books, Papers, and Writings relating to the Matters of the said Insolvency, and the Estate of the said Insolvent in the Possession of such Assignees, or filed in Court in such Matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or Creditor or Creditors, or his, her, or their Attorney requiring the same, a Copy or Copies of such Petition or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as such Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings as aforesaid, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, or other Proceedings, and appearing to be sealed with the Seal of the said Courts respectively, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, without any Proof of such Seal or other Proof whatsoever, as sufficient Evidence of the same.

Conveyances, &c. under this Act not liable to Stamp Duties, nor Sales directed by the Court to Auction Duty.

LXXV. And be it enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writings whatsoever, before or under any Order of any of such Courts for Relief of Insolvent Debtors, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by Direction of any such Court, relating to Matters within the Jurisdiction of such Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Insolvent as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

Supreme Courts may make Rules and Regulations, and may alter and amend the same, subject to Her Majesty's Approval.

LXXVI. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall respectively have Power from Time to Time to make all necessary and reasonable Rules, not inconsistent with the Provisions of this Act, for facilitating and carrying into effect within their respective Jurisdictions the Relief intended to be given by this Act in Cases for which sufficient Provision has not been thereby made, and from Time to Time to alter and vary such Rules; all which Rules shall from Time to Time be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision.

Filing of Petition by Insolvent, and Adjudication of an Act of Insolvency, conclusive Evidence of an Act of Bankruptcy committed by Insolvent.

LXXVII. And be it enacted, That the filing of a Petition by any Insolvent Debtor under this Act, and the Adjudication of an Act of Insolvency under this Act, shall, for the Purpose of the Laws concerning Bankrupts in *England*, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Insolvent at the Time of filing his Petition, or of filing the Petition on which the Adjudication shall be made, if the Insolvent shall then be a Person subject to the Laws then in force respecting Bankrupts; and any Creditor or Creditors of such Insolvent whose Debt or Debts shall be of sufficient Amount to enable him or them by Law to petition for a Fiat in Bankruptcy may, at any Time within Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as herein-after is directed, sue out a Fiat in Bankruptcy in that Part of the United Kingdom called *England*, against such Insolvent, under which all such Proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by any Statute or Statutes now in force or hereafter to be passed respecting Bankrupts, except as herein-after provided.

Creditor may issue Fiat in Bankruptcy thereupon;

LXXVIII. And be it enacted, That when any Creditor or Creditors resident within the Limits of the Charter of the *East India* Company shall be desirous of suing out such Fiat in Bankruptcy against any such insolvent Trader, it shall be lawful for such Person or Persons to make Proof of his or their Debt or Debts before any of the said Courts for the Relief of Insolvent Debtors, which Proof shall be certified under

under the Seal of such Court; and the Production of the Certificate thereof, so sealed as aforesaid, shall, without any Proof of the Genuineness of such Certificate or of such Seal, be sufficient Evidence of a Petitioning Creditor's Debt to warrant the issuing of a Fiat, and also to authorize all further Proceedings thereon.

but such Fiat not to invalidate or make void any Proceedings had by Insolvent Debtors Court before the issuing of such Fiat.

LXXIX. Provided always, and be it enacted, That in the Case of the issuing of any Fiat in Bankruptcy against any such Insolvent Trader, such Fiat shall not in any Manner affect, invalidate, or make void any Acts or Proceedings had or done before the issuing of such Fiat of or by or under the Authority of any Court for the Relief of Insolvent Debtors in *India*, either by any Assignee or Assignees, or any other Person or Persons acting either mediately or immediately under the Authority of any such Court, and whether without or within the Limits of the Charter of the said *East India* Company; nor shall such Fiat in any Manner affect, invalidate, or make void any such Acts or Proceedings as aforesaid had or done after the issuing of such Fiat, respecting any Property or Interest whatsoever of such Insolvent, Real or Personal, or other Matter, Thing, or Person whatsoever within the said Limits; nor shall the Assignee or Assignees under any such Fiat in Bankruptcy acquire any Right or Title to take possession of, demand, sue for, or recover any Property or Interest whatsoever, Real or Personal, of such Insolvent, within the Limits aforesaid; but the Assignee or Assignees under such Insolvency shall, notwithstanding such Fiat in Bankruptcy, have full Power and Control over all the Real and Personal Property of such Insolvent within the Limits aforesaid, as well as over that without the Limits aforesaid, of which they may have taken actual Possession before the issuing of such Fiat, and shall have the Distribution and Management of all such Property, as fully and effectually as if such Fiat in Bankruptcy had not issued.

Creditors under Insolvency to be Creditors under Bankruptcy, and Creditors under Bankruptcy to receive Dividends under Insolvency.

LXXX. And be it enacted, That all the Creditors of any such Insolvent whose Debts shall have been admitted or allowed by any Court for the Relief of Insolvent Debtors in *India* shall, without further Proof, be entitled to be admitted as Creditors under any such Fiat in Bankruptcy as aforesaid, for the Purpose of receiving an equal Dividend upon the Estate of such Bankrupt with the Creditors who shall have proved their Debts under such Fiat; and in like Manner all Creditors under such Fiat whose Debts shall have been duly established shall be entitled to be admitted as Creditors, without further Proof, in such Court for the Relief of Insolvent Debtors, for the Purpose of receiving an equal Dividend upon the Estate of such Insolvent with the Creditors whose Debts shall have been allowed in such Court.

As to Liability to Penalty of Insolvent made Bankrupt not surrendering.

LXXXI. Provided always, and be it enacted, That when any such Insolvent shall be declared Bankrupt upon the sole Ground herein-before mentioned, he shall not be required to surrender or be liable to any Penalty for not surrendering himself to be examined under his Commission until Forty-two Days after he shall have come into some Part of the said United Kingdom of *Great Britain* and *Ireland*.

Notices of Insolvency, &c. to be inserted in the Gazettes of the Presidencies and the London Gazette.

LXXXII. And be it enacted, That the principal Officer of the respective Courts for the Relief of Insolvent Debtors shall cause Notices to be inserted in the Gazettes of the respective Presidencies within which such Courts shall be holden of every Petition which shall be filed in any of the said Courts by any Insolvent for Relief under this Act, and of every Adjudication of an Act of Insolvency, and of every Confirmation or Revocation thereof, together with the Dates of the same respectively, and, in the Case of an Adjudication, the Date of the Petition on which the same is grounded, forthwith after the filing of such Petition or pronouncing such Adjudication or such Confirmation or Revocation respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said *East India* Company Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay after the Receipt thereof, cause such Notice to be inserted in the *London Gazette;* and the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankruptcy and all Courts whatsoever to be sufficient Evidence of the filing of the Petition of such Insolvent in such Court as aforesaid, and of such Adjudication of Insolvency, and of such Confirmation or Revocation thereof, and of the Dates of the same Proceedings respectively, and, in the Case of any Adjudication, of the Date of the Petition on which the same is grounded.

Order for Discharge of Insolvent not to operate as a Discharge to Debts, &c. of Creditor not resident within Limits of Charter.

Proviso as to joint Creditors.

LXXXIII. Provided always, and be it enacted, That in case any Fiat in Bankruptcy, whether under the Provisions of this Act or otherwise, shall be issued against such insolvent Trader as aforesaid, upon which such Insolvent shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, then and in such Case such Order shall not operate as a Discharge from the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits aforesaid at any Time between the filing of the Insolvent's Petition or the Adjudication, as the Case may be, and the making of such Order: Provided always, that when such Insolvent shall be indebted or liable to Two or more Persons jointly, if any One of such joint Creditors shall have been resident within the Limits aforesaid within the Time aforesaid, such Certificate shall operate against all such joint Creditors as aforesaid, notwithstanding the Non-residency within the Limits aforesaid of some of the said joint Creditors.

Power of Court of Bankruptcy in certain Cases to grant Certificates to Insolvents.

LXXXIV. Provided always, and be it enacted, That in case any Fiat in Bankruptcy shall be issued against such insolvent Trader as aforesaid, upon which he shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, if it shall afterwards be made to appear to any Commissioner, Judge, or Court in Bankruptcy having Authority to grant a Bankrupt's Certificate, that such Order has been made by the Court in the *East Indies* as aforesaid, such Commissioner, Judge, or Court as aforesaid may, if he think fit, thereupon grant the Certificate of

such Bankrupt, which shall have the same Force and Effect, both without and within the Limits aforesaid, as any Certificate duly granted under any Statute or Statutes now in force or hereafter to be in force respecting Bankrupts.

Creditors residing out of the Limits may inspect Proceedings transmitted from India to the Court of Directors.

LXXXV. And be it enacted, That whenever it shall appear by the Schedule of any such Insolvent as aforesaid that any of the Creditors are resident out of the Limits aforesaid, the principal Officer of the said Court for the Relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such Schedule, transmit Two or more Copies thereof to the Chief Secretary of the Government of the Presidency within which such Court is situate, who shall transmit the same to the Court of Directors as soon as conveniently may be after the Receipt thereof; and the said Court of Directors shall retain the same, and permit any Person or Persons, being a Creditor or Creditors of any such Insolvent Debtor, at all reasonable Times to inspect and examine such Schedule, and shall, upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors, such Costs or Charges to be regulated by the said Court of Directors, provide for him or them a Copy or Copies of any such Schedule.

Courts may order Judgment to be entered up for the Amount of the Debts stated in Insolvent's Schedule.

LXXXVI. Provided always, and be it enacted, That in all Cases where any Insolvent shall not have obtained his Discharge in the Nature of a Certificate as aforesaid under this Act, the said Court for the Relief of Insolvent Debtors may, if in the Circumstances of the Case it shall think fit, before making such Order for such Discharge, direct a Judgment to be entered up against such Insolvent in the Supreme Court of the Presidency within which such Court for the Relief of Insolvent Debtors shall be situate in the Name of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the Amount of the Debts or Demands stated in the Schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's Estate, or so much thereof as shall appear at the Time of such Order to be due, which said Order shall be filed in the said Court for the Relief of Insolvent Debtors in *India;* and the Production of such Order, or of a Copy of such Order, under the Seal of the said Court, of which Order, Copy, and Seal no Proof shall be requisite, other than the Production of such Order or Copy, shall be sufficient Authority to the proper Officer for entering up the said Judgment; and then and in every such Case, and notwithstanding the Provisions herein-before contained, if at any Time it shall appear to the Satisfaction of the said Court that such Insolvent is of Ability to pay such Debts or Demands, or any Part thereof, or that he is dead, leaving Assets for such Purpose, and that under the Circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order Execution to be taken out upon such Judgment against the Property of such Insolvent, whether the same may or may not be by Law vested in his Assignee or Assignees, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Insolvent according to the Mode herein-before directed in the Case of a Dividend, and such further Proceedings may be had upon such Judgment as the Court may from Time to Time order, until the said Debts or Demands shall be fully paid and satisfied, and no Scire facias shall be necessary to revive or to execute such Judgment on account of any Lapse of Time or Change of Parties, or otherwise, but Execution shall at all Times issue thereon by virtue of the Order of the said Court for the Relief of Insolvent Debtors from Time to Time: Provided always, that in case any Application against any such Insolvent for the Purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party making the same as to the said Court shall appear reasonable.

Execution on the same may be issued against future Assets of Insolvent.

And when the said Judgment is discharged and satisfied, Court may order Satisfaction to be entered up on such Judgment.

LXXXVII. And be it enacted, That when the Debts or Demands in respect of which such Judgment shall have been entered up as aforesaid shall have been discharged and satisfied, it shall be lawful for such Court, upon Application of the Insolvent, his Heirs, Executors, or Administrators, to direct Satisfaction to be entered on such Judgment, and the Production of the Order of the said Court for entering up such Satisfaction, or of a Copy thereof, under Seal of the said Court, of which said Order or Copy or Seal no Proof shall be requisite, other than the Production of such Order or Copy as aforesaid, shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that after the said Debts and Demands shall have been so discharged and satisfied as aforesaid there shall remain in the Possession or subject to the Control of his Assignee or Assignees any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title by virtue of the Order made in that Behalf, or otherwise by virtue of his or their Office of Assignee or Assignees, it shall be lawful for the said Court, on such Application as aforesaid, to order that all such Property so remaining as aforesaid shall be vested in the Party so applying, and be forthwith delivered up to the said Party, and such Order shall have the Effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said Party.

After 31st October 1848 this Act extended to the Settlement of Prince of Wales Island, Singapore, and Malacca.

LXXXVIII. 'And whereas it is desirable to extend the Benefit of this Act to Insolvent Debtors at 'the Settlement of *Prince of Wales Island, Singapore,* and *Malacca:*' Be it therefore enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and forty-eight there shall be holden within the said Settlement of *Prince of Wales Island, Singapore,* and *Malacca* a Court for the Relief of Insolvent Debtors, which shall be a Court of Record, and shall be styled "The Court for Relief of Insolvent Debtors," and that the Court of Judicature of *Prince of Wales Island, Singapore,* and *Malacca* shall from Time to Time appoint such of their Officers, or, if the Officers of such Court shall be

be found insufficient, such additional Officers as may be necessary to transact the Business of such Court for the Relief of Insolvent Debtors, and to act as Official Assignees, Examiners, and ministerial Officers of such Court.

A Court to be established in such Settlement, and held Four Times a Year by the Recorder.

LXXXIX. And be it enacted, That a Court of Relief of Insolvent Debtors shall be holden within the said Settlement at such Place or Places as may be found most convenient, and as often as may be found necessary, and at least Four Times a Year, by the Recorder of *Prince of Wales Island, Singapore,* and *Malacca,* and it shall be lawful for such Court to adjourn from Time to Time; and the said Court of Judicature shall have Power and is hereby directed from Time to Time to establish Rules as to the Advocates and Attornies or Agents who may practise in the said Court for the Relief of Insolvent Debtors, and from Time to Time to establish Rules to regulate the Proceedings of such Court, and especially to prescribe in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with its Seal a sufficient and proper List of Fees to be charged and received by the Officers of the said Court for the Relief of Insolvent Debtors, and shall and may from Time to Time alter and vary such List as may appear fit and proper, and shall certify under its Seal and transmit Copies of such Rules and Lists of Fees to the Court of Directors of the *East India* Company, to be by them or their Order delivered with their Observations thereon to the President of the Board of Commissioners of the Affairs of *India,* in order for the same to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in some conspicuous Place in the Court for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer, Attorney, or Agent practising in such last-mentioned Court, except such as shall be specified in such Lists.

The several Powers of this Act extended, with certain Exceptions, to the Settlement of Prince of Wales Island, Singapore, and Malacca.

XC. And be it enacted, That the several Powers, Provisions, and Clauses herein-before contained, subsequent to the Clause or Provision for regulating the Fees to be taken in the Courts for the Relief of Insolvent Debtors in *India,* shall apply and take effect in and with reference to the said Settlement of *Prince of Wales Island, Singapore,* and *Malacca* in the same Manner in all respects as if the said Powers, Provisions, and Clauses respectively were here repeated and re-enacted with reference thereto; and that in applying this last-mentioned Provision the said Court of Judicature at the said Settlement shall stand and be read in the Place of and for the Supreme Court of Judicature at *Calcutta,* and the Court for the Relief of Insolvent Debtors at the said Settlement in the Place of and for the said Court for the Relief of Insolvent Debtors at *Calcutta,* and the said Settlement in the Place of and for the Presidency of *Fort William* and Town of *Calcutta* respectively; and where in any Provision herein-before contained any Sum in Rupees is mentioned, such Provision shall apply in the said Settlement as if a corresponding Sum in Dollars, at the Rate of Two and a Half Rupees to the Dollar, had been mentioned in such Provision; and where in any Provision herein-before contained any Period of Time is mentioned having reference to any Act to be done out of the United Kingdom, after Notice to be published in the *London Gazette,* such Provision shall apply in the said Settlement as if an additional Period of Four Calendar Months had been mentioned therein; and the several Schedules to this Act shall be applicable in the same Manner as if the same formed Part of the Clauses or Provisions referring to the same respectively.

Rules, &c. transmitted for Her Majesty's Approbation to be in force till their Return.

XCI. And be it enacted, That where any Rules or other Matters are herein-before directed to be transmitted for Her Majesty's Approbation, Correction, or Revision, the same respectively shall in the meantime be of full Force and shall so continue until the Expiration of Fourteen Days after the Court by whose Authority such Rules or other Matters shall have been made shall have received from the President of the Board of Commissioners for the Affairs of *India* a Communication of Her Majesty's Disallowance thereof, or of any Alterations directed by Her Majesty to be made therein.

Interpretation of Act.

XCII. And be it enacted, That whenever this Statute hath used the Words "Court for Relief of Insolvent Debtors," or any Words of Reference to the same, they shall include each Court for the Relief of Insolvent Debtors at *Calcutta, Madras,* and *Bombay* respectively; and Words describing the Petition of any Insolvent shall include the joint Petition of Two or more Insolvents, and all Provisions as to the one shall apply to the other; and Words importing the Singular Number or Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise provided, or there be something in the Subject or Context repugnant to such Construction.

Commencement of Act.

XCIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *August* One thousand eight hundred and forty-eight.

This Act not to affect a certain Act of Governor General in Council of 1841.

XCIV. Provided always, and be it enacted, That nothing in this Act contained shall affect an Act passed by the Right Honourable the Governor General of *India* in Council, in One thousand eight hundred and forty-one, for appropriating the unclaimed Dividends of Insolvent Estates.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of late of

Showeth,

THAT on the Day of your Petitioner was committed to the Custody of the Sheriff [by virtue of a Writ of issued against your Petitioner at the Suit of the for the Sum of], [and that Detainers have since been lodged against him at the Suit of and for Sums of and respectively], and that he is now a Prisoner in the Common Gaol under the Process aforesaid.

That he is desirous of obtaining the Benefit of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Compliance with the Provisions of the said Act he may have the Benefit of the same, and that all necessary Directions may be given for that Purpose.

And your Petitioner, *&c.*

NOTE.

The Blanks are to be filled up, and the Parts between Brackets omitted or varied according to the Facts.

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar Form is to be adopted in the Case of a joint Petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of of

Showeth,

THAT your Petitioner is in insolvent Circumstances.

That he is now residing at within the Jurisdiction of the Supreme Court of

That he is desirous of obtaining the Benefit of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Compliance with the Provisions of the said Act he may have the Benefit of the same, and that all necessary Directions may be given for that Purpose.

And your Petitioner, *&c.*

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Attorney.

SCHEDULE (C.)

In the Court for the Relief of Insolvent Debtors.

The Schedule of

In the Matter of , an Insolvent.

I the said do declare, That this my Schedule doth contain a full and fair Description of me, as to Name, Trade, Profession, and Abode, and of the Debts due or growing due from me, and of all and every Person to whom I am indebted, or who to my Knowledge and Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places and Employments of Benefit to me, held by me, and also of all Pensions and Allowances which I have in possession or reversion, or which are held by any other Person for me or on my Behalf, or of or from which I derive or may derive any Manner of Benefit, and also of all Rights and Powers which I am, or any other Person in trust for me or for my Use or Benefit are, in any Manner whatever possessed of or interested in or entitled unto, or which I or any other Person in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage, together with a full, true, and perfect Account of all the Debts due or growing due to me or any Person in trust for me or for my Benefit or Advantage, either solely or jointly with any other Person, and the Names and Places of Abode of the several

several Persons from whom such Debts are due and growing due, and of the Witnesses who can prove or other Evidence to prove such Debts, so far as I can set forth the same; and that this my Schedule doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries and Working Tools and Implements of myself and my Family which are excepted by me from the Operation of the Act relating to Insolvents in India, together with the Value of such excepted Articles respectively.

CREDITORS.

No.	Names and Description of Creditors of Claimants, and their present or last Residence.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also why disputed, if disputed.
1 &c.					

Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "set off" must be written under the Amount.

DEBTORS.

No.	Names and Descriptions and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt, also Securities (if any) for the same.	Witnesses, with their Residences, and other Evidence by which the Debt may be proved.

N.B.—If Property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the Schedule.

PROPERTY

PROPERTY in POSSESSION.

		Supposed Value.
1. Interest in Land, Houses, Rents, or other Real Estate.	Describe the Quantity of Estate, if less than the absolute Proprietary Right, as Lease for Years, Lease for Lives, &c.; local Description, Names of Tenants, annual Rent or Value; Statement of Incumbrances (if any) thereupon, with Description of them, and Dates.	
2. Goods, Choses in Action -	Household Furniture - - - - - -	
	Wearing Apparel (not excepted) - - - -	
	Jewels, Trinkets, and Ornaments - - - -	
	Plate, Linen, China, Glass - - - -	
	Wines and other Liquors - - - -	
	Books, Prints, and Pictures - - - -	
	Horses and other Animals - - - -	
	Carriages - - - - - - -	
	Farming Stock, Crops, and Implements of Husbandry - -	
	Other Crops on Cultivation - - - - -	
	Stock in Trade, Machinery, and Utensils in my Business of -	
	Ships and Shares of Ships, describing the Ships by Name, and Master, or other sufficient Description - - -	
	Cash, Bills, Notes, Bonds, &c.; any other Property not particularly specified - - - - - - - -	
3. Property in public Securities, Indian or otherwise, Shares in Companies, Annuities, &c.	Describe the Fund, Stock, Company, Security, &c., and state in whose Name, and also when and by whom, the last Dividend or other Payment in respect of the same was received, and Shares of Estate.	
4. Unpaid Legacies - - -	Legacies, Shares of Intestates' Estates, with all Particulars concerning the same - - - - - - -	

PROPERTY in REVERSION, PLACES, PENSIONS, ALLOWANCES, RIGHTS, AND POWERS.

Contingent as well as vested Interests must be entered.

Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.

		Supposed Value of my Interest, if now to be sold.
1. Interests in Land, Houses, Rents, and other Real Estate. 2. Personal Property, as Goods and certain Choses in Action. 3. Other Personal Property, as public Securities, Indian or otherwise, Shares in Companies, Annuities.	Describe the Property as in the Division relating to Property in possession; add a Description of the Nature of the Interest, and from whom and in what Manner it is derived, with Names and Descriptions of Persons now enjoying the same, the Value or annual Value, according to the Nature of the Property, and in whose Name or Names the Property now stands, or who has the legal Interest therein, according to the Nature of the Property.	
Places, Pensions, and Allowances in possession or reversion.	Places of Employments held by me, with the Salaries, Fees, and Emoluments thereof; also all Pensions and Allowances in possession or reversion held by me, or by any other Person or Persons for me or on my Behalf, or of or from which I derive or may derive any Benefit.	
Rights and Powers - -	Rights and Powers which I or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of or interested in or entitled unto, or which I or any other Person or Persons in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage - - - - -	
Excepted Articles - -	Excepted Articles, and the Value thereof - - - Give a full Description of the excepted Articles and their Value.	

The Schedule to be signed by the Insolvent and witnessed by his Attorney.
A similar Form must be adopted in the Case of a joint Schedule.

SCHE-

SCHEDULE (D.)

Form of Petition for Adjudication of Insolvency.

FORM No. 1.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of of

Showeth,

THAT on or about the Day of the said [*here state the Time and Place of the Charge in execution or Commitment of the Prisoner, and the Amount of the Debt or Sum of Money for which the Prisoner shall have been so charged in execution or committed*].

That your Petitioner is desirous that the said Prisoner should be dealt with according to the Provisions of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an Act of Insolvency, pursuant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, *&c.*

FORM No. 2.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of of

Showeth,

THAT late of (heretofore and up to carried on the Trade or Business of at), and thereby, as your Petitioner is advised, became a Trader within the Meaning of the Bankrupt Laws.

That on or about the Day of the said [*here state shortly the Act or Acts of Insolvency relied on*], whereby, as your Petitioner is advised and believes, the said is liable to be adjudged to have committed an Act of Insolvency.

That at the Time aforesaid the said was and now is indebted to your Petitioner in the Sum of [*state for what the Party is indebted, as* for Goods sold and delivered, *&c.*].

Your Petitioner therefore humbly prays that the said may be adjudged to have committed an Act of Insolvency, pursuant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, *&c.*

NOTE.

The Blanks must be filled up, and the Parts within Brackets varied or supplied, as the Case may require.

A similar Form must be used in the Case of a joint Petition.

SCHEDULE (E.)

Form of Petition for Discharge in the Nature of a Certificate of an Insolvent not a Trader.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

THAT on or about the Day of [*the Circumstances to be stated shortly*].

That the Estate of your Petitioner has realized One Third of the Amount of the Debts established in this Court in the Matter of the said Insolvency [*or* that the major Part in Number and Value of the Creditors of your Petitioner contained in the said Schedule, or who have since established their Debts in this Court, have consented to the Discharge of your Petitioner from all further Liability in respect of his aforesaid Debts, provided that this Court shall so order], as appears by the Schedule annexed to this Petition, to which your Petitioner craves leave to refer.

That your Petitioner is desirous of obtaining a Discharge in the Nature of a Certificate under the Provisions of the said Act.

Your Petitioner therefore humbly prays, that he may be discharged from all Liability in respect of such Debts, and that all necessary Directions may be given for that Purpose.

And your Petitioner, *&c.*

NOTE.

The Blanks must be filled up, and the Parts between Brackets varied, as the Case may require.

The Schedule to contain a Copy of the original Schedule, and of the Debts proved since, if any, and the Consents of the Creditors must be signed by them, or their Attorneys specially authorized.

SCHEDULE (F.)

Form of Petition for Discharge in the Nature of a Certificate of an Insolvent Trader.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent Trader.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

THAT your Petitioner, prior to his Insolvency, herein-after mentioned, carried on the Trade or Business of and thereby became a Trader within the Meaning of the Bankrupt Laws.

That on or about the Day of your Petitioner petitioned for his Discharge, under the Act for the Relief of Insolvent Debtors in India (*or*, was adjudged by this Court to have committed an Act of Insolvency).

That on or about the Day of your Petitioner duly filed his Schedule in this Court, and that your Petitioner is desirous of obtaining a Discharge in the Nature of a Certificate under the Provisions of the Act relating to Insolvent Debtors in India; and he therefore humbly prays that all necessary Directions may be given for that Purpose, and that your Petitioner may, by the Order of this Court for his Discharge in the Nature of a Certificate, be discharged from all Liability in respect of the Debts or Claims established, or which might by Law be proved in this Court, in the Matter of his Insolvency.

And your Petitioner, *&c.*

NOTE.

The Petitioner must annex to this Petition a Copy of his Schedule, and include all Debts established, though not included in the Schedule as originally filed.

The Blanks must be filled up, and the Parts between Brackets varied, as the Case may require.

CAP. XXII.

An Act for granting Relief to the Island of *Tobago*, and for aiding the Colonies of *British Guiana* and *Trinidad* in raising Money for the Promotion of Immigration of free Labourers. [9th *June* 1848.]

'WHEREAS in consideration of the heavy Losses both of public and private Property which have been caused by a Hurricane in the Island of *Tobago* it is expedient that immediate Relief should be granted to the Inhabitants of that Island: And whereas by an Ordinance enacted by the Governor of *British Guiana*, by and with the Advice and Consent of the Court of Policy of the said Colony, intituled *An Ordinance to authorize the raising a Loan of the Sum of Five hundred thousand Pounds for Immigration Purposes*, Commissioners, to be appointed by Her Majesty in *England* under the said Ordinance for that Purpose, are empowered to borrow and raise Money in *Great Britain* upon the Security of the public Revenues of *British Guiana*, by issuing Bonds in the Manner therein provided for, to the Extent of the said Sum of Five hundred thousand Pounds; and the Money to be raised under such Ordinance is to be applied under the said Ordinance for the Encouragement of the Immigration of Labourers into the said Colony of *British Guiana*, and Purposes connected therewith: And whereas by an Ordinance enacted by the Governor of the Island of *Trinidad*, by and with the Advice and Consent of the Council of Government, intituled *An Ordinance for the raising of Money for the Purposes of Immigration*, such Agents as Her Majesty's Secretary of State for the Colonies should from Time to Time appoint are empowered to borrow and raise Money in *Great Britain*, by issuing Bonds to the Extent of the Sum of Two hundred and fifty thousand Pounds, in the Manner therein provided for; and all Sums of Money to become due and payable by the said Colony by virtue of the said Ordinance are thereby declared to be charged upon the general Revenues of the Colony; and the Monies raised under such Ordinance are thereby made applicable to the Payment of the Expenses of introducing Labourers into the said Colony of *Trinidad*, and to the Repayment of Monies which have been applied in Payment of the like Expenses: And whereas it is expedient that Aid should be afforded to the said Colonies of *British Guiana* and *Trinidad* in raising the Monies authorized to be borrowed under the said Ordinances:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, to direct any Sum or Sums, not exceeding Five thousand Pounds in the whole, to be issued and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the immediate Relief of the Inhabitants of the said Island of *Tobago* who have suffered Losses in consequence of the late Hurricane there; and such Sum or Sums, not exceeding Five thousand Pounds in the whole, shall and may be paid to such Person or Persons, at such Time or Times, and in such Proportions, and under such Conditions and Restrictions, as the said Commissioners of Her Majesty's Treasury shall think fit to direct.

Power to Treasury to authorize the Advance of 5,000*l.* for the immediate Relief of Inhabitants of the Island of Tobago.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury to cause Exchequer Bills to be made out at the Receipt of the Exchequer for any Sum or Sums of Money not exceeding in the whole Two hundred and twenty thousand Pounds, in like Manner as is prescribed in and by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in and by another Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in and by another Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

Exchequer Bills to the Amount of 220,000*l.* to be made out as prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

III. And be it enacted, That all the Clauses of the said Acts shall be applied to the Exchequer Bills to be made out in pursuance of this Act, as fully as if the said several Clauses had been herein particularly re-enacted.

Recited Acts as to Exchequer Bills to apply to this Act.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, and shall be made payable at such Times as shall be fixed by the said Commissioners of Her Majesty's Treasury; nevertheless so that all such Bills shall be made payable within Three Years from the Date thereof.

Exchequer Bills to bear Interest not exceeding 3½*d.* per Centum per Diem.

V. And be it enacted, That all the Exchequer Bills to be issued by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become payable, shall be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* and *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, which shall be payable to Her Majesty, Her Heirs and Successors, and also at the Banks of *England* or *Ireland*, to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Exchequer Bills issued under this Act to be taken and shall pass in Payment of Taxes, &c.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury to order and direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of all Exchequer Bills issued under the Authority of this Act.

Payment of Exchequer Bills out of Consolidated Fund.

VII. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, out of the Exchequer Bills authorized to be issued under this Act, to lend in the Manner herein-after provided Exchequer Bills for any Sum or Sums not exceeding in the whole Fifty thousand Pounds, for the Relief of the Island of *Tobago*, and for any Sum or Sums not exceeding in the whole One hundred and seventy thousand Pounds, in aid of the Provision made by the Legislatures of *British Guiana* and *Trinidad* for promoting and encouraging the Immigration of free Labourers.

Treasury may advance 50,000*l.* for Relief of Tobago, and 170,000*l.* for Immigration into Guiana, &c.

VIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to advance and lend the said Sum of Fifty thousand Pounds so apportioned as above mentioned for the Relief of the Island of *Tobago*, or any Part or Parts thereof, to such Person or Persons as shall be duly authorized by any Act or Acts passed or to be passed by the Legislature of the said Island to borrow the same, on the Credit of the Revenues or the public Property thereof, so soon as the said Commissioners of Her Majesty's Treasury shall be satisfied that Repayment of the several Sums so to be advanced, with Interest thereon at the yearly Rate of Four Pounds by the Hundred, is duly secured by some Act or Acts passed or to be passed by the said Legislature of the said Island.

Treasury may advance 50,000*l.* for Relief of Tobago to Persons authorized by Act of Legislature to receive the same;

IX. And be it enacted, That it shall and may be lawful to and for the said Commissioners of Her Majesty's Treasury to advance and lend the aforesaid Sum of One hundred and seventy thousand Pounds, being the Residue of the Exchequer Bills authorized to be issued under this Act, to the said Commissioners for borrowing and raising Monies on the Security of the Revenues of *British Guiana*, and to the said Agents for borrowing or raising Money on the Security of the Revenues of *Trinidad*, or either to such Commissioners or to such Agents, in such Proportion or Proportions, and Sum or Sums, as the said Commissioners of Her Majesty's Treasury shall see fit.

and 170,000*l.* for British Guiana and Trinidad to Persons authorized to receive the same.

X. And be it enacted, That the said Sum or Sums so to be advanced and lent in Exchequer Bills to the said Commissioners or Agents shall be advanced or lent upon the Security of such Bonds as the said Commissioners or Agents are respectively authorized and empowered to issue as aforesaid; and such Bonds shall be made or assigned to such Persons, in trust for Her Majesty, as the said Commissioners of Her Majesty's Treasury shall approve; and the Monies lent upon such Securities shall be made repayable, together with Interest thereon at and after the yearly Rate of Four Pounds by the Hundred, in such Manner as the said Commissioners of Her Majesty's Treasury may under the Terms of the said respective Ordinances require.

Exchequer Bills to be advanced upon Security, and to be repaid, with Interest, as the Treasury may require.

Treasury to deliver Certificates of Amount advanced to the Persons authorized to receive the same.

XI. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall deliver to the Person or Persons to whom any of the said Exchequer Bills shall be advanced as aforesaid a Certificate or Certificates under their Hands, or the Hands of any Three or more of them, specifying the Amount of the Sums to be advanced, which Certificate or Certificates shall be respectively numbered and marked in the Course and Order in which the same shall be delivered, and, being deposited with the proper Officer or Officers, shall be a sufficient Authority, without other Warrant, to such Officer or Officers, to deliver such Exchequer Bills to the like Amount and Value as shall be therein described.

Treasury may advance Money from Consolidated Fund instead of in Exchequer Bills.

XII. And be it enacted, That if it shall appear to the said Commissioners of Her Majesty's Treasury to be expedient that all or any Part or Parts of the said several Advances or Loans for the Relief of the Island of *Tobago*, or for the Promotion of Immigration to *British Guiana* and *Trinidad*, or any or either of them, should be made by the Issue of Money from the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, instead of in Exchequer Bills as aforesaid, in such Case it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, by Warrant or Warrants under their Hands, to direct any Sum or Sums, not exceeding Two hundred and twenty thousand Pounds in the whole, to be issued out of the growing Produce of the said Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the Purpose of making all or any Part or Parts of the several aforesaid Advances, not exceeding the Amount of Fifty thousand Pounds on the Security of the Revenue of the Island of *Tobago*, and not exceeding the Amount of One hundred and seventy thousand Pounds towards the Loans to be raised for the Promotion of Immigration to *British Guiana* and *Trinidad*, or either of them; and such Sum or Sums shall and may be paid to such Person or Persons at such Time or Times, and in such Proportions as the said Commissioners of Her Majesty's Treasury shall see fit to direct; and the said Advances so to be made from the said Consolidated Fund shall be issued and paid to the same Person or Persons, and upon the same Security, and subject to the like Conditions and Restrictions, as respects Rate of Interest, and Period and Terms of Repayment, or otherwise, as if the same had been made in Exchequer Bills as aforesaid, and shall be in all respects in lieu of and substituted for the Principal Sums which would have been included in the said Exchequer Bills.

Bank of England to open and keep an Account with the Treasury for the Purposes of this Act.

XIII. And be it enacted, That the Governor and Company of the Bank of *England* shall open and keep an Account in their Books with the said Commissioners of Her Majesty's Treasury, under the Title of the "*Tobago* Relief and *British Guiana* and *Trinidad* Immigration Loan Fund Account," and shall carry to the Credit of such Account the several Monies by this Act directed to be paid by the Cashiers of the said Bank; and whenever the said Commissioners of Her Majesty's Treasury shall have lent any of the Exchequer Bills or Monies out of the Consolidated Fund authorized to be advanced in pursuance of this Act to any Person or Persons, the said Commissioners shall, at some Time before the Time appointed for the Repayment of the Sums contained in the said Bills or so lent, deliver to such Person or Persons, at his or their Request, One or more Certificate or Certificates under the Hands of any Three or more of them, specifying the Amount of the Exchequer Bills or Monies advanced to such Person or Persons, and the Amount of the Money to be received on account thereof; and the said Cashiers of the Bank, or One of them, shall upon the Production of such Certificate or Certificates receive from the Person or Persons producing the same the Amount of the Money therein mentioned to be receivable, and at the Foot of such Certificate or Certificates shall acknowledge the Receipt of the said Money, without Fee or Reward; and every Receipt so given as aforesaid shall be afterwards brought to the Office of Her Majesty's Exchequer, and shall be there entered in proper Books, to be provided and kept for that Purpose by the Comptroller of the Exchequer; and the said Comptroller shall attest the same under his Hand, and return the same to the Person or Persons producing the same at the said Office; and every such Receipt so attested, and every such Entry in any of the said Books shall thenceforth be a valid and effectual Acquittance and Discharge for the Sum or Sums expressed therein to have been received.

Repayments under this Act into the Bank to form Part of Consolidated Fund.

XIV. And be it enacted, That all Sums of Money which shall be paid into the Bank of *England* under this Act shall be transferred to the Account kept at the Bank of *England* with Her Majesty's Exchequer as "Repayments of *Tobago* Relief and *British Guiana* and *Trinidad* Immigration Loan Advances," to be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* on the Books of the Comptroller General of Her Majesty's Exchequer.

Accounts to be laid before Parliament.

XV. And be it enacted, That the Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament within Fourteen Days next after the Fifth Day of *January* in every Year, if Parliament shall be then sitting, and if not then within Fourteen Days next after the Beginning of the next Session of Parliament, an Account of all Sums advanced to the said Islands of *Tobago* or *Trinidad*, or to the Colony of *British Guiana*, under this Act, and also an Account of all Sums repaid by reason of such Advances, with the Interest paid thereon, made up for the Year ended the Fifth Day of *January*.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXIII.

An Act to alter and amend an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to incorporate the Contributors for the Erection of a National Monument in* Scotland *to commemorate the Naval and Military Victories obtained during the late War.* [9th *June* 1848.]

'WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to incorporate the Contributors for the Erection of a National Monument in* Scotland *to commemorate the Naval and Military Victories obtained during the late War*, under the Provisions of which Act various Parties Contributors were incorporated under the Name of "The Royal Association of Contributors to the National Monument of *Scotland*;" and a Capital not exceeding Fifty thousand Pounds was authorized to be raised by Subscription and Contribution, for the Purpose of erecting a Building of ornamental Architecture appropriate to the Objects and Uses of a National Monument for *Scotland*, with a Church or Place for Divine Worship connected therewith, and Places of Sepulture beneath or connected with the same: And whereas a Site on the *Calton Hill* of *Edinburgh* was granted to the said incorporated Contributors for the Erection of the said National Monument by the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, and a Portion of the said Capital Sum was raised and expended in the Erection of Part of the said Monument, according to Plans thereof adopted by the Directors or Committee of Management, and sanctioned by General Meetings of the said Association; but the Progress of the said Work has for a considerable Period been interrupted by the Want of the necessary Funds and by other Obstructions to its Prosecution: And whereas, in order to the renewed Prosecution and Furtherance of the said Work, it is expedient that the destined Objects of the said Monument should be made in some respects more comprehensive, and in other respects be altered, and that the Sum authorized to be raised for its Construction should be increased, and that the Provisions for carrying out the Purposes of the Subscribers and Contributors should in regard to these and in other Particulars be amended:' But as these Purposes cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said National Monument of *Scotland* shall no longer be restricted in its Objects to those specified in the said recited Act, but that the said Monument shall on its Completion be devoted to the Purpose of a Receptacle or Gallery for Monumental Busts and Statues or other Memorials of great and distinguished Persons of all Nations and Periods. 3 G. 4. c. 100.

Objects of Monument made more comprehensive.

II. And be it enacted, That the Plan and Design of the said National Monument, in its external Architecture and in its internal Decoration, shall be such as has been already adopted by the said Directors or Committee of Management, and been approved of by the said Association: Provided always, that it shall be competent to the said Directors or Committee or to the said Association to make such Alterations upon the Details of the said Plan from Time to Time as may seem expedient.

Design of Monument.

III. And be it enacted, That it shall and may be lawful to and for the said Association of Contributors, for the Purposes aforesaid, to raise and contribute amongst themselves, or by Subscription or Contribution of others, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, in addition to the Monies authorized to be raised under the said recited Act.

Power to raise additional Funds.

IV. And be it enacted, That all and every such Person or Persons, Bodies Politic, Corporate, or Collegiate, who may have subscribed or shall subscribe to the Amount of Five Pounds Sterling each, whether towards the Capital authorized to be raised by the said recited Act or by this Act, and whether in One Payment or to be paid by such Instalments as may be required by the Committee of Management of the said Association, and their several and respective Successors, Executors, Administrators, and Assigns, shall be Members of the said Association, with all the Powers conferred by the said recited Act, and each Subscription to the Amount of Five Pounds shall constitute a Share in the Association; and the respective Subscribers shall be entitled to hold as many Shares in the same as they may hold Subscriptions therein to the Amount of Five Pounds.

Amount of Shares, and Qualification of Membership.

V. And be it enacted, That the said Association shall be entitled to accept of Subscriptions and Contributions from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to a less Amount from each than Five Pounds Sterling, but such Subscriptions and Contributions shall not entitle the Subscribers or Contributors to be Members of the Association, but shall be considered to be Donations only.

Contributions under 5*l.* may be received.

VI. And be it enacted, That the Shareholders present at stated General and Special Meetings under the said recited Act shall have a Vote for each Share held by them, but that such Shareholder shall not be entitled to exercise more than Twenty Votes, although possessed of more than Twenty Shares in the said Undertaking; and every Shareholder who is Proprietor of Five or more Shares, and who cannot attend such stated General and Special Meeting, shall be entitled to vote by Proxy for every Share held by such Shareholder, not exceeding Twenty Shares in the whole, although possessed of more than Twenty Shares in the said Monument, in the same Manner as is provided in regard to such voting in the said recited Act.

No Party to have more than Twenty Votes.

VII. And

Expenses of Meetings.

VII. And be it enacted, That the just and necessary Expenses of all Meetings of the said Association shall be defrayed from the Funds of the said Association.

Notice of General Meetings.

VIII. And be it enacted, in regard to all General Meetings of the said Association held under the Provisions of the said recited Act, That Eight Days previous Notice by Advertisement in any One or more of the Newspapers published in *Edinburgh*, of such Meetings, shall be sufficient for the Purposes of the said Act and of this Act.

Notice of Meetings of Committee.

IX. And be it enacted, in regard to the Meetings of the Committee of Management or Directors, That Notice given by the Secretary at least Three Days before any such Meeting shall be sufficient for the Purposes of the said recited Act and this Act.

Qualification of Directors.

X. And be it enacted, That no Person shall be eligible as an ordinary Director or a Member of the Committee of Management of the said Association who is not possessed of at least Five Shares in the said Association: Provided always, that the Lord Provost for the Time being of the City of *Edinburgh*, or in his Absence the Senior Bailie thereof, shall *ex officio* be a Director and Member of the said Committee of Management.

Secretary not to retain more than a certain Sum of Money in his Hands.

XI. And be it enacted, That the Secretary of the said Association for the Time being shall at no Time retain in his Hands a larger Sum than One hundred Pounds Sterling belonging to the said Association, and received or held by him for the Purpose of this or the said recited Act, but shall immediately pay into the Hands of the Treasurer all Sums exceeding that Amount which may from Time to Time be deposited with or have been uplifted by him.

Church need not be constructed, nor Places of Sepulture.

XII. And be it enacted, That the said Association shall no longer be obliged to construct or appropriate and set apart any Portion of the said Monument by this and the said recited Act authorized to be erected as a Church or Place for Divine Worship, and it shall not be necessary to make or construct Places of Sepulture beneath or connected with the said Monument, anything in the said recited Act notwithstanding.

New Trustees to be elected.

XIII. And be it enacted, That so soon as the said Monument shall be completed a Special Meeting of the whole Shareholders shall be called and held, at which Meeting it shall be lawful for the Shareholders present or represented to declare by their Votes the Parties, not exceeding Fifteen in Number, to whom, alongst with the official Persons after mentioned, the Care and Preservation of the said Monument, and the Management and Control of the future Arrangements and Uses of the same shall be committed as Trustees.

Monument to be vested in Trustees.

XIV. And be it enacted, That the following Persons and their respective Successors in Office, shall *ex officiis* be the Trustees in whom, alongst with the other Parties to be declared at such Special Meeting or assumed in Manner after mentioned, the said Monument shall be vested upon its Completion, for the Purposes before and after mentioned; (*videlicet,*) the Lord Justice General of *Scotland*, the Lord Justice Clerk of *Scotland*, the Lord Advocate of *Scotland*, the Solicitor General of *Scotland*, the Dean of the Faculty of Advocates, the Lord Provost of the City of *Edinburgh*, the Lord Provost of the City of *Glasgow*, and the Principals of the Universities of *Saint Andrew's Glasgow*, *Aberdeen*, and *Edinburgh*, all for the Time being.

Power to appoint new Trustees.

XV. And be it enacted, That it shall be lawful to the said Trustees to appoint from Time to Time other Persons to be Trustees, in the Room of any of the Trustees, not being Trustees *ex officiis*, who may have died or resigned.

Committee of Management or Trustees to decide as to Reception of Busts, &c.

XVI. And be it enacted, That it shall be lawful to the Committee of Management of the said Association during the Progress of the said Monument, and after the Completion thereof it shall be lawful to the Trustees to be appointed under and in virtue of this Act, and the said Committee and Trustees shall have the full and exclusive Right, to determine whether any Bust, Statue, or other Memorial shall be acquired for the said Monument, and whether any Bust, Statue, or other Memorial which shall be presented or tendered shall be received into the said Monument, and their Judgment and Decision in such Matter shall be final and conclusive, and they shall also have the exclusive Right of determining as to the Position and Disposal of such Busts, Statues, or Memorials within the said Monument: Provided always, that when any Bust, Statue, or Memorial shall have been received into the said Monument the same shall not be removed therefrom.

Association and Trustees may make Bye Laws.

XVII. And be it enacted, That it shall be lawful to the said Association, at any General or Special Meeting thereof, during the Progress of the Work, and until the said Monument shall be vested in Trustees in manner before mentioned, and to the said Trustees after the said Monument shall be vested in them respectively, to make such Rules, Regulations, and Bye Laws as they shall think expedient, for Admission to view the said Monument or any Part thereof, or to study the Works of Art that may be deposited therein, or with which the same may be decorated, and for the Care and Preservation and Management and Control of the said Monument and Works of Art.

Quorum of Trustees.

XVIII. And be it enacted, That Three or more of the said Trustees present at any Meeting thereof shall be a Quorum for the Purposes of this Act.

Application of Money to be raised.

XIX. And be it enacted, That the Monies to be raised by the said Association in virtue of this and the said recited Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expenses incurred in applying for, obtaining, and passing this Act, and all the necessary Expenses preparatory and relative thereto; and all the Residue and Remainder of the said Monies shall be laid out and applied in erecting, completing, and preserving the aforesaid Edifice and Decorations thereof, and other Works connected therewith, and to no other Use, Intent, or Purpose whatsoever.

XX. And

XX. And be it enacted, That the whole Powers and Provisions by the said recited Act and by this Act conferred on the Directors and Committee of Management of the said Association, in so far as the same shall be subsisting and capable of taking effect, shall be competent and applicable to and be exercised by the Trustees appointed and to be declared and assumed under and by virtue of this Act. As to Exercise of Powers conferred on Directors.

XXI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such. Public Act.

CAP. XXIV.

An Act for disfranchising the Freemen of the Borough of *Great Yarmouth*. [30th *June* 1848.]

'WHEREAS a Select Committee of the House of Commons, appointed in the present Session of Parliament to try the Matter of certain Petitions complaining of an undue Election of Members to serve in Parliament for the Borough of *Great Yarmouth*, have reported their Opinion, from the Evidence laid before them, that gross, systematic, and extensive Bribery prevailed at the last and at the previous Election for the Borough of *Great Yarmouth* amongst the Freemen of that Borough; and the said Committee have also expressed to the House of Commons their unanimous Opinion, that the Freemen of the Borough of *Great Yarmouth* should be disfranchised, and that no Writ should be issued for the said Borough until legislative Measures should have been taken for the Purpose of such Disfranchisement:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Freeman of the said Borough of *Great Yarmouth* shall be entitled to vote as such in any Election of a Member or Members to serve in Parliament for the said Borough. *After passing of this Act no Freeman of Great Yarmouth to vote as such at any future Election for Members of Parliament.*

CAP. XXV.

An Act to extend the Powers given by former Acts for purchasing or hiring Land in connexion with or for the Use of Workhouses in *Ireland;* and for providing for the Burial of the Poor. [30th *June* 1848.]

'WHEREAS by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor of* Ireland, Power was given to the Poor Law Commissioners to purchase or hire any Land of any Tenure, not exceeding Twelve Acres Imperial Measure, for the Purpose of building a Workhouse thereon, or to be occupied with any such Workhouse: And whereas by another Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland, further Power was given to the said Commissioners to purchase or hire Land not exceeding Three Statute Acres, in addition to the aforesaid Twelve Acres, to be used for the Site of a Fever Ward, or for a Cemetery, or for such other Purpose as the said Commissioners might approve: And whereas it is desirable that the Powers of the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* to hire or purchase Land should be further extended, in order that a greater Quantity thereof may be cultivated for the Employment of Children or Persons under the Age of Sixteen who are Inmates of Workhouses, and for the further Purpose of thus instructing such Children in an improved System of the Cultivation of Land:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Majority of the Guardians of any Union to memorialize the Commissioners to hire or purchase such additional Quantity of Land as may be deemed necessary for the aforesaid Purposes, according to the Circumstances of the Union; and on Receipt of such Memorial it shall be lawful for the Commissioners, by and with the Approval of the Lord Lieutenant of *Ireland*, to hire or purchase such Quantity of Land as they shall think requisite for the Purposes aforesaid: Provided always, that the Quantity of Land so hired or purchased shall not exceed Twenty-five Statute Acres in addition to the Quantity heretofore authorized by Law, and shall be used solely for the Purposes above stated.

1 & 2 Vict. c. 56.

10 & 11 Vict. c. 31.

Boards of Guardians may memorialize Commissioners to purchase or hire additional Land, who may, with Consent of Lord Lieutenant, purchase or hire the same; not to exceed 25 Statute Acres.

II. And be it enacted, That so much of the said recited Act passed in the Tenth Year of the Reign of Her present Majesty as extends to other Parts of *Ireland* certain Provisions of the said Act relating to the Establishment of Schools in the *North* and *South Dublin* Unions, and which authorizes the Poor Law Commissioners to combine Unions into School Districts for the Management of certain Classes of Infant Poor in the said Act specified, be repealed, and in lieu thereof it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* to combine any Two or more Unions in *Ireland* for the Maintenance and Education of Children not above the Age of Fifteen Years, being Inmates of the Workhouses of such Unions respectively; and that all the Provisions of the said Act, which relate to the hiring and purchasing of Land for the like Purpose in respect of the *North* and *South Dublin* Unions, the Erection of a School on such Land, the Contribution to the Cost thereof, and the Expenses of furnishing, fitting up, and otherwise providing such School, the Mode of charging the Maintenance of the Children, and regulating the proportionate Numbers thereof to be received from each Union, the Establishment of a Board of Management of such School, and the Appointment of Officers for the Superintendence thereof, and all other the Powers and Provisions relating to the Establishment of such School for the Use of the *North* and *South Dublin* Unions, shall apply in like Manner to every Combination of Two or more Unions under this Act.

So much of recited Act 10 & 11 Vict. c. 31. as extends certain Provisions as to Schools in the North and South Dublin Unions to other Parts of Ireland repealed; and other Provisions enacted in lieu thereof.

III. And

Guardians may provide Coffins for Persons who at the Time of Death were receiving Out-door Relief.

III. And be it enacted, That it shall be lawful for the Board of Guardians of any Union in *Ireland* to provide a Coffin for the Burial of any deceased Person who at the Time of his or her Death shall have been receiving Relief out of the Workhouse, at the Charge of the said Union or any Electoral Division therein, or who shall have been at the Time of his or her Death dependent for Support on any Person receiving such Relief, and to charge the Cost of providing such Coffin to the Union at large or Electoral Division to which such Relief shall have been chargeable, as the Case may be.

Former Acts and this Act to be construed as One.

IV. And be it enacted, That the several Acts now in force for the Relief of the destitute Poor in *Ireland* and this Act shall be construed as One Act, except so far as the Provisions of any one of such Acts may repeal or alter the Provisions of any previous Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVI.

An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in *Ireland* in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of *Dublin* Metropolis relating to the Recovery of Poor Rates, and other Cases. [30th *June* 1848.]

6 & 7 W. 4. c. 116.

'WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, it is amongst other things provided, that the Grand Jury of each County in *Ireland* shall at each Assizes appoint a proper Person to be High Constable and Collector for each Barony in such County, to collect all Monies presented to be raised on such Barony, or a County of a City, or County of a Town, in manner therein particularly specified; and that if any such High Constable or Collector shall happen to die before he shall have collected the whole of the Money presented to be raised, or if any Case of Vacancy shall occur, it shall be lawful for the Justices of the Peace at any General Quarter Sessions, or Adjournment thereof, to appoint another Person to be High Constable or Collector *pro tempore* until a High Constable or Collector shall be appointed by the Grand Jury; and it is also provided that no Person shall act as High Constable or Collector unless he shall have given Security, as therein mentioned, at the Assizes before the Grand Jury by whom he shall have been appointed, or before the Justices of the Peace at the General Quarter Sessions, if he shall have been appointed at such Sessions, as therein in certain Cases provided; and on his producing the Treasurer's Certificate as therein mentioned it shall be lawful for the Grand Jury to present a Sum not exceeding Nine-pence in the Pound on the Amount of the Collection to be paid to such High Constable or Collector for his Trouble therein: And whereas it has sometimes happened that properly qualified Persons could not be duly appointed at the Assizes to act as High Constables or Collectors for certain Baronies or Places, by reason of such Persons not presenting themselves at the Assizes to accept such Appointment, or by reason of Persons appointed to such Office not being able to perfect their Securities at the Assizes; and it may also happen that a Vacancy in the Office of High Constable or Collector may occur in the Interval between the General Quarter Sessions which takes place next before the Assizes and the first Day of such Assizes, whereby the Public Cess then unpaid cannot be collected on or before such ensuing Assizes; and it is expedient to make Provision in such Cases, and to enable the Grand Jury to increase the Amount of the Collector's Poundage to the Extent and in the Cases herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which for any of the Reasons aforesaid, or for any other Cause, it shall have happened or shall hereafter happen that any Grand Jury of any County, County of a City, or County of a Town in *Ireland*, shall not have at any Assizes appointed a High Constable or Collector of Cess for each Barony of such County, or for such County of a City, or County of a Town, or if any Case of Vacancy shall occur or exist after the Assizes and before the first ensuing General Quarter Sessions of the Peace, or in case it shall happen that a Vacancy in the Office of High Constable or Collector shall take place or exist in the Interval between the said first General Quarter Sessions of the Peace and the first Day of the then next ensuing Assizes, as the Case may be, it shall be lawful for the Justices of the Peace of the said County, County of a City, or County of a Town, at any General Quarter Sessions of the Peace or Adjournment thereof, or in case of a Vacancy occurring or existing between the said first General Quarter Sessions and the first Day of the ensuing Assizes as aforesaid, then at a Special Sessions of the Peace to be called by the Clerk of the Peace in Two Days after the Receipt of the written Requisition of the Treasurer for the Purpose, at the County or Assize Town or Sessions Town of the Division in which such Barony is situate (giving Six Days Notice thereof to such Justices resident in such Division), to appoint a fit and proper Person to be High Constable or Collector of Cess as aforesaid for any Barony of such County, County of a City, or County of a Town for which no such High Constable or Collector of Cess shall have been appointed at the Assizes by the Grand Jury, or for which such Vacancy shall occur or exist in manner aforesaid, as the Case may be; and it shall be lawful for any such Person so appointed to give such Security as aforesaid before such Justices, in like Manner as directed by the said recited Act; and in case any Person appointed as aforesaid by the Grand

Whenever a Grand Jury at the Assizes shall not have appointed Collectors of Cess for each Barony, &c., or when the Persons appointed shall not have given Security at the Assizes, the Quarter Sessions may appoint Collectors, or take the Security.

Grand Jury at the Assizes shall not have given Security before such Grand Jury, as by the said recited Act required, it shall be lawful for such Person so appointed to give such Security before the Justices of the Peace of such County, County of a City, or County of a Town, at the next General or Quarter Sessions of the Peace for the Division of the County in which such Barony is situate; or in default thereof it shall be lawful for such Justices, at any General or Quarter Sessions of the Peace, or Adjournment thereof, for such County, or at such Special Sessions as aforesaid, to appoint some other fit and proper Person to act as High Constable or Collector for such Barony or Place in lieu of the Person so appointed by the Grand Jury; and it shall be lawful for the Person so appointed by such Justices to give such Security as aforesaid before such Justices at such Sessions in the like Manner as if the same were given at the Assizes before the Grand Jury; and all the Provisions of the said recited Act, or any Act amending the same, or of any other Act or Acts relating to any such High Constables or Collectors of Cess, shall be extended and applied to any High Constable or Collector of Cess appointed and giving Security as aforesaid, or only giving Security as aforesaid, under the Provisions of this Act, as fully and effectually as if he were a High Constable or Collector of Cess duly appointed by and giving Security before the Grand Jury at the Assizes under the Provisions of the said recited Act.

Personal Representatives of deceased High Constable or Collector to deliver last Warrants to the Treasurer of the County, together with the Applotments made.

II. And be it enacted, That if any such Vacancy as aforesaid shall have occurred by the Death of the High Constable or Collector, the personal Representatives of the deceased High Constable or Collector shall, previous to such General or Special Sessions, as the Case may be, deliver over to the Treasurer of the County the Warrants issued by him to the said Collector, together with all Applotments that may have been made of the Sum or Sums specified in the said Warrant; and the Deputies appointed by the said High Constable or Collector are hereby required to attend at such General or Special Sessions, as the Case may be, and to produce and deliver to the said Justices Accounts of the several Sums received by them respectively under and by such Warrants and Applotments, specifying the Sum paid by each Person named in such Applotments, and the Sum still remaining due and unpaid, and the Names of the Persons by whom the same are owing; and each Deputy shall make an Affidavit before the said Justices (who are hereby authorized to take the same) of the Truth of such Accounts, which Accounts and Affidavits the said Justices shall also transmit to the Treasurer of the County; and in case any such personal Representative of such deceased High Constable or Collector, or any such Deputy or Deputies, shall neglect or refuse to deliver over the said Warrants and Applotments, and any Money or Monies received by them, and all Applotments or other Documents relating to the Collection of such Public Cess, or refuse to make the Affidavit, as directed by this Act, such personal Representative or Representatives, and Deputy or Deputies, shall forfeit the Sum of Fifty Pounds, to be recovered, in the Name of the Treasurer of the County, by Civil Bill, before the Assistant Barrister of such County, for the Use of such County.

When Monies collected have been duly paid over by personal Representatives, Grand Jury may allow them Poundage.

III. And be it enacted, That the personal Representatives of such High Constable or Collector, duly paying such Sum or Sums of Money as have been collected into the County Bank on or before the first Day of the next Assizes, and on his or their producing to the Grand Jury the Treasurer's Certificate of such Sum or Sums of Money having been so paid, it shall be lawful for the Grand Jury to present, without any previous Application to Presentment Sessions, a Sum not exceeding the Sum allowed by Law as Poundage on the Amount so paid into the County Bank, to be paid to the personal Representatives of such High Constable or Collector.

Grand Jury may present increased Poundage where Difficulties occur in the Collection.

IV. 'And whereas in certain Baronies and Portions of Baronies in some Counties of *Ireland* there is 'now considerable Difficulty in the Collection of the Public Money, and the said Sum of Nine-pence in 'the Pound has been found in certain Cases not to be sufficient Remuneration to the High Constable 'or Collector for his Trouble in collecting the same, and it is expedient, for a limited Time, to enable the 'Grand Jury, in Cases where such Difficulties occur, to present a larger Rate or Sum than Nine-pence in 'the Pound as Remuneration to such High Constable or Collector for such additional Trouble as afore-'said:' Be it therefore enacted, That it shall and may be lawful for the Grand Jury at any Assizes held after the passing of this Act, and before the End of the Year One thousand eight hundred and forty-nine, if they shall think fit, in Cases where such Difficulties shall occur in the Collection of the said Monies as aforesaid, to present, without previous Application to Presentment Sessions, a Sum not exceeding One Shilling in the Pound on the Amount of the Collection of such Monies from such Barony or Baronies where such Difficulties shall occur, to be paid to any such High Constable or Collector for his Trouble in collecting the same.

Bonds, &c. deemed good against Sureties as well as against High Constables or Collectors.

V. And be it enacted, That any Bond and Warrant of Attorney to confess Judgment of any High Constable or Collector, executed or purporting to be executed pursuant to the said recited Act or this Act, and any Judgment entered up on the same, shall be good and valid to all Intents and Purposes, as well against the said High Constable or Collector as his Sureties, whether the said Bond and Warrant shall have been given at the Assizes before the Grand Jury by whom such High Constable or Collector shall have been appointed, or before the Justices of the Peace at any General Quarter Sessions of the Peace, or any Adjournment thereof, or such Special Sessions as aforesaid, and whether such High Constable or Collector shall have been appointed by the Grand Jury at any Assizes, or at any Quarter Sessions, or Adjournment thereof, and shall have subsequently qualified and given such Security at a subsequent Quarter Sessions, or Adjournment thereof, or at such Special Sessions as aforesaid.

6 & 7 W. 4 c. 116.

VI. 'And whereas by the said recited Act of the Sixth and Seventh Years of His said late Majesty 'it is amongst other things enacted, that it shall be lawful for every Person duly authorized to collect and 'levy any Grand Jury Cess off any Barony, County of a City, or County of a Town, in default of Pay-

'ment of any such Grand Jury Cess by the Party chargeable there with within the Time therein specified, 'to prefer a Complaint to any Justice of the Peace of the County in which such Party may reside; and 'such Justice is empowered to summon such Party, and to direct Payment of such Money to such 'Collector, or to issue his Warrant for the Levy thereof by Distress and Sale of the Goods and Chattels 'of the Party complained against, as in the said recited Act more particularly mentioned: And whereas
1 & 2 Vict. c. 56. 'by an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for 'the more effectual Relief of the destitute Poor in* Ireland, it is amongst other things enacted, that every 'Rate made under the Authority of the said Act now in recital on each Electoral Division shall and 'may be collected and levied, sued for and recovered, by such and the same Ways and Means as the 'Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be 'collected and levied: And whereas by an Act of the Sixth and Seventh Years of the Reign of Her
6 & 7 Vict. c. 92. 'present Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief 'of the destitute Poor in* Ireland, it is amongst other things enacted, that any Rate or Rates made as 'therein mentioned on any Lessor in respect of any Property, whether occupied by One or more Occupiers, 'should be recovered by the Ways and Means therein mentioned, and, amongst others, that it should be 'lawful for the Collector to prefer a Complaint to any Justice of the Peace of the County in which such 'Lessor may reside; and such Justice is empowered to summon such Lessor so complained against to 'appear before him in Petty Sessions, and is also empowered to direct Payment of such Money to such 'Collector, and in default of Payment that it should be lawful for such Justice, or any Justice of the 'Peace for such County, to issue his Warrant for the Levy thereof by Distress and Sale of the Goods of 'such Lessor, as in the said Act more particularly mentioned; and it is by the said last-recited Act also 'enacted, that every Rate made under the Authority of the said Act now in recital, or the therein first-'recited Act, on any Electoral Division in the County or the County of the City of *Dublin*, and any 'Money authorized and directed to be levied under any Warrant for the levying of Poor Rate in the 'said County or the County of the City of *Dublin*, shall and may be collected and levied, sued for and 'recovered, by such and the same Ways and Means, and with the like Remedies and Powers in case of 'Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the 'same, may be collected in any other County in *Ireland:* And whereas Doubts exist whether the Divi-'sional Justices of the Police District of *Dublin* Metropolis can be deemed to be Justices of the Peace 'of the County of the City of *Dublin* or for the County of *Dublin* within the said Police District so as 'to have or exercise Jurisdiction for the hearing of Complaints as to Nonpayment of Poor Rates or for 'the Recovery of Poor Rates within the said Police District, within the Meaning of such said recited Pro-'visions; and Doubts also exist whether the several Police Offices at which such Divisional Justices 'preside and officiate within the said Police District can be deemed to be Petty Sessions within the 'Meaning of the said last-recited Act or of the several Acts authorizing or directing any Proceedings to 'be taken by or before a Justice or Justices of the Peace at Petty Sessions, or before Justices of the 'Peace of a County, County of a City, County of a Town or Place, or before Two or more Justices when 'met or assembled;' for the Removal of such Doubts be it therefore enacted, That the several Divisional Justices of the Police District of *Dublin* Metropolis shall, for the Purposes of the said Acts of the First and Second Years of Her Majesty's Reign and of the Sixth and Seventh Years of Her Majesty's Reign, and of all and every other Act or Acts heretofore made or hereafter to be made with respect to the raising, levying, or enforcing Payment of any Rate for the Relief of the Destitute Poor in *Ireland*, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County has or have or can have or exercise within his or their respective County in respect to any Rates made or to be made for Relief of the Destitute Poor in *Ireland;* and that wherever, in any Act now in force or which shall hereafter be in force in *Ireland*, any Proceeding, Matter, or Thing is or shall be authorized or directed to be taken, entertained, inquired into, or done by a Justice or Justices of the Peace at Petty Sessions, or by Justices of the Peace of any County, County of a City, County of a Town or Place, or by Justices of the Peace, or any Two or more of them met and assembled, the said Divisional Justices of the Police District of *Dublin* Metropolis, or any One or more of them, shall have and shall and may exercise all such Powers and Authorities and Jurisdictions at the several Divisional Police Offices within such Police District of *Dublin* Metropolis at which such Divisional Justices or Justice shall at the Time be respectively presiding or officiating as any Justice or Justices at Petty Sessions, or any Justice or Justices as aforesaid, are or shall be authorized or directed to have or exercise within their respective Jurisdictions.

The Divisional Justices of Dublin to have like Jurisdiction relating to Recovery of Poor Rates as other Justices of the County.

Such Justices to have Power to act at their respective Offices in all Cases as Justices at Petty Sessions.

Powers for the Recovery of Grand Jury Cess in Dublin.

VII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the several Collectors of Grand Jury Cess in the County of the City of *Dublin* to collect, levy, sue for, and recover the Grand Jury Cess of such County of the City of *Dublin*, or any Part of the same, from all and every Persons and Person who now are or is or hereafter shall be liable to pay the same, by all the Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected and levied in any other County in *Ireland.*

Divisional Justices in Dublin to have same Powers to collect Grand Jury Cess as other

VIII. And be it enacted, That the Divisional Justices of the Police District of *Dublin* Metropolis shall, for the Purposes of all and every Act or Acts heretofore made or hereafter to be made with respect to the raising, levying, or enforcing Payment of Grand Jury Cess in the County of the City of *Dublin*, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County in *Ireland* has or have or can or shall lawfully

lawfully have or exercise within his respective County with respect to any Grand Jury Cess to be raised within the same. Justices in Ireland.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XXVII.

An Act to authorize the Inclosure of certain Lands, in pursuance of the Third and also of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [22d *July* 1848.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Nonexecution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases*, issued provisional Orders for and concerning the several proposed Inclosures mentioned in the First Schedule to this Act, and have, in the Annual General Report of their Proceedings, certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the Authority of Parliament: And whereas, before the Date of the said Annual General Report, the said Inclosure Commissioners issued their provisional Order for and concerning the proposed Inclosure mentioned in the Second Schedule to this Act, and the requisite Consents thereto had been given, but the said Commissioners had not received Information of such Consents having been so given at the Time of making their said Report: And whereas the said Commissioners have, by a Special Report, certified their Opinion that such last-mentioned proposed Inclosure would be expedient, but the same cannot be proceeded with without such Authority:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedules to this Act be proceeded with; and as respects the proposed Inclosure mentioned in the Second Schedule to this Act, in the same Manner as if the Expediency of such Inclosure had been certified by the Commissioners in their said Annual General Report. 8 & 9 Vict. c. 118. Inclosures mentioned in Schedules may be proceeded with.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Inclosure Act, 1848." Short Title.

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

Inclosure.	County.	Date of Provisional Order.
		1846:
Corringham and Springthorpe	Lincoln	9th January.
Oreton Common	Salop	26th January.
Tansley Common	Derby	26th January.
Caldecot Open Fields	Cambridge	24th March.
Church Stoke and Hurdley	Montgomery	2d November.
		1847:
Hyssington	Montgomery and Salop	8th January.
Asby Mask	Westmorland	8th January.
Dulverton	Somerset	20th January.
Burghfield	Berks	23d January.
Barrow	Suffolk	11th February.
Woolpit	Suffolk	7th May.
Hessett	Suffolk	18th May.
Egton	York	16th June.
Smardale Fell	Westmorland	16th June.
Antrobus	Chester	24th July.
Ilton Moor	Devon	24th July.
Chinnor	Oxford	24th July.
Mottram St. Andrew	Chester	4th August.
Burstow	Surrey	23d August.
Cookbury Moor	Devon	21st September.
Ison Common	Somerset	21st September.
Winsford	Somerset	21st September.
Thornton Moor	York	21st September.
Stoke Pero	Somerset	21st September.

Inclosure.	County.	Date of Provisional Order.
Warborough	Oxford	11th October.
Upwood and Ramsay	Huntingdon	11th October.
St. Stephen's Down	Cornwall	17th November.
Benwick	Cambridge	10th December.
Lyminge	Kent	17th December.
Mid Lavant	Sussex	17th December.
Boxgrove	Sussex	17th December.
East Lavant	Sussex	17th December.
		1848:
East Green	Suffolk	8th January.
Galsworthy Moor	Devon	8th January.
Monksoham	Suffolk	8th January.
Ellisfield Common	Southampton	8th January.
Kingsley	Stafford	11th January.
Great Missenden	Buckingham	11th January.
Bagley Wood	Berks	21st January.
The Grange Common	Carmarthen	21st January.
Shellwood Manor Waste	Surrey	24th January.
Hesketh Marsh	Lancaster	29th January.

SECOND SCHEDULE.

Inclosure.	County.	Date of Provisional Order.
		1848:
Moorhouse	Nottingham	24th January.

CAP. XXVIII.

An Act to amend the Law of Imprisonment for Debt in *Ireland*, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain Cases. [22d *July* 1848.]

'WHEREAS it is expedient to limit the present Power of Arrest for Debts, Damages, Demands, or Costs under Process issuing from Courts of Law or Equity or Inferior Courts in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Day of the Commencement of this Act no Writ of Capias ad satisfaciendum, or other Writ, Process, or Warrant to arrest the Body of any Defendant in any Action or Suit, (Actions for malicious Prosecution, or for Deceit, Libel, Slander, Criminal Conversation, Seduction, or Breach of Promise of Marriage, only excepted,) shall be issued in *Ireland*, founded on a Judgment, Decree, or Order of any of the Superior Courts of Law or of any Inferior Courts in *Ireland*, when the Sum due or to be paid by or under such Judgment, Decree, or Order, exclusive of the Costs, if any, thereby recovered or ordered to be paid, shall not exceed the Sum of Ten Pounds; nor shall any Writ, Process, or Warrant to arrest the Body of any Plaintiff, Defendant, or other Person in any Action or Suit be issued, founded on any Judgment, Decree, or Order for the Recovery of Costs only, when such Costs due or to be paid shall not exceed the Sum of Ten Pounds; nor shall any Writ, Process, or Warrant issue to arrest the Body of any Plaintiff, Defendant, or other Person, founded on any Decree or Order of any Court of Equity, Ecclesiastical Court, or Court of Admiralty in *Ireland*, for the Payment of Money, whether consisting wholly or partly of Costs or otherwise, when the Sum due or to be paid shall not exceed the said Sum of Ten Pounds.

After Commencement of this Act, no Writ or Process for Arrest shall issue from certain Courts in Ireland for Debts or Sums not exceeding 10*l.*, save as herein excepted.

II. And be it enacted, That in case any such Writ, Process, or Warrant to arrest the Person (save in any of the Cases herein-before excepted) shall have issued before the said Day of the Commencement of this Act, founded on any such Judgment, Decree, or Order as aforesaid, when the Sum thereby due or to be recovered and paid shall not exceed the respective Sums specified in the several Cases herein-before mentioned, and such Writ, Process, or Warrant shall not have been executed before the said Day of the Commencement of this Act, such Writ, Process, or Warrant shall not, on or after the said last-mentioned Day, be executed against the Person of the Party against whom the same shall have issued.

Such Writs, &c. issued before Commencement of Act, but not executed, shall not be executed against the Person, save as herein excepted.

III. And

Persons in Custody on or after the Commencement of the Act under any such Writs, &c. for Sums not exceeding 10*l.*, shall be discharged on Application to Sheriff, &c.

Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor.

III. And be it enacted, That in any Case in which any Person shall, on or before the said Day of the Commencement of this Act, be in Execution or in Custody under and by virtue of any such Writ, Process, or Warrant to arrest the Person, founded on any such Judgment, Decree, or Order of any of such Courts as aforesaid, (save in any of the Cases herein-before excepted,) when the Sum thereby ordered to be paid, and for which such Person shall be held in Custody, shall not exceed the respective Sums specified in the several Cases herein-before mentioned, it shall be lawful for the Sheriff, Gaoler, or Officer of any of such Courts as aforesaid in whose Custody such Person shall be detained, and he is hereby required, on the Application of such Person, to discharge him or her forthwith out of Custody, as to such Execution, Writ, Decree, or Order respectively, without Prejudice nevertheless to any other Right to detain such Person in Custody for any Cause for which he may lawfully be so detained: Provided also, that for and notwithstanding the Discharge of any Debtor or Party in manner aforesaid the Judgment, Decree, or Order whereupon any such Debtor or Party was taken or charged in Execution or arrested shall nevertheless remain and continue in force to the Intent and Purpose that the Judgment Creditor or Person obtaining such Decree or Order may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of any such Debtor or Party in such Manner and Form as such Creditor or Person obtaining such Decree or Order otherwise could or might have done in case such Debtor or Party had never been taken or charged in Execution or arrested upon such Judgment, Decree, or Order, and it shall be lawful for such Creditor or Person obtaining such Decree or Order to have and take such Remedy and Execution: Provided also, that in any of the Cases herein-before mentioned, whenever by the Law, Usage, or Practice of any Court in *Ireland* before the passing of this Act Process against the Person of any Debtor for any such Sum not exceeding Ten Pounds as aforesaid is now the only Process issued from such Court for the Recovery of any such Debt or Sum, it shall be lawful for such Court after the passing of this Act, instead of such Process against the Person, to issue a Process in the Nature of an Execution, Writ, Process, or Warrant against the Goods and Chattels of the Defendant or Debtor, and for the Seizure and Sale of the same in like Manner as such Process against the Person has heretofore been issued in such Cases.

When a Defendant, &c. is exempted from Arrest or discharged from Custody by virtue of this Act, the Plaintiff may serve a Civil Bill Process, requiring the Defendant to show Cause why Process of Arrest or Committal should not issue.

Civil Bill Process to be according to Form (A.) in Schedule.

IV. And be it enacted, That in all Cases in which any Judgment, Decree, or Order as aforesaid for any such Sum, not exceeding such respective Sums specified in the several Cases as aforesaid, shall have been or shall be had, under and by virtue of which the Defendant or Party against whom such Judgment, Decree, or Order shall have been or shall be had might if this Act had not been passed be charged in Execution or arrested, or whenever any Defendant or Party shall have been or shall be discharged from Custody as to any such Execution, Decree, or Order under and by virtue of this Act, and the Plaintiff or Person having obtained such Execution, Decree, or Order shall not have recovered his Demand out of the Goods and Chattels of such Defendant or Party, it shall be lawful for the Plaintiff or Person having obtained such Judgment, Decree, or Order to cause a Civil Bill Process to be issued against the Defendant in such Judgment or the Party against whom such Decree or Order shall have been obtained, thereby requiring him personally to appear before the Assistant Barrister for the County or Riding at the General or Quarter Sessions for the Division or Place in which such Defendant or Party shall reside, and to show Cause why Execution or Process of Arrest or a Committal should not issue against his Person in respect of such Judgment, Decree, or Order, as the Case may be; and such Civil Bill Process shall be according to the Form (A.) in the Schedule to this Act annexed, or as near thereto as the Nature of the Case will admit; and the respective Assistant Barristers within their respective Jurisdictions shall have Power to hear and determine any such Civil Bill; and the Service and the several Proceedings of, in, or relating to such Civil Bill, and the Costs of or relating to the same, shall be subject to like Provisions and Regulations, so far as the same are applicable, as any Civil Bill in Cases of Debt or Assumpsit, save as herein otherwise provided.

If Assistant Barrister shall find that Defendant has Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him.

V. And be it enacted, That at the hearing of such Civil Bill it shall be lawful for the Assistant Barrister to cause the Plaintiff and the Defendant, or either of them, in such Civil Bill, (if they or either of them shall appear on such hearing,) to be examined on Oath, and upon such Examination, and upon such other Evidence as shall be offered, to investigate the Amount of the Debts or Demands due or owing by or claimable against the Defendant, and the Nature and Amount and Circumstances of any Property of whatsoever kind he or any one in trust for him is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it shall appear that the Defendant or any one in trust for him is possessed of or entitled to Property of any kind which, regard being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against the Defendant, and to the Security of his several Creditors, ought, in the Opinion of the Assistant Barrister, to be administered under the Provisions of the Acts relating to Insolvent Debtors in *Ireland*, or that the Defendant is of sufficient Ability to discharge the Plaintiff's Debt or Demand, then and in such Case it shall be lawful for the Assistant Barrister to issue a Decree, in like Manner as in other Cases of Civil Bill, to take in Execution the Body of the Defendant to satisfy the Plaintiff's Demand and Costs, or to issue such Decree with Stay of Execution for a Period thereby limited, which Decree may be according to the Form (B.) in the Schedule to this Act annexed, or as the Circumstances of the Case may require; and under any such Decree the said Defendant may be arrested and detained in Custody accordingly, as in other Cases of Execution against the Body under a Civil Bill Decree before the passing of this Act, anything herein to the contrary notwithstanding; but if at such hearing it shall appear to such Assistant Barrister that there is not Property of the Defendant which ought

ought in the Opinion of such Barrister to be administered under the said Acts relating to Insolvent Debtors, or that the Defendant is not of sufficient Ability to discharge the Plaintiff's Debt or Demand, but that such Defendant, in incurring the Debt due to the Plaintiff or other Liability, has obtained Credit from the Plaintiff under false Pretences, or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having had at the same Time a reasonable Expectation of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same, with Intent to defraud his Creditors or any of them, it shall be lawful for the Assistant Barrister, if he shall think fit, by a Decree or Order according to the Form (B.) in the Schedule to this Act annexed, or as the Circumstances of the Case may require, to order that any such Defendant may be committed to the Common Gaol or House of Correction of the County, District, or Place in which the Defendant is resident, for any Period not exceeding Three Calendar Months, unless the Demand of the Plaintiff be sooner paid, without Prejudice to any Remedies for the Recovery of the Plaintiff's Demand out of the Property or Effects of the Defendant: Provided always, that it shall not be necessary for the Plaintiff to appear in Person at the hearing of such Civil Bill: Provided also, that there shall be no Appeal from any such Decision of the Assistant Barrister; and in case of a Dismiss the Costs thereof shall be paid by the Plaintiff or set off against his Demand, as the Assistant Barrister shall direct: Provided also, that if the Defendant in such Civil Bill shall not personally appear as thereby required at such hearing it shall be lawful for such Assistant Barrister to proceed to the hearing of such Case in his Absence, and to make such Decree or Order as might be made on his Appearance, or as the Assistant Barrister shall think fit.

In default of Defendant's Appearance, Decree may be made.

Power to examine or commit at the original Hearing of a Civil Bill in certain Cases.

VI. And be it enacted, That in any Action brought in any Civil Bill Court in any Case where the Power of Arrest would otherwise be taken away under this Act, the Assistant Barrister at the original Hearing of the Cause, if he shall see Reason to make a Decree against the Defendant, shall have the same Power and Authority of examining the Defendant and the Plaintiff, or either of them, or other Persons, touching the several Matters in the last preceding Provision mentioned, and of granting a Decree against the Person of the Defendant, or of committing him to Prison, as he might have and exercise under the said last preceding Provision in case the Plaintiff had (after a Decree obtained) proceeded specially by a Civil Bill for such Purpose, as in the said last preceding Provision mentioned, anything herein-before contained to the contrary thereof notwithstanding: Provided always, that in any such Case the Plaintiff shall cause a written or printed Notice to be annexed to or endorsed on the Civil Bill Process, stating that such Plaintiff will proceed in such Civil Bill under the Powers and Provisions of this Act, inserting the Title thereof.

Upon Affidavit that a Defendant is about to quit Ireland, he may by a Special Order be taken in Execution.

VII. Provided always, and be it enacted, That in any Action in any Court for any Sum not exceeding such respective Sums specified in such several Cases as aforesaid, or in any Case in which a Judgment, Decree, or Order for any such Sum or Sums shall have been or shall be had or obtained, where the Defendant or Party against whom such Action shall be brought, or such Judgment, Decree, or Order shall have been or shall be had or obtained, might, if this Act had not been passed, be or have been charged in Execution or arrested, if the Plaintiff or Person bringing such Action, or obtaining such Judgment, Decree, or Order, shall, by the Affidavit of himself or of some other Person, or other Proof, show, to the Satisfaction of the Court in which such Action shall be brought, or such Judgment, Decree, or Order shall have been had or obtained, that there is probable Cause for believing that the Defendant or any one of the Defendants, or the Person or Persons against whom any such Action shall be brought, or such Judgment, Decree, or Order shall have been obtained, is or are about to quit *Ireland* unless he or they be forthwith arrested or charged in Execution, it shall and may be lawful for any such Court, upon the hearing of the Case, in the first instance to grant an Execution, Order, or Civil Bill Decree, as the Case may be, against the Person of the Defendant, or (in the Case of an Execution, Decree, or Order having been theretofore had or obtained) by a Special Order to direct that such Defendant or Person so about to quit *Ireland* shall be arrested or charged in Execution under such Judgment, Decree, or Order as aforesaid; and thereupon it shall be lawful for the Plaintiff or Party obtaining such Judgment, Decree, or Order to arrest or charge in Execution the said Defendant or Person against whom such Judgment, Decree, or Order shall have been obtained, in like Manner as such Defendant or Person might have been arrested or charged in Execution if this Act had not been passed: Provided always, that in the Case of any such Special Order for Arrest in Execution as last aforesaid obtained in respect of a Judgment, Decree, or Order theretofore obtained, it shall be lawful for the Person so arrested or charged in Execution to apply, at any Time after such Arrest, to the Court in which such Judgment, Decree, or Order shall have been obtained, for a Rule or Order on the Plaintiff or Person obtaining such Judgment, Decree, or Order, to show Cause why the Party arrested under such Special Order as aforesaid should not be discharged out of Custody, and it shall be lawful for such Court thereupon, and upon Consideration of any further Affidavits to be produced by or on behalf of either of the Parties, or upon Examination of the Parties or either of them, or of Witnesses, to make such other Order thereon as to such Court shall seem fit, or to direct the Costs of the Application to be paid by either Party, not exceeding in any Civil Bill Court the Costs of a Decree; but if thereupon the Party arrested shall be discharged, such Discharge shall be without Prejudice to any Remedies for the Recovery of the Plaintiff's or Party's Demand out of the Property or Effects of the Defendant or Person so discharged, and the Execution, Writ, Decree, or Process against the Person may be changed to an Execution, Writ, Decree, or Process against such Property or Effects.

VIII. Pro-

Nothing herein to extend to Revenue of Excise, &c.

VIII. Provided always, and be it enacted, That nothing in the preceding Enactments contained shall extend or apply to or affect or prejudice any Informations or other Proceedings under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office.

Tools and actual Necessaries of Judgment Debtors not to be seized in Execution.

IX. 'And whereas it is expedient to protect the Tools and actual Necessaries of or belonging to Judgment Debtors from being seized in Execution:' Be it enacted, That from and after the passing of this Act the Wearing Apparel and Bedding of any Debtor in *Ireland* under a Judgment, Decree, or Order, or of his Family, and the Tools and Implements of his Trade, the Value of such Apparel, Bedding, Tools, and Implements not exceeding in the whole the Value of Five Pounds, shall not be liable to Seizure under any Execution, Decree, or Order of any Court against his Goods and Chattels.

Power to Clerk of the Peace to issue Summonses to Witnesses.

X. And be it enacted, That for the Purposes of this Act as aforesaid it shall and may be lawful to and for the Clerks of the Peace of or acting for the several Counties, Cities, and Counties of Cities and Towns in *Ireland*, upon the Request of any Person a Party to any Proceedings under this Act as aforesaid, to issue a Summons in the Nature of a Subpœna ad testificandum or Duces tecum directed to any Person residing in *Ireland*, requiring him personally to appear and give Evidence before the Assistant Barrister by whom the Matter in dispute is to be heard and determined; and in case any Person or Persons so served with any such Summons shall not attend pursuant thereto, it shall and may be lawful for the said Assistant Barrister, upon Proof that proper Service thereof had been duly made Six Days before the Day of Appearance named therein, and that the reasonable and suitable Expenses of such Person or Persons had been paid or tendered to him or them at the Time of such Service, to award such Penalty against any such Person who shall not attend, not exceeding Five Pounds, as he the said Assistant Barrister shall deem fit and proper, he the said Assistant Barrister causing to be filed of Record in his Court an Affidavit of the Time, Place, and Manner of the Service of such Summons, and of the Tender of such Expenses, to be made by the Person proving the same; which said Penalty shall be paid or payable to the Party or Parties at whose Instance and Request the said Summons shall or may have been issued; and which said Penalty, together with such Expenses as may have been paid to such defaulting Witness, shall be recoverable in the Civil Bill Court of the County or Place where such Penalty was awarded, or where such defaulting Witness resides: Provided always, that the Certificate of the Clerk of the Peace of such County, County of a City or Town, duly signed by him, of such Penalty having been awarded, shall be deemed and taken as *primâ facie* Evidence thereof: Provided also, that it shall and may be lawful for the Assistant Barrister to tax and award against the unsuccessful Party in any Proceeding under this Act as aforesaid such Sum or Sums of Money as and for the Expenses of Witnesses as he may deem reasonable and proper, not exceeding Five Pounds in the Case of any One Witness; and the Costs so awarded as last aforesaid when payable by a Defendant shall be recoverable in like Manner as and with and in addition to the Sum ordered to be paid by him in such Decree or Order, and when payable by a Plaintiff shall be recoverable in like Manner as herein-before provided as to the Costs of a Dismiss.

Affidavits as to Civil Bill Proceedings may be taken by Assistant Barristers out of their Counties.

XI. And be it enacted, That it shall and may be lawful for every Assistant Barrister in *Ireland*, although he shall not be at the Time within the County of which he shall be such Assistant Barrister, to take any Affidavit or Affidavits relating to or concerning any Action or other Matter or Proceeding in his Court of Civil Bill Jurisdiction under this Act, or any other Act or Acts in relation to the Assistant Barristers Courts in *Ireland*, and to administer the necessary Oath or Oaths for that Purpose; and every such Affidavit shall be of the same Force and Effect, and the Penalty for any false Swearing therein shall be the same to all Intents and Purposes, and the same Fees shall be payable thereon, as if such Affidavit was taken by or before such Assistant Barrister in the Civil Bill Court within his County: Provided always, that every such Affidavit shall, within Six Days after the Day on which such Affidavit shall be made, be delivered to the Clerk of the Peace of such County, or at the Office of such Clerk of the Peace within such County, to be filed amongst the Records of such Court, otherwise such Affidavit to be null and void.

Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts.

XII. And be it enacted, That in every Proceeding before any Assistant Barrister in any Civil Bill Court in *Ireland* an Office Copy of any original Will or other Testamentary Document lodged in any Ecclesiastical Court in *Ireland*, or in the Registry thereof, and which shall appear by such Copy to have been duly proved, and Probate or Letters of Administration thereof granted, shall, upon due Proof of the Signature of the proper Officer of such Ecclesiastical Court certifying the same to be a true Copy of such original Will or other Testamentary Document, be admitted as *primâ facie* Evidence of the Contents of such original Will or Testamentary Document of which it purports to be an Office Copy, without the Production of the original Will or Testamentary Document; and the proper Officer of any such Ecclesiastical Court is hereby required to make a Memorandum in Writing upon such Office Copy of the Time at which and the Person or Persons to whom such Probate or Letters of Administration shall have been granted: Provided always, that the Party producing such Office Copy shall give Notice thereof to the adverse Party in Writing Six Days before producing the same.

Official Copy of Judgment to be Evidence.

XIII. And be it enacted, That in every Proceeding before the Court of the Assistant Barrister an Office Copy of any Judgment, Decree, or Order, made by or before any Court of Law or Equity in *Ireland*, certified to be a true Copy by the proper Officer of such Court of Law or Equity, as the Case may be, shall, upon Proof of such Officer's Handwriting, be deemed and taken as *primâ facie* Evidence of such Judgment, Decree, or Order of such Courts respectively.

Service of Process in Civil Bills.

XIV. And be it enacted, That in any Action in any Civil Bill Court in *Ireland* the Service of any Civil Bill Process on the Defendant, or the Wife, Child, or Servant of the Defendant, at his Shop, Office, Warehouse, or Place of Business, shall be as valid and effectual to all Intents and Purposes as the Service of

of such Process would have been at the Residence of the Defendant: Provided always, that no Process in any Civil Bill Action shall be served on *Good Friday* or *Christmas Day*.

Affidavits, when required to be made in Great Britain, may be made before Extraordinary Commissioners of the Court of Chancery in Ireland. 3 & 4 Vict. c. 105.

XV. 'And whereas Doubts have arisen whether, under the Provisions of an Act of the Third and 'Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne 'Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the 'Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice 'in* Ireland, the Affidavits mentioned in the Eighth Section of the said Act as numbered in the printed 'Copies of the said Act printed by the Queen's Printers can be lawfully made before the Extraordinary 'Commissioners of the Court of Chancery in *Ireland* for taking Affidavits in *Great Britain*: And 'whereas it is expedient that such Doubt should be removed, and that the said Extraordinary Commis-'sioners should have the Power to take such Affidavits:' Be it therefore enacted, That any such Affidavits when required to be made in *Great Britain* may lawfully be made before One of the said Extraordinary Commissioners of the Court of Chancery in *Ireland* appointed for taking Affidavits in *Great Britain*, in the same Manner as such Affidavits are now made and sworn before the Masters in Ordinary and Masters Extraordinary of the said Court in *Ireland*, and shall be of like Validity.

Possession of small Tenements may be recovered by Summons before Justices of the Peace.

XVI. 'And whereas certain Tenements and Parts of Tenements are frequently held in Cities and other 'Towns in *Ireland* at small Rents, payable monthly and weekly, or for other short Periods of Time, and 'it is but just and reasonable that where the Power to enforce the Payment of such Rents by Arrest of 'the Person is taken away greater Facility should be given for the Recovery of the Possession of such 'Premises:' Be it therefore enacted, That from and after the Commencement of this Act, when and so soon as the Term or Interest of the Tenant of any House, or any Part of a House, situate in any County of a City or County of a Town, or Borough, or Market Town in *Ireland*, held by him for any Term not exceeding One Calendar Month at a Rent not exceeding the Rate of One Pound Sterling by the Month, shall have ended, or shall have been duly determined by a legal Notice to quit, and such Tenant, or (if such Tenant do not actually occupy the Premises, or only a Part thereof,) any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises or such Part thereof respectively, it shall be lawful for the Landlord of the said Premises, or his known Agent or Receiver of his Rents, to cause the Person or Persons so neglecting or refusing to quit and deliver up Possession to be served with a Summons in Writing, to be signed by a Justice of the Peace of or having Jurisdiction in the County of the City or County of the Town, or Borough, or Market Town, (as the Case may be,) in which the said Premises shall be situate, to appear before any Two or more Justices at any Court of Petty Sessions, Town Hall, Divisional Justice Room, or other Room or Office in which such Justices usually meet for the Despatch of public Business of such County of a City, County of a Town, or Borough, or Market Town, to show Cause why Possession of the said Premises should not be delivered up to such Landlord or his said Agent or Receiver as aforesaid; and if the Tenant or Occupier shall not appear at the Time and Place appointed, or if such Tenant or Occupier shall appear, and shall not show to the Satisfaction of such Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises, or such Part thereof as he was in possession of at the Time of the Service of such Summons, to the said Landlord or his said Agent or Receiver, it shall be lawful for the said Landlord or his Agent or Receiver to give to such Justices Proof of the Holding and of the End or Determination of the Tenancy, with the Time and Manner thereof, and where the Title of the Landlord hath accrued since the letting of the Premises, the Right by which he claims the Possession, and thereupon it shall be lawful for such Justice of the Peace of or having Jurisdiction in the County of the City, County of the Town, or Borough, or Market Town, as the Case may be, in which the said Premises are situate, or any Two of them, to issue a Warrant under their Hands and Seals to any Constable of or acting in the District within which such Premises shall be situate, requiring and authorizing him, within a Period to be therein named, not less than Seven or more than Ten clear Days from the Date of such Warrant, to give Possession of the Premises to such Landlord or Agent; and such Warrant shall be a sufficient Warrant to the said Constable or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly: Provided always, that Entry upon any such Warrant shall not be made on a *Sunday, Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon: Provided also, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises.

The Manner in which such Summons shall be served.

XVII. And be it enacted, That such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein, by serving the same personally or by leaving the same at the Place of Abode of the Tenant so holding over as aforesaid Four clear Days before the Day appointed for the hearing of the Matter of the said Summons: Provided always, that if the Person or Persons so holding over, or any or either of them, cannot be found, and Admission into the Premises so overheld for serving such Summons cannot be obtained, and the Place of Abode of such Person or Persons not residing as aforesaid shall either not be known or Admission thereto cannot be obtained for serving such Summons, the posting of the said Summons on some conspicuous

conspicuous Part of the Premises so held over shall be deemed to be good Service upon such Person or Persons respectively.

XVIII. And be it enacted, That in construing this Act and the Schedule thereto annexed, unless the Context or Nature of the Provision shall exclude such Construction, Words importing the Singular Number only shall extend to several Persons or Things as well as to one Person or Thing; and Words importing the Plural Number shall extend to one Person or Thing as well as to several Persons or Things; and Words importing the Masculine Gender only shall extend to a Female as well as a Male; and the Expression "Assistant Barrister" shall extend to and include the Recorder of *Dublin*, and the Chairman of the Sessions of the Peace for the County of *Dublin*, the Recorder of *Cork* or of *Derry*, or the Recorder of any other Corporation for the Time being acting and holding Courts pursuant to the Act for the Regulation of Municipal Corporations in *Ireland;* and the Word "Decree" shall extend to and include a Dismiss and a Renewal of a Civil Bill Decree; the Word "Plaintiff" shall include a Petitioner; the Word "Defendant" shall include a Respondent; and the Words "Action" or "Suit" shall include a Petition or Matter. Interpretation of Act.

XIX. And be it enacted, That this Act shall extend only to *Ireland.* To extend to Ireland only.

XX. And be it enacted, That this Act shall commence and take effect on the First Day of *November* One thousand eight hundred and forty-eight. Commencement of Act.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

FORM (A.)

Form of Civil Bill to be served pursuant to this Act.

County of
Division of
} By the Assistant Barrister at the Sessions for the said County.

A.B. of in the County of [*Residence and Addition of Plaintiff*[*s*] *or Complainant*[*s*],] Plaintiff [*or* Complainant].
C.D. of in the County of [*Residence and Addition,*] Defendant[s].

The Defendant[s] is [*or* are] hereby required personally to appear before the said Assistant Barrister, at on the Day of to answer the Plaintiff's Bill, and to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant, under or in respect of a certain Judgment [*or* Decree *or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] [*or* Complainant[s]] against the said Defendant[s], for the Payment of the Sum of by the said Defendant[s], in a certain Action [*or* Suit], for [*state the former Cause of Action, or Nature of the former Action, or that the Claim is for Costs, as the Case may be*]; and which said Sum of Pounds the said Plaintiff[s] has [*or* have] been unable to recover from the said Defendant, or out of the Goods and Chattels of the Defendant.

Or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain.

Dated this Day of

Signed by [*or* on behalf of] the Plaintiff[s].

FORM (B.)

Form of a Decree for Arrest or Execution against the Person, or a Committal.

County of
Division of
to wit.
} By the Assistant Barrister at the Sessions for the said County.

A.B. of in the County of [*Residence and Addition of Plaintiff*[*s*] *or Complainant*[*s*]], Plaintiff[s] [*or* Complainant[s]].
C.D. of in the County of [*Residence and Addition*], Defendant[s].

It appearing to the Court that the Plaintiff[s] caused a Civil Bill to be brought against the Defendant[s] requiring him [*or* them] to show Cause why Execution or Process of Arrest [*or* a Committal] should not issue against the Person of the Defendant[s], under and in respect of a certain Judgment [*or* Decree *or* Order] of the Court of bearing Date the Day of had and obtained by the said Plaintiff[s] [*or* Complainant[s]] against the said Defendant[s], for the Payment of the Sum of by the said Defendant[s], in a certain Action [*or* Suit] for [*state the former Cause of Action or Claim*], and which said Sum of the said Plaintiff[s] had been unable to recover from the said Defendant[s], or out of the Goods and Chattels of the Defendant[s].

And it appearing to the Court that the said Plaintiff[s] is [*or* are] entitled to the said Execution [*or* Decree *or* Order] to be executed against the Person of the Defendant[s], [*or* to have the said Defendant[s] committed for]:

It is therefore ordered and decreed by the Court here, that the said Plaintiff[s] have Execution against the Person of the said Defendant[s] for the said Sum of together with Shillings and Pence Costs [*or* that the said Defendant[s] be committed to the Gaol of for the Period of]; and the several Sheriffs of the respective Counties in this Kingdom are hereby commanded, notwithstanding any Liberty within their Bailiwicks, to enter the same, and take in Execution the Body [*or* Bodies] of the Defendant[s], to satisfy the said Sum of Pounds and Costs, [*or* take the Body [*or* Bodies] of the said Defendant[s], and commit the said Defendant[s] to Custody in the Gaol of for the Period of unless the said Sum of and Costs be sooner paid].

Dated at this Day of

	£	s.	d.
Debt or Demand - - - - - -			
Interest - - - - - -			
Cost - - - - - - - - - -	0	8	6
Warrant - - - - - - -	0	1	1

E.F., Attorney for Plaintiff.
G.H., Attorney for Defendant.
I.K., Assistant Barrister for said County.

CAP. XXIX.

An Act to enable Persons having a Right to kill Hares in *England* and *Wales* to do so, by themselves or Persons authorized by them, without being required to take out a Game Certificate. [22d *July* 1848.]

48 G. 3. c. 55. 52 G. 3. c. 93. 3 & 4 Vict. c. 17.

'WHEREAS by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties to be consolidated therewith, and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes*, and by an Act passed in the Fifty-second Year of the Reign of the said King *George* the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, and by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, certain Duties of Assessed Taxes were granted to Her Majesty the Queen upon, amongst other things, every Person who shall use any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or shall assist in any Manner in the taking or killing of any Game: And whereas by divers Laws now in force Penalties are imposed on all Persons taking or killing, or assisting in the taking or killing of, amongst other things, any Game whatever, who shall not have obtained a Certificate of the due Payment of such Duties: And whereas it has been found that much Damage has been and is continually done by Hares to the Produce of inclosed Lands, and that great Losses have thereby accrued and do accrue to the Occupiers of such Lands; and it is expedient that Persons in the actual Occupation of such inclosed Lands, or the Owners thereof, who have the Right of killing Game thereon, should be allowed to take, kill, and destroy Hares thereon, without the Payment of the said Duties of Assessed Taxes, and without the incurring of any of the Penalties above mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Person, being in the actual Occupation of any inclosed Lands, or for any Owner thereof who has the Right of killing Game thereon, by himself or by any Person directed or authorized by him in Writing, according to the Form in the Schedule to this Act annexed, or to the like Effect, so to do, to take, kill, or destroy any Hare then being in or upon any such inclosed Lands, without the Payment of any such Duties of Assessed Taxes as aforesaid, and without the obtaining of an annual Game Certificate.

Persons in the Occupation of inclosed Ground, and in certain Cases Owners, may kill Hares without a Game Certificate.

II. Provided always, and be it enacted, That no Owner or Occupier of Land as aforesaid shall be authorized to grant or continue, under the Provisions of this Act, Authority to more than One Person, at one and the same Time, to kill Hares upon his Land within any One Parish; and that he shall deliver the said Authority, or a Copy thereof, or cause the same to be delivered, to the Clerk of the Magistrates acting for the Petty Sessions Division within which the said Lands are situate, who shall forthwith register the same, and the Date of such Registration, in a Book to be kept by him for such Purpose, which Book shall be at all reasonable Times open to the Inspection of the Clerk of the Commissioners acting in the Execution of the Acts for Assessed Taxes or of any of the Collectors of Assessed Taxes within such District; and the said Authority, so soon as it shall have been registered as aforesaid, shall be held good until after the First Day of *February* in the Year following that within which the same is granted, unless the same be previously revoked, and Notice of such Revocation be given to the Clerk of the Magistrates as aforesaid; and the said registered Authority, or the unrevoked Register thereof, shall be good and sufficient Evidence of the Right of the Person to whom Authority is given by the same to kill Hares upon the Lands mentioned within the same without having obtained an annual Game Certificate.

Authority to kill Hares to be limited to One Person at the same Time in any One Parish; which Authority shall be sent to the Clerk of the Petty Sessions who shall register the same. If Authority revoked Notice to be given of the same.

III. And

III. And be it enacted, That no Person so directed or authorized to kill any Hare as aforesaid shall, unless otherwise chargeable, be liable to any Duties of Assessed Taxes as Gamekeeper. Exemption from Tax.

IV. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person to pursue and kill or to join in the Pursuit and killing of any Hare by coursing with Greyhounds, or by hunting with Beagles or other Hounds, without having obtained an annual Game Certificate. To extend to coursing or hunting.

V. Provided also, and be it enacted, That nothing herein contained shall extend or be taken or construed to extend to the making it lawful for any Person, with Intent to destroy or injure any Hares or other Game, to put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, or for any Person to use any Fire-arms or Gun of any Description, by Night, for the Purpose of killing any Game or Hares. Not to authorize the laying of Poison.

VI. Provided also, and be it enacted, That where any Tenant of any Land for Life or Lives, Years, or otherwise, now is or hereafter shall be bound by any Agreement not to take, kill, or destroy any Game upon any Lands included in such Agreement, then and in all such Cases nothing herein contained shall extend or be taken or construed to extend to authorize or empower such Tenant to take, kill, or destroy any Hare upon any such Lands so included in such Agreement, or to authorize any other Person to kill or destroy any Hare upon any such Lands. Agreements reserving Game to be still in force.

VII. And be it enacted, That in the Interpretation of this Act the Singular Number shall extend to several Persons and Things as well as to one Person or Thing; and any Word importing the Plural Number shall apply to one Person or Thing as well as to several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male; and that the Word "Agreement" shall include any Covenant, Proviso, Promise, Undertaking, Condition, or Reservation; and that the Word "Parish" shall include any Hamlet, Township, Tithing, or Extra-parochial Place; and for the Purposes of this Act the Word "Night" shall be considered and is hereby declared to commence at the Expiration of the first Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise. Interpretation of Act.

VIII. And be it enacted, That this Act shall extend to that Part of the United Kingdom called *England* and *Wales*. To extend to England and Wales only.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

SCHEDULE.

I *A.B.* do authorize *C.D.* to kill Hares on ["my Lands," *or* "the Lands occupied by me," *as the Case may be*], within the of [*here insert the Name of the Parish or other Place, as the Case may be*]. Dated this Day of [*here insert the Day, Month, and Year*].

A.B.

Witness.

CAP. XXX.

An Act to enable all Persons having at present a Right to kill Hares in *Scotland* to do so themselves, or by Persons authorized by them, without being required to take out a Game Certificate. [22d *July* 1848.]

'WHEREAS by an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties to be consolidated therewith, and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes*, and by an Act passed in the Fifty-second Year of the Reign of the said King *George* the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, and by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, certain Duties of Assessed Taxes were granted to Her Majesty the Queen upon, amongst other things, every Person who shall use any Dog, Gun, Net, or other Engine for the Purpose of killing any Game whatever, or shall assist in any Manner in the taking or killing of any Game: And whereas by divers Laws now in force Penalties are imposed on all Persons taking or killing, or assisting in the taking or killing of, amongst other things, any Game whatever, who shall not have obtained a Certificate of the due Payment of such Duties: And whereas it has been found that much Damage has been and continually is done by Hares to the Produce of Land, and that great Losses have been thereby sustained; and it is expedient that all Persons having at present a Right to kill and destroy Hares in *Scotland* should be allowed to do so without the Payment of the said Duties of Assessed Taxes, and without the incurring of any of the Penalties above mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for any Person having at present a Right to kill Hares in *Scotland* to do so himself, or by any Person permitted, directed, or commanded by him by any Writing under his Hand, without the Payment of any such Duties of Assessed Taxes as aforesaid, and without obtaining an annual Game Certificate: Provided always, that such Hares shall be found and killed in or upon his own Land; provided 48 G. 3. c. 55. 52 G. 3. c. 93. 3 & 4 Vict. c. 17. Any Person having a Right to kill Hares in Scotland may do so without a Game Certificate, provided they shall be

found on his own Land.

provided also, that no Person permitted, directed, or commanded as aforesaid shall have Power to authorize any other Person whatever to take or destroy any Hare.

Exemption from Tax.

II. And be it enacted, That no Person so permitted, directed, or commanded to kill Hares as aforesaid shall, unless otherwise chargeable, be liable to any Duties of Assessed Taxes as Gamekeeper.

To extend to coursing or hunting.

III. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person to pursue and kill or to join in the Pursuit and killing Hares by coursing with Greyhounds, or by hunting with Beagles or other Hounds, without the having obtained an annual Certificate.

Not to permit the Destruction of Hares, &c. by Poison.

IV. Provided always, and be it enacted, That nothing herein contained shall extend or be taken or construed to extend to the making it lawful for any Person, with Intent to destroy or injure any Hares or other Game, to put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, or for any Person to use any Fire-arms or Gun of any Description, by Night, for the Purpose of killing any Game or Hares.

Interpretation of Act.

V. And be it enacted, That in the Interpretation of this Act the Singular Number shall extend to several Persons and Things as well as to one Person or Thing; and any Word importing the Plural Number shall apply to one Person or Thing as well as to several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male; and the Word "Night" shall be considered and is hereby declared to commence at the Expiration of the first Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise.

Only to apply to Scotland.

VI. And be it enacted, That this Act shall not extend to *England* and *Ireland*.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. XXXI.

An Act to amend the Procedure in respect of Orders for the Removal of the Poor in *England* and *Wales*, and Appeals therefrom. [22d *July* 1848.]

'WHEREAS the Communication now by Law required to be made, by the Overseers or Guardians 'of any Parish seeking to enforce an Order for the Removal of a poor Person to the Overseers or 'Guardians of the Parish to which such poor Person is intended to be removed, of a Copy of the Exami-'nation upon which such Order has been made, has been found to produce much expensive and useless 'Litigation upon Points of mere Form, so that few Cases of Appeals against such Orders are now decided 'upon the Merits:' For Remedy thereof be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, as provides, in Cases of Orders of Removal, that the Notice thereby required to be sent by the Overseers or Guardians of the Parish obtaining the Order shall be accompanied by a Copy of the Examination upon which such Order was made, shall be and the same is hereby repealed.

So much of 4 & 5 W. 4. c. 76. as provides that certain Notices shall be accompanied by a Copy of Examination, &c. repealed.

Such Notice to be accompanied by a Statement of Grounds of Removal instead of Copy of Examination.

II. And be it enacted, That instead thereof such Notice shall be accompanied by a Statement in Writing under the Hands of such Overseers or such Guardians, or any Three or more of such Guardians, setting forth the Grounds of such Removal, including the Particulars of the Settlement or Settlements relied upon in support thereof: Provided always, that on the hearing of any Appeal against any Order of Removal it shall not be lawful for the Respondents to go into or give Evidence of any other Grounds of Removal than those set forth in such Statement.

Copy of Depositions to be furnished on Application.

III. And be it enacted, That the Clerk to the Justices who shall make any Order of Removal shall keep the Depositions upon which such Order was made, and shall within Seven Days furnish a Copy of such Depositions to the Overseers or Guardians as aforesaid of the Parish to which the Removal is by such Order directed to be made, if such Overseers or such Guardians shall apply for such Copy, and pay for the same at the Rate of Two-pence for every Folio of Seventy-two Words; provided, that no Omission or Delay in furnishing such Copy of the Depositions shall be deemed or construed to be any Ground of Appeal against the Order of Removal; provided also, that on the Trial of any Appeal against an Order of Removal no such Order shall be quashed or set aside, either wholly or in part, on the Ground that such Depositions do not furnish sufficient Evidence to support, or that any Matter therein contained or omitted raises, an Objection to the Order or Grounds of Removal.

As to the Sufficiency of Statement of Grounds of Removal or Appeal.

IV. 'And whereas a Statement of the Grounds of Removal or of Appeal is required to be communicated 'for the Purpose of enabling the Party receiving it to inquire into the Subject of such Statement, and, 'if need be, to prepare for Trial:' Be it therefore enacted, That upon the hearing of any Appeal against an Order of Removal no Objection whatever on account of any Defect in the Form of setting forth any Ground of Removal or of Appeal in any such Statement shall be allowed, and no Objection to the Reception of legal Evidence offered in support of a Ground of Removal or Appeal alleged to be set forth in any such Statement shall prevail, unless the Court shall be of opinion that such alleged Ground is so imperfectly or incorrectly set forth as to be insufficient to enable the Party receiving the same to inquire into the Subject of such Statement, and to prepare for Trial: Provided always, that in all Cases where the Court shall be of opinion that any such Objection to such Statement or to the Reception of Evidence ought to prevail, it shall be lawful for such Court, if it shall so think fit, to cause any such Statement of Grounds of Removal or Appeal to be forthwith amended by some Officer of the Court or otherwise, on such

Power to amend Statement of Grounds of Removal or Appeal.

such Terms as to Payment of Costs to the other Party, or postponing the Trial to another Day in the same Sessions or to the next subsequent Sessions, or both Payment of Costs and Postponement, as to such Court shall appear just and reasonable.

Party making frivolous or vexatious Statement of Grounds of Removal or Appeal liable to pay Costs.

V. And be it enacted, That if either of the Parties to the said Appeal shall have included in the Statement of Grounds of Removal or of Appeal sent to the opposite Party any Ground or Grounds of Removal or of Appeal which shall, in the Opinion of the Court determining the Appeal, be frivolous and vexatious, such Party shall be liable, at the Discretion of the said Court, to pay the whole or any Part of the Costs incurred by the other Party in disputing any such Ground or Grounds, such Costs to be recovered in the same Manner as any Penalties or Forfeitures are recoverable under the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth.

Power for Court to amend Order of Removal on account of Omission or Mistake.

Proviso.

VI. And be it enacted, That if upon the Trial of any Appeal against an Order of Removal, or upon the Return to a Writ of Certiorari, any Objection shall be made on account of any Omission or Mistake in the drawing up of such Order, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Magistrates making such Order to have authorized the drawing up thereof free from the said Omission or Mistake, it shall be lawful for the Court, upon such Terms as to Payment of Costs as it shall think fit, to amend such Order of Removal, and to give Judgment as if no such Omission or Mistake had existed: Provided always, that no Objection on account of any Omission or Mistake in an Order of Removal brought up upon a Return to a Writ of Certiorari shall be allowed, unless such Omission or Mistake shall have been specified in the Rule for issuing such Writ of Certiorari.

Decisions of Courts upon hearing of Appeals final.

VII. And be it enacted, That the Decision of the Court upon the hearing of any Appeal against any Order of Removal, as well upon the Sufficiency and Effect of the Statement of the Grounds of Removal and of Appeal, and of the Notice of Chargeability, and of the Copy or Counterpart of the Order of Removal sent to the appellant Parish, as upon the amending or refusing to amend the Order of Removal as aforesaid or the Statement of Grounds of Removal or Appeal, shall be final, and shall not be liable to be reviewed in any Court, by means of a Writ of Certiorari or Mandamus, or otherwise.

Abandonment of Orders of Removal.

As to Payment of Costs on Abandonment.

VIII. And be it enacted, That in any Case in which an Order shall have been made for the Removal of any poor Person, and a Copy or Counterpart thereof sent as by Law required, it shall and may be lawful for the Overseers or Guardians of the Parish who shall have obtained such Order of Removal, whether any Notice of Appeal against such Order shall or shall not have been given, and whether any Appeal shall have been entered or not, to abandon such Order by Notice in Writing under the Hands of such Overseers or Guardians, or any Three or more of such Guardians, to be sent by Post or delivered to the Overseers or Guardians as aforesaid of the Parish to which such Person is by the said Order directed to be removed; and thereupon the said Order, and all Proceedings consequent thereon, shall become and be null and void to all Intents and Purposes as if the same had not been made, and shall not be in any way given in Evidence in case any other Order of Removal of the same Person shall be obtained: Provided always, that in all Cases of such Abandonment the Overseers or Guardians of the Parish so abandoning shall pay to the Overseers or Guardians of the Parish to which such Person is by the said Order directed to be removed the Costs which the said last-mentioned Overseers or Guardians shall have incurred by reason of such Order, and of all subsequent Proceedings thereon, which Costs the proper Officer of the Court before whom any such Appeal (if it had not been abandoned) might have been brought shall and he is hereby required, upon Application, to tax and ascertain at any Time, whether the Court shall be sitting or not, upon Production to him of such Notice of Abandonment, and upon Proof to him that such reasonable Notice of Taxation, together with a Copy of the Bill of Costs, has been given to the Overseers or Guardians abandoning such Order as the Distance between the Parishes shall in his Judgment require, and thereupon the Sum allowed for Costs, including the usual Costs of Taxation, which such Officer is hereby empowered to charge and receive, shall be indorsed upon the said Notice of Abandonment, and the said Notice so indorsed shall be filed among the Records of the said Court; and if the said Costs so allowed be not paid within Ten Days after such Costs shall have been lawfully demanded the Amount thereof may be recovered from such last-mentioned Overseers or Guardians in the same Manner as any Penalties or Forfeitures are recoverable under the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King *William* the Fourth.

No Appeal if Notice be not given within a certain Time after Notice of Chargeability.

IX. And be it enacted, That no Appeal shall be allowed against any Order of Removal if Notice of such Appeal be not given as required by Law, within the Space of Twenty-one Days after the Notice of Chargeability and Statement of the Grounds of Removal shall have been sent by the Overseers or Guardians of the removing Parish to the Overseers or Guardians of the Parish to which such Order shall be directed, unless within such Period of Twenty-one Days a Copy of the Depositions shall have been applied for as aforesaid by the last-mentioned Overseers or Guardians, in which Case a further Period of Fourteen Days after the sending of such Copy shall be allowed for the giving of such Notice of Appeal; but in such Case no poor Person shall be removed under such Order of Removal until the Expiration of such further Period of Fourteen Days.

Service of suspended Orders of Removal, &c.

X. And be it enacted, That all the Provisions which relate to the sending and Service of Copies of Orders of Removal shall apply to such Orders when suspended, and to all Orders consequent upon such Suspension, and to all Copies of Charges arising thereon, and Demands of Payment of such Charges.

4 & 5 W. 4. c. 76., and all Acts amending the

XI. And be it enacted, That the said Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment*

same, to be construed with this Act.

Amendment and better Administration of the Laws relating to the Poor in England *and* Wales, and all Acts to amend and extend the same, and the present Act, shall (except so far as the Provisions of any former Act are altered, amended, or repealed by any subsequent Act,) be construed as One Act.

Commencement of Act.

XII. And be it enacted, That this Act shall commence and take effect on the First Day of *August* One thousand eight hundred and forty-eight.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXII.

An Act to facilitate the Collection of County Cess in *Ireland.* [22d *July* 1848.]

6 & 7 W. 4. c. 116.

'WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland, it is amongst other things provided, that the Grand Jury of each County in *Ireland* shall, at each Assizes, appoint a proper Person to be High Constable and Collector for each Barony in such County to collect all Monies presented to be raised on such Barony, or a County of a City or County of a Town, in manner therein particularly specified:

11 & 12 Vict. c. 26.

And whereas by an Act passed in this present Session of Parliament, intituled *An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in* Ireland *in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of* Dublin *Metropolis relating to the Recovery of Poor Rates, and other Cases,* it is amongst other things provided, that in case the Grand Jury at any Assizes shall not have appointed a High Constable or Collector of Cess, or a Vacancy shall have occurred in such Office in certain Cases, it shall be lawful for the Justices of the Peace of any County, at any General Quarter Sessions of the Peace or Adjournment thereof, or at a Special Sessions of the Peace, called together as in that Act directed, to appoint a Collector of any Barony: And whereas in some Cases it may happen that a duly qualified Person cannot be found to undertake the Collection of a Barony:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case it shall appear to the Grand Jury of any County assembled at the Summer Assizes of this present Year, or to the Magistrates assembled at a Special Sessions of the Peace, as herein-after directed, that a Collector cannot be procured to collect for an entire Barony, then it may be lawful for such Grand Jury, or for the Magistrates at such Special Sessions, to appoint duly qualified Persons for such convenient Districts as to them may seem fit, provided that such Districts together comprise the whole Barony.

In case Collector cannot be procured for an entire Barony, Grand Jury at Summer Assizes of this Year, or Magistrates at Special Sessions after them, may appoint Collectors for Districts.

When Grand Jury at Assizes shall not have appointed Collectors of Cess, Quarter Sessions or Special Sessions may appoint before the Spring Assizes.

II. And be it enacted, That in every Case in which it shall have happened that any Grand Jury at such Summer Assizes shall not have appointed a High Constable or Collector of Cess for any Barony of such County, or if any Case of Vacancy shall occur or exist after such Assizes and before the First Day of the next ensuing Assizes, it shall be lawful for the Justices of the Peace of the said County at any General Quarter Sessions of the Peace or Adjournment thereof, or at a Special Sessions of the Peace to be called by the Clerk of the Peace in Two Days after the Receipt of the written Requisition of the Treasurer for the Purpose, at the County or Assize Town or Sessions Town of the Division in which such Barony is situate, (giving Six Days Notice thereof to such Justices resident in such Division,) to appoint a fit and proper Person to be Collector of Cess as aforesaid for any District of any Barony of such County for which no such High Constable or Collector of Cess shall have been appointed at the Assizes by the Grand Jury, or for which such Vacancy shall occur or exist in manner aforesaid, as the Case may be; and it shall be lawful for any such Person so appointed to give such Security as aforesaid before such Justices in like Manner as directed by the said recited Acts or either of them; and in case any Person appointed as aforesaid by the Grand Jury at the Assizes shall not have given Security before such Grand Jury as by the said first-recited Act required, it shall be lawful for such Person so appointed to give such Security before the Justices of the Peace of such County at the next General or Quarter Sessions of the Peace for the Division of the County in which such Barony is situate, or at any Special Sessions; or in default thereof it shall be lawful for such Justices, at any General or Quarter Sessions of the Peace or Adjournment thereof for such County, or at such Special Sessions as aforesaid, to appoint some other fit and proper Person to act as Collector for any District of such Barony or Place in lieu of the Person so appointed by the Grand Jury; and it shall be lawful for the Person so appointed by such Justices to give such Security as aforesaid before such Justices at such Sessions in the like Manner as if the same were given at the Assizes before the Grand Jury; and all the Provisions of the said recited Act, or any Act amending the same, or of any other Act or Acts relating to any such High Constables or Collectors of Cess, shall be extended and applied to any Collector of Cess appointed and giving Security as aforesaid, or only giving Security as aforesaid under the Provisions of this Act, as fully and effectually as if he were a High Constable or Collector of Cess duly appointed by and giving Security before the Grand Jury at the Assizes under the Provisions of the said recited Act; and the Warrant of the Treasurer of such County issued to the Collector of each such District (which Warrant such Treasurer is hereby authorized and required to issue) shall be of the same Validity and Force as if it had been issued to a High Constable or Collector appointed under the Provisions of the said recited Acts or either of them.

Persons appointed to give Security.

III. And

III. And be it enacted, That any Person duly authorized to collect and levy the Grand Jury Cess under this Act shall, on or before the First Day of every Month, or so often as he shall have received One hundred Pounds, pay into the County Bank, to the Credit of the Treasurer of the County, the Sums he may have received up to such Period, and shall furnish to the Treasurer of the County an Account of the Sums so received and paid in. Collector to pay in monthly to County Bank; or as soon as he receives 100*l.*

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XXXIII.

An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight. [22d *July* 1848.]

CAP. XXXIV.

An Act to amend certain Acts in force in *Ireland* in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of *Dublin* and County of the City of *Dublin*. [22d *July* 1848.]

'WHEREAS by certain Acts of Parliament in force in *Ireland* Provision is made for enabling any 'Person who may think himself aggrieved by a Decree or Dismiss of the Recorder of *Dublin* 'upon any Civil Bill, or by a Decree, Dismiss, or Order of the Chairman of the County of *Dublin*, or 'by the Decree of any Seneschal or Steward of any Manor Court within the County of *Dublin* or 'County of the City of *Dublin*, to appeal from such Decree, Dismiss, or Order to the Chief Justice of Her 'Majesty's Court of Queen's Bench or Court of Common Pleas, or to the Chief Baron of Her Majesty's 'Court of Exchequer in *Ireland*, or other Justice of Nisi Prius, at their respective Sittings at Nisi 'Prius for the City of *Dublin*, after the *Easter* or *Michaelmas* Term next following the pronouncing of 'such Decree, Dismiss, or Order, under certain Regulations in that Behalf provided, one of which is 'that the Party so appealing shall give Twenty Days previous Notice in Writing to the Party obtaining 'such Decree, Dismiss, or Order, or to his Attorney, to which of the said Judges such Appeal is 'intended to be made: And whereas, in order as well to expedite the Determination of such Appeals 'as also to distribute more equally among the Vacations succeeding the Law Terms the Business of 'hearing and determining the same, it is expedient to amend the said Acts by making such Provision 'in relation to the said Appeals as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Appeal from any Decree, Dismiss, or Order on any Civil Bill of the Recorder of *Dublin* or of the Chairman of the County of *Dublin*, or of any Seneschal or Steward of any Manor Court within the County of *Dublin* or County of the City of *Dublin*, or having Jurisdiction within both the County of *Dublin* and County of the City of *Dublin*, shall be made to the Chief Justice of the said Court of Queen's Bench or of the said Court of Common Pleas, or to the Chief Baron of the said Court of Exchequer or other Justice who shall sit at Nisi Prius to try Records issuing out of such Court respectively, in the Vacation next following the Term which shall end on or next after the Expiration of Fourteen Days from the Day of the making or pronouncing of such Decree, Dismiss, or Order; and such Appeal may be heard by such Chief Justice, Chief Baron, or any Justice who shall so sit at Nisi Prius at any Time after the last Day of such Term, and before the first Day of the next ensuing Term, and either before or after the Time appointed or limited for the Sittings at Nisi Prius in such Vacation, with Power to such Chief Justice, Chief Baron, or other Justice to adjourn or postpone the hearing or determining of any such Appeal to any Time in or after the subsequent Term, if, for special Reasons to be stated in the Decree, Affirmance, Dismiss, or Order which shall be made upon such Appeal, he shall deem it proper so to do; and instead of Twenty Days Notice of Appeal, now required by Law, the Party appealing shall give to the Party who shall have obtained such Decree, Dismiss, or Order, or to his Attorney, Ten Days (at the least) previous to the Commencement of the Vacation next following the Term which shall so end on or next after the Expiration of Fourteen Days from the Day of the making or pronouncing of such Decree, Dismiss, or Order, Notice in Writing, apprizing such Party who shall have obtained such Decree, Dismiss, or Order, or his Attorney, to which of the said Judges such Appeal is intended to be made; and such Appeal, and all Proceedings and Matters in relation thereto, shall be heard, determined, conducted, and observed in every respect, save so far as is otherwise provided by this Act, in such Manner, and subject to such Rules, Restrictions, and Regulations as is or are now required by Law in case of Appeal from any such Decree, Dismiss, or Order.

Appeals from Civil Bill Decrees and Dismisses in the County and City of Dublin to be heard in the Vacation after every Term, with Power of Adjournment for special Reasons.

Notice of Appeal.

II. And be it enacted, That in computing the said Periods of Fourteen Days and Ten Days the same shall be reckoned respectively inclusive of the Day of the making or pronouncing of such Decree, Dismiss, or Order, and of the Day of the giving of such Notice, but exclusive of the Day on which such Vacation shall commence. Computation of Time.

III. And be it enacted, That in the Construction of this Act the Word "Party" shall include any Corporation Sole or Aggregate; and that all Words importing the Singular Number or Masculine Gender shall Interpretation of Terms.

shall be construed to extend to and include many Persons as well as One Person, and Females as well as Males.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXV.

An Act to empower the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend, and detain until the First Day of *March* One thousand eight hundred and forty-nine, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government. [25th *July* 1848.]

'WHEREAS a treasonable and rebellious Spirit of Insurrection now unfortunately exists in *Ireland*: 'Therefore, for the better Preservation of Her Majesty's most sacred Person, and for securing 'the Peace, the Laws, and Liberties of this Kingdom,' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons who is, are, or shall be within Prison within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* at or on the Day on which this Act shall receive Her Majesty's Royal Assent, or after, by Warrant of Her Majesty's Most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason or treasonable Practices, or Suspicion of High Treason or treasonable Practices, or by Warrant signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, for such Causes as aforesaid, may be detained in safe Custody without Bail or Mainprize until the First Day of *March* One thousand eight hundred and forty-nine, and that no Judge or Justice of the Peace shall bail or try any such Person or Persons so committed without Order from Her said Majesty's Privy Council until the said First Day of *March* One thousand eight hundred and forty-nine, any Law or Statute to the contrary notwithstanding.

Persons imprisoned in Ireland for High Treason, &c. may be detained till the 1st March 1849, and shall not be bailed or tried without an Order from the Privy Council.

II. And be it enacted, That in Cases where any Person or Persons have been before the passing of this Act, or shall be during the Time this Act shall continue in force, arrested, committed, or detained, in Custody by force of a Warrant or Warrants of Her Majesty's most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason or treasonable Practices, or Suspicion of High Treason or treasonable Practices, or by Warrant or Warrants signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary for such Causes as aforesaid, it shall and may be lawful for any Person or Persons to whom such Warrant or Warrants have been or shall be directed to detain such Person or Persons so arrested or committed in his or their Custody in any Place whatever within *Ireland*, and that such Person or Persons to whom such Warrant or Warrants have been or shall be directed shall be deemed and taken to be to all Intents and Purposes lawfully authorized to detain in safe Custody, and to be the lawful Gaolers and Keepers of such Persons so arrested, committed, or detained, and that such Place or Places, where such Persons so arrested, committed, or detained are or shall be detained in Custody shall be deemed and taken to all Intents and Purposes to be lawful Prisons and Gaols for the Detention and safe Custody of such Person and Persons respectively; and that it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant signed by him or them, or for the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, by Warrant signed by such Chief Secretary, or for Her Majesty's Privy Council of *Ireland*, by Warrant signed by Six of the Privy Council, from Time to Time, as Occasion shall be, to change the Person or Persons by whom and the Place in which such Person or Persons so arrested, committed, or detained shall be detained in safe Custody.

Persons to whom Warrants of Commitments are directed shall detain the Persons so committed in safe Custody.

Persons charged with Custody, as also Place of Detention, may be changed by Warrant as herein mentioned.

III. Provided always, and be it enacted, That Copies of such Warrants respectively shall be transmitted to the Clerk of the Crown in and for the County of the City of *Dublin*, and shall be filed by him in the Public Office of the Pleas of the Crown in the City of *Dublin*.

Copies of Warrants to be sent to the Clerk of the Crown for Dublin.

CAP. XXXVI.

An Act for the Amendment of the Law of Entail in *Scotland*. [14th *August* 1848.]

'WHEREAS the Law of Entail in *Scotland* has been found to be attended with serious Evils, both 'to Heirs of Entail and to the Community at large, and it is expedient that the same be amended 'in manner herein-after provided for:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Estate in *Scotland* shall be entailed by a Deed of Tailzie dated on or after the First Day of *August* One thousand eight hundred and forty-eight it shall be lawful for any Heir of Entail born after the Date of such Tailzie, being of full Age, and in possession of such entailed Estate by virtue of such Tailzie, to acquire such Estate in whole or in part, in Fee Simple, by applying to the Court of Session for Authority to execute and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided; and it shall be lawful for any Heir of Entail, being

Heir born after the Date of any future Entail may disentail the Estate; born before, may do so with Consent of Heir next in succes-

being of lawful Age, and in possession of such entailed Estate by virtue of such Tailzie, though born before the Date of such Tailzie, with the Consent, and not otherwise, of the Heir next in succession, being Heir Apparent under the Entail of the Heir in possession, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court for Authority to execute and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided: Provided always, that such Consent to such Instrument of Disentail shall not be valid and effectual unless granted by a Person of the Age of Twenty-five Years complete, not subject to any legal Incapacity, and born after the Date of the Tailzie to which such Instrument applies.

sion, being Heir Apparent under the Entail.

II. And be it enacted, That where any Estate in *Scotland* is held by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight it shall be lawful for any Heir of Entail born on or after the said First Day of *August*, being of full Age, and in possession of such entailed Estate by virtue of such Tailzie, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court of Session for Authority to execute and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided; and it shall be lawful for any Heir of Entail, though born before the said First Day of *August* One thousand eight hundred and forty-eight, being of full Age, and in possession of such entailed Estate by virtue of such Tailzie dated prior to the said First Day of *August*, with the Consent (and not otherwise) of the Heir next in succession, being Heir Apparent under the Entail of the Heir in possession, he being born on or after the said First Day of *August* One thousand eight hundred and forty-eight, and being of the Age of Twenty-five Years complete at the Time of granting such Consent, and not subject to any legal Incapacity, to acquire such Estate, in whole or in part, in Fee Simple, by executing, under Authority of the Court, an Instrument of Disentail as aforesaid, in the Form and Manner herein-after provided.

Heir in possession under an existing Entail born after 1st August 1848 may disentail; born before that Date, may do so with Consent of Heir next in succession, being Heir Apparent born after 1st August 1848.

III. And be it enacted, That it shall be lawful for any Heir of Entail, being of full Age, and in possession of an entailed Estate in *Scotland* holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight, to acquire such Estate, in whole or in part, in Fee Simple, by applying to the Court of Session for Authority to execute and executing, and recording in the Register of Tailzies, under the Authority of the Court, an Instrument of Disentail in the Form and Manner herein-after provided: Provided always, that such Heir of Entail in possession shall be the only Heir of Entail in existence for the Time, and unmarried, or otherwise shall have obtained the Consents of the whole Heirs of Entail, if there be less than Three in being at the Date of such Consents and at the Date of presenting such Application, or otherwise shall have obtained the Consents of the Three nearest Heirs who at the said Dates are for the Time entitled to succeed to such Estate in their Order successively immediately after such Heir in possession, or otherwise shall have obtained the Consents of the Heir Apparent under the Entail and of the Heir or Heirs, in Number not less than Two, including such Heir Apparent who in Order successively would be Heir Apparent: Provided also, that the nearest Heir of Entail for the Time entitled to succeed to such Estate immediately after such Heir in possession, where any such other Heir exists, shall be of the Age of Twenty-five Years complete, and not subject to any legal Incapacity.

Heir of Entail under an existing Entail may disentail, with certain Consents.

IV. And be it enacted, That it shall be lawful for any Heir of Entail, being of full Age, and in possession of an entailed Estate in *Scotland*, with such and the like Consents as by this Act would enable him to disentail such Estate, to sell, alienate, dispone, charge with Debts or Incumbrances, lease and feu such Estate, in whole or in part, and that unconditionally, or subject to Conditions, Restrictions, and Limitations, according to the Tenor of such Consents, the Authority of the Court of Session being always obtained thereto in the Form and Manner herein-after provided; and such Heir of Entail shall be entitled to make and execute, at the Sight of the Court, all such Deeds of Conveyance and other Deeds as may be necessary for giving Effect to the Sales, Dispositions, Charges, Leases, or Feus so made and granted.

Heir of Entail may sell, charge, lease, and feu, with the like Consents as enable him to disentail.

V. And be it enacted, That it shall be lawful for any Heir of Entail, being of full Age, and in possession of an entailed Estate in *Scotland* holden by him by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight, with the Consent of the whole Heirs of Entail if there be less than Three in being at the Date of such Consents and at the Date of presenting Application for the Authority of the Court as after mentioned, or otherwise with the Consent of the Three nearest Heirs who at the said Dates are for the Time entitled to succeed to such Estate in their Order successively immediately after such Heir in possession, or otherwise with the Consent of the Heir Apparent under the Entail, and of the Heir or Heirs, in Number not less than Two, including such Heir Apparent, who in Order successively would be Heir Apparent, to excamb such Estate, in whole or in part, the Authority of the Court of Session being always obtained thereto in the Form and Manner herein-after provided, and such Heir of Entail in possession shall be entitled to make and execute, at the Sight of the Court, all such Contracts of Excambion and other Deeds as may be necessary in order to give effect to such Excambions, by the Substitution of the Lands to be acquired in the Room and Place in all respects of the Lands to be disponed.

Heir of Entail under existing Entail may excamb, with certain Consents.

VI. And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* shall apply to the Court of Session under this Act in order to disentail such Estate, in whole or in part, or to sell, alienate, dispone, charge with Debts or Incumbrances, lease, feu, or excamb the same or any Part thereof, he shall make and produce in such Application an Affidavit setting forth that there are no

Provision for Disclosure of Entailer's Debts which affect the Estate disentailed.

no Entailer's Debts or other Debts, and no Provisions to Husbands, Widows, or Children, affecting or that may be made to affect the Fee of the said entailed Estate or the Heirs of Entail, or, if there are such Debts or Provisions, setting forth the Particulars of the same, with the Amounts thereof respectively, Principal, Interest, and Expenses, and the Vouchers by which the same are instructed, and the Names, Designations, and Residences of the Parties in right of the same; and the Court shall not proceed with such Application until such Affidavit is lodged; and, if the Court shall see Cause, Intimation of such Application may be ordered to be made to the Parties in right of the said Debts or Provisions or any of them, with a view to such Parties appearing for their Interest, if they shall see fit; and it shall be lawful for the Court to order such Provision as may appear just to be made for such Debts or Provisions, or for the Protection of the Parties in right of the same, before granting the Authority sought for in such Application, or as the Condition of granting the same; and any Person who shall wilfully make such Affidavit falsely shall be deemed to be guilty of Perjury, and be punishable accordingly.

Creditors in Entailer's Debts, &c. using Inhibition not to be affected by Instrument of Disentail.

VII. And be it enacted, That any Party in right of an Entailer's Debt or of any other Debt, or of any Provision to a Husband, Widow, or younger Child, affecting or that may be made to affect the Fee of any entailed Estate in *Scotland*, and who before the Expiry of One Year from the Date of recording an Instrument of Disentail of such Estate in the Register of Tailzies shall use and record Inhibition in reference to such Debt against the Heir of Entail in possession of such Estate for the Time, shall be entitled to affect such Estate in respect of such Debt or Provision as if no such Instrument of Disentail had been recorded as aforesaid, and no Debt or Charge on such Estate, or Right whatsoever therein, which would not have competed with such Debt or Provision had such Instrument of Disentail not been recorded, shall be allowed to compete therewith by reason of the recording of such Instrument of Disentail.

Settlements by Marriage Contract not to be disappointed.

VIII. And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight, or the Heir Apparent to such Estate, shall, together or separately, have secured by Obligation in any Marriage Contract the Descent of such Estate upon the Issue of the Marriage in reference to which such Contract is entered into, it shall not be competent for such Heir of Entail in possession, or Heir Apparent, or either of them, to apply for or to consent to the Disentail of such Estate, until there shall be born a Child of such Marriage capable of taking the Estate in Terms of such Contract, and who, by himself or his Guardian, shall consent to such Disentail, or until such Marriage shall be dissolved without such Child being born, unless the Trustee or Trustees named in such Contract, or the Party or Parties at whose Sight the Provisions of the Contract are directed to be carried into execution, shall concur in such Application or Consent.

Heirs of Entail not to give Consent in opposition to Creditors in Debts now existing.

IX. And be it enacted, That where any Heir of Entail called to the Succession of an entailed Estate in *Scotland* by any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall have borrowed Money previous to the passing of this Act on the Security or Credit of his Right of Succession to or Interest in such entailed Estate, such Heir shall not be entitled to give Consent to any Application under this Act which shall be opposed by any Creditor, to whom such Heir stands indebted in respect of Money borrowed as aforesaid, and who shall either hold Infeftment in the entailed Estate, duly recorded, in security of his said Debt, or shall enter Appearance, and prove the same, in the course of the Proceedings under such Application: Provided always, that it shall be competent to the Court of Session, if, with reference to any Offer of adequate Security, or otherwise in the Circumstances, it shall deem the Opposition on the Part of such Creditor to be unreasonable, to disallow the same, and to give effect to the Consent of such Heir.

Heir Apparent under future Tailzie not to give Consent in opposition to his Creditors.

X. And be it enacted, That where any Heir Apparent of an entailed Estate in *Scotland* under a Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall subsequent to the passing of this Act borrow Money on the Security or Credit of his Right of Succession to or Interest in such entailed Estate, such Heir Apparent shall not be entitled to give Consent to any Application under this Act, except under the like Circumstances as would have enabled him to give Consent, and to have his Consent allowed, had such Money been borrowed previous to the passing of this Act; but the Consents of the other Heirs Substitute shall be given and allowed independently of the Rights of any such Creditors.

Creditor of an Heir empowered to disentail may affect the Estate for Payment of his Debt.

XI. And be it enacted, That any Creditor of an Heir of Entail in possession of an entailed Estate in *Scotland* who is by this Act empowered by himself alone, without the Consent of any other Party, to acquire such Estate in Fee Simple, by executing and recording an Instrument of Disentail as aforesaid, shall be entitled to affect such Estate for Payment of Debt, and have the same Rights and Interests therein as if such Instrument of Disentail had been duly executed and recorded, albeit such Heir in possession may not have duly executed and recorded such Instrument of Disentail.

Acts 10 G. 3. c. 51. and 5 G. 4. c. 87. not to apply to future Tailzies.

XII. 'And whereas an Act was passed in the Tenth Year of the Reign of His Majesty King *George* 'the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in* 'that Part of Great Britain *called* Scotland *held under Settlements of strict Entail;* and another Act was 'passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to* 'authorize the Proprietors of entailed Estates in Scotland *to grant Provisions to the Wives or Husbands* 'and Children of such Proprietors:' Be it enacted, That neither of the Two last-recited Acts shall be applicable to any Tailzie dated on or after the First Day of *August* One thousand eight hundred and forty-eight.

XIII. And

XIII. And be it enacted, That where an Heir of Entail in possession of an entailed Estate holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall have executed Improvements on such Estate previous to the passing of this Act, and shall have obtained Decree for Three Fourth Parts of the Sums expended thereon, in Terms of the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Third, and shall also have obtained the Authority of the Court of Session as after mentioned, it shall be lawful for such Heir to execute, in favour of any Party he may think fit, a Bond of annual Rent in ordinary Form over such entailed Estate or any Portion thereof, binding himself and his Heirs of Tailzie to make Payment of an annual Rent during the Period of his own Life and Twenty-five Years thereafter, such annual Rent during his own Life not exceeding the legal Interest of the said Three Fourth Parts of the Sums expended as aforesaid, and during the Twenty-five Years after his Decease not exceeding the Sum of Seven Pounds Two Shillings for every One hundred Pounds of such Three Fourth Parts as aforesaid, and so in proportion for any greater or less Sum, and such annual Rent being payable by equal Moieties half-yearly at the Terms of *Whitsunday* and *Martinmas*, beginning the first Term's Payment at the first Term of *Whitsunday* or *Martinmas* after the Date of the Bond, for the Proportion of annual Rent then due, with legal Interest, and Penalties in case of Failure.

Heir having obtained Decree for Expense of Improvements may grant Bond of annual Rent.

XIV. And be it enacted, That where an Heir of Entail in possession of an entailed Estate holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall execute Improvements on such Estate subsequent to the passing of this Act, and obtain Decree for Three Fourth Parts of the Sums expended thereon, in Terms of the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Third, and shall also obtain the Authority of the Court as after mentioned, it shall be lawful for such Heir of Entail to execute, in favour of any Party he may think fit, a Bond of annual Rent in ordinary Form over such entailed Estate or any Portion thereof, binding himself and his Heirs of Tailzie to make Payment of an annual Rent during the Period of Twenty-five Years from and after the Date of such Decree, or during such Part of the said Period of Twenty-five Years as may remain unexpired at the Date of such Bond, such annual Rent not exceeding the Sum of Seven Pounds Two Shillings for every One hundred Pounds of the whole of the Sums expended as aforesaid, and so in proportion for any greater or less Sum, and being payable half-yearly by equal Moieties at the Terms of *Whitsunday* and *Martinmas*, beginning the first Term's Payment at the first Term of *Whitsunday* or *Martinmas* after the Date of the Bond, for the Proportion of annual Rent then due, with legal Interest, and Penalties in case of Failure.

Heir in future expending Money in Improvements may grant Bond of annual Rent.

XV. And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* shall have executed Improvements on such Estate prior to the passing of this Act, and recorded the same in Terms of the said last-recited Act, and died without having executed a Bond of annual Rent as herein-before authorized, or having charged the Estate as herein-after authorized, and where Decree shall have been obtained, in Terms of the said last-recited Act, for Three Fourth Parts of the Sums expended thereon, it shall be lawful for the Executor or personal Representative of such Heir of Entail, or for any Party to whom such Heir may have conveyed or assigned such Debt, to make Application by summary Petition to the Court of Session, praying the Court to decern and ordain the Heir in possession of such entailed Estate to execute, in favour of any Party such Petitioner may think fit, a Bond of annual Rent in ordinary Form over such entailed Estate or any Portion thereof, binding himself and his Heirs of Tailzie to make Payment of an annual Rent during the Period of Twenty-five Years from the Date of the Death of the Heir of Entail who shall have executed the Improvements, such annual Rent not exceeding the Sum of Seven Pounds Two Shillings for every One hundred Pounds of such Three Fourth Parts aforesaid, and so in proportion for any greater or less Sum, and such annual Rent being payable half-yearly by equal Moieties at the Terms of *Whitsunday* and *Martinmas*, beginning the first Term's Payment, notwithstanding the Date of such Bond of annual Rent, at the first Term of *Whitsunday* or *Martinmas* after the Date of the Death of the Heir of Entail who shall have executed the Improvements, for the Proportion of annual Rent then due, with legal Interest, and Penalties in case of Failure, which Bond such Heir of Entail in possession shall be bound to execute accordingly at the Sight of the Court: Provided always, that the Heir of Entail in possession required to grant and granting such Bond shall be entitled to impute towards Payment of the Sums thereby due any Excess of Sums which may have been paid by or recovered from him in Payment of the said Improvement Debt beyond the Amount of annual Rents due from and after the Decease of the Heir who shall have executed such Improvements.

Executor may call on Heir in possession to grant Bond of annual Rent.

XVI. And be it enacted, That where an Heir of Entail in possession of any entailed Estate holden by virtue of any Tailzie dated prior to the said First Day of *August* One thousand eight hundred and forty-eight shall, whether prior or subsequent to the passing of this Act, have executed Improvements on such Estate of the Nature of the Improvements contemplated by the said last-recited Act, but shall not have obtained Decree therefor in Terms of the said Act, by reason of the Provisions thereof not having been adopted or not having been duly complied with, it shall be lawful for such Heir to apply by summary Petition to the Court in manner herein-after provided, setting forth such Improvements, and the Amount of Money, not exceeding the Amount authorized by the said Act, expended thereon, and praying the Court for Authority to grant Bond of annual Rent as is herein-before provided in the Case of Improvements for which Decree in Terms of the said Act has been obtained; and the Court shall, after such Proceedings as they may think fit to direct or to adopt, proceed to consider such Application, and to take such Evidence, and institute such Inquiry into the Facts alleged in such Petition, as they shall judge necessary; and if it shall appear to the Court that such Improvements are

Proceedings where Improvements not executed in Terms of 10 G. 3.

of the Nature contemplated by the said Act, and that such Expenditure was *bonâ fide* made, they shall find accordingly, and shall also grant Warrant for Execution of a Bond of annual Rent as herein provided in the Cases of Improvements for which Decree in Terms of the said Act has been obtained.

No Adjudication for annual Rent.

Annual Rent, how to be recovered.

Annual Rent to be kept down.

XVII. And be it enacted, That so long as any entailed Estate remains subject to the Tailzie thereof, or is not liable to be disentailed by the Heir of Entail in possession without the Consent of any other Party, no Bond of annual Rent to be granted under the Authority of this Act shall be made the Ground of Adjudication or Eviction of such entailed Estate or any Part thereof; and the annual Rents contained in such Bond shall be recoverable as accords of Law from and out of the Rents and Profits of such entailed Estate, and from the Heir in possession thereof for the Time being: Provided always, that the Heir in possession of any such entailed Estate, and the Heirs substitute to him, shall be bound, each during his own Possession, yearly and each Year to pay and keep down such annual Rents accruing during their respective Possessions of such entailed Estate; and no Remedy shall be competent to the Creditor in such Bond of annual Rent against the Rents and Profits of the said Estate for any Arrears beyond Two Years annual Rent, and Interest thereon, and corresponding Penalties; without Prejudice to his Remedy for such Arrears against the Heirs in possession respectively bound to pay and keep down the same, and against the Representatives of such Heirs, and the separate Estates of such Heirs, including the Rents of such entailed Estate during their respective Periods of possession.

Heir of Entail may charge Estates by granting Bond and Disposition in Security.

XVIII. And be it enacted, That in all Cases in which it may be competent for an Heir of Entail in possession of an entailed Estate in *Scotland*, or in which such Heir of Entail may be called upon to grant a Bond of annual Rent in Terms of this Act, it shall be lawful for such Heir of Entail, and such Heir of Entail may be called upon, to charge under the Authority of the Court of Session, as after mentioned, the Fee and Rents of such Estate other than the Mansion House, Offices, and Policies thereof, or the Fee and Rents of any Portion of such Estate other than as aforesaid, with Two Third Parts of the Sum on which the Amount of such Bond of annual Rent if granted would be calculated in Terms of this Act, by granting, in favour of any Creditor who may advance the Amount of such Two Third Parts, Bond and Disposition in Security over such Estate or any Portion thereof other than as aforesaid for such Amount, with the due and legal Interest thereof from the Date of such Advance till repaid, and with corresponding Penalties; and such Bond and Disposition in Security may be in the like Form, and shall have the like Effect and Operation, and be subject to the like Conditions and Provisions as to keeping down Interest, and as to the Extent of Remedy against the Fee and Rents of the entailed Estate, and otherwise, as are herein-after made and provided in regard to Bonds and Dispositions in Security by this Act authorized to be granted in respect of Provisions to younger Children.

Bonds of annual Rent or of Dispositions in Security for Improvements to operate as Discharges.

XIX. And be it enacted, That the granting under the Authority of this Act of any Bond of annual Rent, or Bond and Disposition in Security, in respect of any Improvements executed or to be executed on an entailed Estate in *Scotland*, shall operate as a Discharge of all Claims for or on account of such Improvements, against such Estate, and the Rents and Profits thereof, and the Heirs of Entail succeeding thereto, save and except the Claims under such Bond of annual Rent or Bond and Disposition in Security themselves.

Private Roads to be deemed Improvements under 10 G. 3. c. 51. and under this Act.

XX. And be it enacted, That private Roads which shall from and after the First Day of *August* One thousand eight hundred and forty-eight be made through any entailed Estate, or by way of immediate Access thereto, may be deemed to be Improvements falling under the said recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Third and also under this Act, in the same Way and Manner in all respects as inclosing, planting, and draining.

Provisions to younger Children may be made Charges upon the entailed Estate.

XXI. And be it enacted, That in all Cases where an Heir of Entail in possession of an entailed Estate in *Scotland* shall be liable to pay or to provide by Assignation of the Rents and Proceeds of such Estate for any Sum or Sums of Money granted by any former Heir of Entail by way of Provisions to younger Children, in Terms of the said recited Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, or in virtue of the Powers to that Effect contained in any Deed of Entail under which the Heir of Entail in possession holds, and in all Cases where any Heir of Entail in possession as aforesaid shall in the Marriage Contract of his younger Child have validly granted Provision for such younger Child out of the Rents and Proceeds of such entailed Estate, in Terms of the said recited Act, or in Terms of such Deed of Entail, it shall be lawful for such Heir of Entail in possession to charge the Fee and Rents of such Estate other than the Mansion House, Offices, and Policies thereof, or to charge the Fee and Rents of any Portion of such Estate other than as aforesaid, with the Amount of such Provisions, by granting Bond and Disposition in Security over such Estate, or such Portion thereof other than as aforesaid, for such Amount, with the due and legal Interest thereof from the Date of such Bond and Disposition in Security, or any subsequent Date, till repaid, and with corresponding Penalties; and such Bond and Disposition in Security may be in ordinary Form, binding the Granter and his Heirs of Entail in their Order successively to repay the Principal Sum therein, with Interest and Penalties as aforesaid, and may contain all Clauses usual in Bonds and Dispositions in Security granted over Estates in *Scotland* held in Fee Simple.

Heir in possession to keep down the Interest on Provisions to Children.

XXII. And be it enacted, That such Heir of Entail in possession, and the Heirs substitute to him in their Order successively, shall be bound, each during his own Possession of such Estate, yearly and each Year, to pay and keep down the Interest on such Bonds and Dispositions in Security accruing during their Possession respectively of such entailed Estate; and the Remedy competent to the Creditor against the Fee and Rents of such Estate on such Bonds and Dispositions in Security shall be limited to the Principal Sum therein contained, with Two Years Interest thereon, and corresponding Penalties; without

without Prejudice to the Remedy of the Creditor for any further Arrears of Interest against the Heir or Heirs in possession bound to pay and keep down the same, and against his or their Representatives, or his or their separate Estate or Estates, including the Rents of the said entailed Estate during his or their Possession of the same.

Provisions to Children not to be charged without Authority of Court.

XXIII. And be it enacted, That no Heir of Entail in possession of an entailed Estate shall charge the same under this Act with any Provision to any younger Child or Children until he shall have applied for and obtained the Authority of the Court thereto in the Form and Manner herein-after provided; and such Application to the Court shall set forth in a Schedule to be annexed thereto the specific Portion of the Estate which it is proposed to include in such Bonds and Dispositions in Security.

Power to grant Feus or long Leases.

XXIV. And be it enacted, That, notwithstanding any prohibitory, irritant, and resolutive Clauses, or any Limitation by way of Maximum or Minimum of the Extent of Ground to be feued or to be granted in each separate Feu, contained in any Tailzie dated prior to the First Day of *August* One thousand eight hundred and forty eight, it shall be lawful for an Heir of Entail in possession of an entailed Estate in *Scotland*, upon Notice to the Heir of Entail next entitled to succeed to such Estate immediately after such Heir of Entail in possession, with the Approbation of the Court, to be obtained in the Form and Manner herein-after provided, to grant Feus or long Leases of any Part of the said entailed Estate for the highest Feu Duty or Rent that can be got for the same, such Feus or long Leases so granted by him not exceeding in all One Eighth Part in Value for the Time of such Estate; provided always, that it shall not be lawful for such Heir to take any Grassum or Fine or valuable Consideration other than the Tack Duty or Rent for granting any such Feu or Lease, nor to grant any such Feu or Lease of the Mansion House, Offices, or Policies of the Estate; and such Heir shall be entitled to make, at the Sight of the Court, all such Feu Charters or other Feu Rights, or Tacks or Leases, as shall be necessary; and in case any such Grassum, Fine, or Consideration shall be taken, and in case any Feu or Lease hereby prohibited shall be granted, such Feu or Lease shall be null and void; but nothing herein contained shall prevent or be construed to prevent any Heir of Entail in possession from exercising any Power of granting Feus or Leases which may be contained in the Tailzie under which he possesses, more extensive than the Power of granting Feu or Leases hereby conferred.

Where entailed Estate may be charged with Debt, Estate may be sold for Payment thereof.

XXV. And be it enacted, That in all Cases in which it is made competent by this Act for any Heir of Entail in possession of an entailed Estate in *Scotland* to charge the same with Debt, by granting Bonds and Dispositions in Security therefor over such Estate, freed from all the Clauses prohibitory, irritant, and resolutive contained in the Tailzie in virtue whereof such Estate is holden, and also in all Cases in which such Charge is made competent by any Act of Parliament, but no Power of Sale granted to the Heir of Entail, and in all Cases in which the Fee of an entailed Estate is validly charged with Debt, it shall be lawful for the Heir of Entail in possession for the Time being to sell and dispose of any Portion or Portions of such Estate, other than the Mansion House, Offices, and Policies thereof, which may be necessary, and which the Court of Session may select as most suitable and proper to be sold and disposed of for the Purpose of paying off the Debt in respect of which such Charge has been or might be competently made; and it shall be lawful for such Heir of Entail in possession to grant, at the Sight and under Authority of the Court, valid and effectual Dispositions in Fee Simple in ordinary Form of such Portion or Portions of the said Estate, to the Purchaser thereof, and his Heirs or Assignees; and the Price to be obtained for the Portion or Portions of the Estate to be so sold shall be previously approved of by the Court, and shall be paid into Court, under the Application for Sale, by the Purchaser, who shall by such Payment be fully discharged of such Price, and have no Interest, Concern, or Responsibility as to the Application thereof; and such Price shall be applied, at the Sight of the Court, in or towards Payment or Extinction of the said Debt; and the Surplus of such Price remaining after Payment of the said Debt, and of the Expenses attending the Application for Sale and Procedure thereon, shall, if more than Two hundred Pounds, be invested in other Lands or Heritages, to be added to the Remainder of such entailed Estate, or be laid out and expended in or towards Payment of Entailer's Debts, or in or towards Payment of any Money charged on the Fee of such entailed Estate under this or any other Act, or in Redemption of the Land Tax affecting such entailed Estate, or in permanently improving the same, or in Repayment of Money already expended in such Improvements, as may be deemed most advisable; and if such Surplus shall be invested in other Lands or Heritages, to be added to the Remainder of such entailed Estate, the Tailzie of such other Lands or Heritages shall, whatever be its actual Date, be taken to be of equal Date with the Tailzie of the Remainder of such entailed Estate; and if such Surplus be less than Two hundred Pounds, the same shall be paid to the Heir of Entail in possession of such entailed Estate for the Time, for his own Use and Behoof, all at the Sight and under the Direction of the Court of Session.

Money arising from Sale of Estate, and Trust Money, may be applied in Payment of Entailer's Debts, &c.

XXVI. And be it enacted, That in all Cases where Money has been derived or may hereafter be derived from the Sale or Disposal of any Portion of an entailed Estate in *Scotland*, or of any Right or Interest in or concerning the same, or in respect of any permanent Damage done to such Estate, under any private or other Act of Parliament, or where any Money has been invested in trust for the Purpose of purchasing Lands to be settled upon the Series of Heirs entitled to succeed to such entailed Estate, and where such Money would fall to be invested in Lands or Heritages to be entailed on the same Series of Heirs as are called to the Succession of such entailed Estate by the Tailzie thereof, and under the same Prohibitions, Conditions, Restrictions, and Limitations as are contained in such Tailzie, and where the Heir in possession of such entailed Estate could by virtue of this Act acquire to himself such Estate in Fee Simple by executing and recording an Instrument of Disentail as aforesaid, it shall be

be lawful for such Heir to make summary Application to the Court, in manner herein-after provided, for Warrant and Authority, and the Court upon such Application shall have Power to grant Warrant and Authority to and in favour of such Heir of Entail, for Payment to such Heir of such Sums of Money, as belonging to himself in Fee Simple; but if such Heir of Entail shall not be entitled to acquire such Estate in Fee Simple, then it shall be lawful for such Heir, with the Approbation of the Court, to lay out such Money or any Portion thereof in or towards Payment of Entailer's Debts, or in or towards Payment of any Money charged on the Fee of such entailed Estate under this or any other Act, or in Redemption of the Land Tax affecting such entailed Estate, or in permanently improving the same, or in Repayment of Money already expended in such Improvements; and in such Case such Heir shall apply summarily to the Court in manner herein-after provided, setting forth the Amount of the Sums proposed to be laid out, and the special Purpose to which it is intended to apply the same; and if the Court shall be satisfied of the Propriety of the proposed Application they shall issue a Finding or Decree to that Effect, and authorizing such Application; and it shall thereafter be lawful for the Heir so applying to lay out such Money or any Part thereof, according as the Court shall have authorized the Application of the same, to all or any of the before-mentioned Purposes; and if there shall be any Surplus of such Money after the Purposes authorized by the Decree of the Court shall be fulfilled, the same shall, if more than Two hundred Pounds, be applied as the whole Money would have been applied but for the Provisions of this Act, and if less than Two hundred Pounds shall be paid to the Heir of Entail in possession of such entailed Estate for the Time, for his own Use and Behoof.

Money vested in trust for the Purchase of Land to be entailed may be dealt with as if it were the entailed Land.

XXVII. And be it enacted, That where any Money or other Property, Real or Personal, has been or shall be invested in trust for the Purpose of purchasing Land to be entailed, or where any Land is or shall be directed to be entailed, but the Direction has not been carried into effect, it shall be lawful for the Party who, if the Land had been entailed in Terms of the Trust, would be the Heir in possession of the entailed Land, and who in that Case might by virtue of this Act have acquired to himself such Land in Fee Simple by executing and recording an Instrument of Disentail as aforesaid, to make summary Application to the Court, as herein-after provided, for Warrant and Authority for the Payment to him of such Money, or for the Conveyance to him of such Land in Fee Simple; and the Court shall, upon such Application, and with such Consents, if any, as would have been required to the Acquisition of such Land in Fee Simple, have Power to grant such Warrant and Authority.

Date of Act, &c. directing Entail deemed to be Date when Land should have been entailed.

XXVIII. And be it enacted, That for the Purposes of this Act the Date at which the Act of Parliament, Deed, or Writing placing such Money or other Property under trust, or directing such Land to be entailed, first came into operation shall be held to be the Date at which the Land should have been entailed in Terms of the Trust, and shall also be held to be the Date of any Entail to be made hereafter in execution of the Trust, whatever be the actual Date of such Entail.

Provisions to Wives and Children may be granted out of Money vested in trust for the Purchase of Lands to be entailed.

XXIX. And be it enacted, That where any Money or other Property, Real or Personal, has prior to the First Day of *August* One thousand eight hundred and forty-eight been invested in trust for the Purpose of purchasing Land to be entailed, or where any Land has prior to the said Date been directed to be entailed, but the Direction has not been carried into effect, it shall be lawful for the Party who, if the Land had been entailed in Terms of the Trust, would be the Heir in possession of the entailed Land for the Time to grant Provisions in favour of his or her Husband or Wife and younger Children out of such Money or other Property, or out of such Land, as the Case may be, of such and the like Amount and Extent as he or she would have been entitled to grant out of the Land if entailed, and if subject to the Provisions and Enactments of the said recited Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth.

Creditor not to sell Land in excess of what is necessary to pay Debt affecting the Estate, and Re-investment of Surplus.

XXX. And be it enacted, That no Creditor acting under Powers of Sale contained in any Bond or Disposition in Security or other Deed of Security affecting any entailed Estate in *Scotland* by virtue of this or any other Act shall be entitled to sell such entailed Estate, or any Portion or Portions thereof, in manifest Excess of what is necessary or proper in order to Payment and Extinction of the Debt, Principal and Interest, and whole Expenses appertaining thereto, for which such Sale is made; and any Judgment of the Court of Session pronounced in any Suspension of any such intended Sale on the Ground of manifest Excess shall be final, and not subject to Appeal; and wherever upon a Sale of such entailed Estate or of any Portion or Portions thereof by such Creditor acting under such Powers as aforesaid there shall arise a Surplus of the Price after Payment of such Debt, Principal and Interest, and whole Expenses effeiring thereto, such Creditor shall only be entitled to Payment from the Purchaser of the Amount of such Debt, Principal and Interest, and whole Expenses effeiring thereto; and such Creditor and Purchaser shall be bound forthwith to present or cause to be presented an Application to the Court, setting forth such Surplus, and praying for the Reinvestment thereof in other Lands or Heritages, to be entailed, at the Sight of the Court, on the same Series of Heirs, and, as far as may be, in the same Terms, and subject to the same Prohibitions, Conditions, Restrictions, Limitations, and Clauses irritant and resolutive as are contained in the Tailzie under which the Estate or the Portion or Portions thereof so sold was or were holden previous to such Sale, or for the Disposal of such Surplus in such other Manner as the Court may direct consistently with the Provisions of this Act; and on such Application being presented the Court shall ordain the Petitioner, or other Party in whose Hands the admitted Surplus may be, to pay the same into Bank, and to produce a Receipt therefor taken, payable as the Court may direct, and shall also appoint such Intimation and Advertisement of the Application as they may deem proper; and it shall be competent to the Court under such Application to ascertain and determine the just Amount of such Surplus, and to give Decree for the same, and to exonerate and discharge

discharge the Creditor and Purchaser and all others thereof, and also if such Surplus shall exceed Two hundred Pounds, to see to the Reinvestment thereof in other Lands or Heritages, and to the entailing of such Lands or Heritages as aforesaid, or to the Disposal of such Surplus in such other Way and Manner as may be consistent with the Provisions of this Act, and as may appear to the Court to be suitable and proper; and if such Surplus shall be reinvested in other Lands or Heritages as aforesaid the Tailzie of such other Lands or Heritages shall, whatever be its actual Date, be taken to be of equal Date with the Tailzie of the Remainder of such entailed Estate; and if such Surplus shall not exceed Two hundred Pounds the Court shall order the same to be paid over to the Heir of Entail in possession, for his own Use and Behoof.

Guardians may consent for Minors.

XXXI. And be it enacted, That, unless where inconsistent with any other Provisions of this Act, it shall be competent for the Court of Session, where any Heir of Entail whose Consent is required under this Act shall be under Age, or subject to any legal Incapacity, to appoint in the course of any Application to which such Consent is required, a separate Tutor ad litem, or Curator ad litem, or Curator bonis, or other Guardian to each such Party; and such Tutor ad litem, or Curator ad litem, or Curator bonis, or other Guardian, being so appointed by the Court, shall be charged with the Interest of such Party in reference to such Application, and shall be entitled, with or without Consideration, to act and to give Consent on the Behalf of such Party; and no Tutor or Curator or other legal Guardian who may give any Consent under this Act on behalf of any Heir Substitute shall incur any Responsibility on account of such Consent in respect of any alleged Error in Judgment, or Inadequacy of Consideration, or Want of Consideration therefor, unless it shall also be alleged and proved that he acted corruptly in the Matter; and such Consent by such Tutor or Curator or other legal Guardian shall be in all respects as effectual as if the same had been given by such Heir himself when of full Age and of legal Capacity to act in his own Affairs: Provided always, that no Heir of Entail in possession of an entailed Estate in *Scotland*, or whose own Consent shall be required in the Application, shall be entitled to give Consent on the Behalf of any other Party in reference to any Application for Disentail of such Estate.

Form and Effect of Instrument of Disentail, and Registration thereof.

XXXII. And be it enacted, That an Instrument of Disentail under this Act may be in the Form or as nearly as may be in the Form set forth in the Schedule to this Act annexed, and it shall be the Duty of the Keeper of the Register of Tailzies for the Time being to record such Instrument, when duly presented, under Authority of the Court for that Purpose, in the Register of Tailzies along with the Decree of Court on which it proceeds, upon Payment of such Fee for the same as may be fixed by the Court by Act of Sederunt; and such Instrument, when duly executed, and recorded in the Register of Tailzies, under Authority of the Court, in Terms of this Act, shall have the Effect of absolutely freeing, relieving, and disencumbering the entailed Estate to which such Instrument applies, and the Heir of Entail in possession of the same, and his Successors, of all the Prohibitions, Conditions, Restrictions, Limitations, and Clauses irritant and resolutive of the Tailzie under which such Estate is held, and of entitling such Heir in possession to alter the Course of Succession prescribed by such Tailzie, and to alienate and dispone such Estate, onerously or gratuitously, and to burden the same with Debt, and to do any other Act or Deed in relation thereto competent by Law to any absolute Proprietor in Fee Simple: Provided always, that such Instrument of Disentail shall in no way defeat or affect injuriously any Charges, Burdens, or Incumbrances, or Rights or Interests, of whatsoever Kind or Description, held by Third Parties, and lawfully affecting the Fee or Rents of such Estate, or such Heir in possession or his Successors, other than the Rights and Interests of the Heirs Substitute of Entail in or through the Tailzie under which such Estate is held, but that all such Charges, Burdens, and Incumbrances, and Rights and Interests other than as aforesaid, shall remain at least as valid and operative in all respects as if no such Instrument of Disentail had been executed or recorded.

Applications to the Court.

XXXIII. And be it enacted, That it shall be lawful for any Heir of Entail in possession of an entailed Estate in *Scotland*, desiring to take advantage of any of the Provisions of this Act as to which the Authority of the Court is by this Act required, to make Application to that Effect by way of summary Petition to the Court, and such Petition shall set forth the Tailzie under which such Estate is held, and the Date of the Petitioner's Infeftment therein, if any be, and the Names, Designations, and Places of Abode, so far as known to the Petitioner, of the Heirs Substitute of Entail (if any) whose Consents are required to such Petition, and whether such Heirs Substitute are of Age to consent on their own Behalf, and if not then the Names, Designations, and Places of Abode of their Fathers, or Tutors or Curators or other legal Guardians, and if such Heirs Substitute or any of them are the Children of such Heir of Entail in possession himself and are Minors, or legally incapacitated to act in their own Affairs, the same shall be stated in such Petition, and such Petition shall also set forth specifically to what Extent and in what Way and Manner such Estate is proposed to be affected.

Intimation of Petitions.

XXXIV. And be it enacted, That the Court, on any such Petition being presented to it in Terms of this Act, shall appoint Intimation thereof to be made in the Minute Book and on the Walls in common Form, and shall also appoint the same to be publicly advertised once in the *Edinburgh Gazette*, and at least once weekly for Six successive Weeks, or for any longer Period the Court shall deem fit, in such Newspaper or Newspapers as shall be appointed by the Court; and it shall be sufficient in such Advertisements to state the leading Name of such Lands by which the same are commonly known, without any detailed Description thereof.

Procedure in Court.

XXXV. And be it enacted, That after Intimation and Advertisement as aforesaid in Terms of such Deliverance of the Court it shall be competent to such Petitioner to move the Court to grant the Prayer of such Petition; and if the Procedure shall appear to the Court to be regular and proper, the Court shall interpone their Authority, and give Decree authorizing such Petitioner to do and perform the Act

or

or Acts proposed in such Petition in so far as the same may appear to the Court to be permitted by this Act, or the Court shall do otherwise in reference to such Petition as may appear to them to be proper, and consistent with this Act: Provided always, that it shall be competent, at any Time before Decree is actually pronounced and extracted, for any Person or Persons having Interest to compear and object on any relevant Ground to the Prayer of such Petition; and in the event of such Objection being offered the Court shall investigate and dispose of the same by such Form of Procedure as may seem to the Court to be expedient and proper; and in all Applications presented under this Act it shall be competent to the Court to decern for Costs of Suit against the Parties to the Proceedings, or any of them, or to decern for Payment thereof out of the Estate or Fund to which such Applications respectively relate.

Heirs to be called in Proceedings under this Act.

XXXVI. And be it enacted, That it shall not be necessary in any Proceedings under this Act to call as Parties thereto any Heirs of Entail other than those whose Consent would be required by the Heir in possession for the Time to an Instrument of Disentail; and no Heir of Entail other than those whose Consent would be required as aforesaid shall be entitled to appear or to be heard in such Proceedings.

Excambions under the Act 6 & 7 W. 4. c. 42 may be carried through under the Forms of this Act.

XXXVII. 'And whereas by the said recited Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth certain Powers to make Excambions are conferred upon Heirs of Entail, certain Notices being given to Heirs Substitute and others, and certain Advertisements made, and certain Procedure had before the Court of Session, all as in the said recited Act especially provided; and it is expedient to simplify the Mode of effecting Excambions under the said Act, and to diminish the Expense thereof:' Be it enacted, That from and after the passing of this Act it shall not be necessary for any Heir of Entail in possession intending to effect any Excambion under or by virtue of the said recited Act to adopt any of the Procedure thereby required, but it shall be competent to such Heir of Entail to present an Application to the Court by way of summary Petition in the Form and Manner provided by this Act, and the Court shall entertain, proceed with, and dispose of the same in every respect as if the Powers to effect Excambions conferred by the said recited Act had been contained in and conferred by this Act; and further, it shall not be necessary to record any Contract of Excambion which shall be executed at the Sight and with the Approbation of the Court, as required by the said recited Act, in any other Register than the Register of Tailzies.

Instruments of Disentail to be final.

XXXVIII. And be it enacted, That any Instrument of Disentail recorded in the Register of Tailzies under the Authority of the Court, where the Judgment of the Court allowing such Instrument of Disentail has not been brought under Review of the House of Lords by Appeal, or where such Judgment has not been brought under Reduction upon any relevant Ground during the Period within which such Judgment might have been appealed from, shall, as regards any Third Parties acting *bonâ fide* on the Faith thereof, be no longer reducible on any Ground of Irregularity or Noncompliance with the Provisions of this Act, but in respect of any such Ground of Challenge be final and conclusive.

In future Entail, irritant and resolutive Clauses implied in Warrant to record.

XXXIX. And be it enacted, That in any Tailzie dated on or after the First Day of *August* One thousand eight hundred and forty-eight, containing an express Clause authorizing Registration in the Register of Tailzies, it shall not be necessary to insert any irritant or resolutive Clauses in order to render such Tailzie effectual in Terms of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and eighty-five, intituled *Act concerning Tailzies*, but such Clause of Registration shall have in every respect the same Operation and Effect as the most formal irritant and resolutive Clauses duly applied to every Prohibition, Condition, Restriction, and Limitation contained in such Tailzie, except only such Prohibitions, Conditions, Restrictions, and Limitations as by the Terms of such Tailzie may be specially excepted; and such Clause authorizing Registration in the Register of Tailzies shall be engrossed as Part of such Tailzie in the Register of Tailzies when such Tailzie is recorded therein, and shall also be inserted or duly referred to in all Procuratories of Resignation, Charters, Decrees of Special Service, Precepts, and Instruments of Seisin following on such Tailzie, in the same Manner, or as nearly as may be in the same Manner, as irritant and resolutive Clauses are now required to be so inserted or referred to.

Irritancy not to affect Conveyances or Securities.

XL. And be it enacted, That no Irritancy committed or that may be committed by any Heir of Entail in possession of an entailed Estate in *Scotland* shall operate to set aside, impair, or in any way affect, directly or indirectly, in the Person of any Purchasers or *bonâ fide* onerous Creditors, any Conveyances, Deeds, or Securities granted in reference to such Estate, or the Rents thereof, prior to the Execution of the Summons of Declarator on which Decree in respect of such Irritancy shall proceed, and not invalid as being inconsistent with the Provisions of the Entail under which such Estate is held.

39 & 40 G. 3. applied to Heritable Property in Scotland.

XLI. 'And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, intituled *An Act to restrain all Trusts and Directions in Deeds or Wills whereby the Profits or Produce of Real or Personal Estate shall be accumulated, and the beneficial Enjoyment thereof postponed beyond the Time therein limited*, by which Act it is provided and enacted, "that nothing in this Act contained shall extend to any Disposition respecting Heritable "Property within that Part of *Great Britain* called *Scotland*;" and it is expedient that the Provisions of the said Act should be extended to Heritable Property in *Scotland*:' Be it enacted, That the said Provision and Enactment of the said recited Act shall be and the same is hereby repealed, and the said Act shall in future apply to Heritable Property in *Scotland*.

Proceedings may be taken under this Act,

XLII. And be it enacted, That all the Acts hereby permitted to be done by an Heir in possession of an entailed Estate, in virtue of the Deed of Entail under which such Estate is held, may be done by such Heir,

Heir, whether such Deed of Entail be recorded in the Register of Tailzies or not, or whether such Heir be duly infeft in such Estate or not. though Entail not recorded, &c.

XLIII. And be it enacted, That where any Tailzie shall not be valid and effectual in Terms of the said recited Act of the *Scottish* Parliament passed in the Year One thousand six hundred and eighty-five, in regard to the Prohibitions against Alienation and Contraction of Debt, and Alteration of the Order of Succession, in consequence of Defects either of the original Deed of Entail or of the Investiture following thereon, but shall be invalid and ineffectual as regards any one of such Prohibitions, then and in that Case such Tailzie shall be deemed and taken from and after the passing of this Act to be invalid and ineffectual as regards all the Prohibitions; and the Estate shall be subject to the Deeds and Debts of the Heir then in possession, and of his Successors, as they shall thereafter in Order take under such Tailzie; and no Action of Forfeiture shall be competent at the Instance of any Heir Substitute in such Tailzie against the Heir in possession under the same by reason of any Contravention of all or any of the Prohibitions; and where any Money or other Property, Real or Personal, has been or shall be invested in trust for the Purpose of purchasing Lands to be entailed, or where any Lands are or shall be directed to be entailed, but the Direction has not been carried into effect, such Trust Money or other Property, and such Lands, though still unentailed, may be dealt with under this Act in all respects as such Lands might have been dealt with if entailed in Terms of such Trust or Directions. Entail defective in any one Prohibition to be bad as to all.

XLIV. And be it enacted, That it shall be lawful for and incumbent upon the Keepers of the Registers of Sasines of every County in which any Lands contained in any Instrument of Disentail are situated and of the Keepers of the General Register of Sasines at *Edinburgh* respectively to record any such Instrument of Disentail, and any Decree of the Court pronounced under this Act, when presented to them for that Purpose, on Payment of such Fees for the Registration thereof as may be fixed by the Court by Act of Sederunt. Instruments of Disentail may be registered in the Registers of Sasines.

XLV. And be it enacted, That no Heir of Entail or other Person shall, by taking advantage of the Provisions of this Act, or by acting under the same, incur any Irritancy or Forfeiture under any Tailzie, anything in such Tailzie to the contrary notwithstanding; and no Disposition, or Bond and Disposition in Security, or Bond of annual Rent, or other Deed, Instrument, or Writing, granted under Authority of this Act, shall be held as any Contravention of or be in any way affected by any Prohibitions, Conditions, Restrictions, Limitations, or Clauses prohibitory, irritant, and resolutive contained in any Tailzie. No Irritancy or Forfeiture to be incurred for anything done under this Act.

XLVI. And be it enacted, That the before-recited Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and eighty-five shall be and the same is hereby repealed, to the Effect of making the Provisions of this Act operative, but no further. Act 1685 in force, except as affected by this.

XLVII. And be it enacted, That where any Land or Estate in *Scotland* shall, by virtue of any Trust Disposition or Settlement or other Deed of Trust whatsoever dated on or after the First Day of *August* One thousand eight hundred and forty-eight, be in the lawful Possession, either directly or through any Trustees for his Behoof, of a Party of full Age born after the Date of such Trust Disposition or Settlement or other Deed of Trust, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Trust Disposition or Settlement or other Deed of Trust, or by which the same or the Interest of such Party therein may bear to be qualified, such Prohibitions, Conditions, Restrictions, or Limitations being of the Nature of Prohibitions, Conditions, Restrictions, or Limitations of Entail, or intended to regulate the Succession of such Party, or to limit, restrict, or abridge his Possession or Enjoyment of such Land or Estate in favour of any future Heir, and such Party shall be deemed and taken to be the Fee Simple Proprietor of such Land or Estate, and it shall be lawful to such Party to make Application by way of summary Petition to the Court of Session, setting forth the Facts, and referring to this Act, and craving the Court to pronounce an Act and Decree declaring him Fee Simple Proprietor of such Land or Estate, and unaffected by any such Conditions, Provisions, Restrictions, or Limitations; and the Court shall proceed in such Petition as may be just, and shall have Power to pronounce an Act and Decree declaring such Party to be Fee Simple Proprietor of such Land or Estate, and unaffected as aforesaid; and such Act and Decree may be recorded in the Register of Sasines, and being so recorded shall have all the Operation and Effect of the most formal and valid Disposition to such Party, and his Heirs and Assignees whomsoever, of such Lands or Estate, with Infeftment thereon in favour of such Party duly recorded: Provided always, that the Rights of the Superior of such Lands or Estate, and of all Parties holding Securities thereon, and all Rights which are held independently of such Trust Disposition or Settlement or other Deed of Trust, shall be as they are hereby reserved entire. Act not to be defeated by Trusts;

XLVIII. And be it enacted, That from and after the passing of this Act it shall be competent to grant an Estate in *Scotland* limited to a Liferent Interest in favour only of a Party in Life at the Date of such Grant; and where any Land or Estate in *Scotland* shall, by virtue of any Deed dated on or after the said First Day of *August* One thousand eight hundred and forty-eight, be held in Liferent by a Party of full Age born after the Date of such Deed, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Deed, or by which the same or the Interest of such Party therein may bear to be qualified, and such Party shall be deemed and taken to be the Fee Simple Proprietor of such Estate, and it shall be lawful to such Party to obtain and record an Act and Decree of the Court of Session in the like Form and Manner and in the like Terms and with the like Operation and Effect as is herein-before provided with reference to an Act and Decree of the said Court in the Case of Deeds of Trust: Provided always, that the Rights of the Superior of such Lands or Estate, or by Life-rents;

Estate, and of all Parties holding Securities thereon, and all Rights which shall be held independently of the Deed by which such Liferent is constituted, shall be as they are hereby reserved entire.

or by Leases.

XLIX. And be it enacted, That where any Land or Estate in *Scotland* shall, by virtue of any Tack, Assignation of Tack, or other Deed or Writing dated on or after the said First Day of *August* One thousand eight hundred and forty-eight, be held in Lease, either directly or through Trustees for his Behoof, by a Party of full Age born after the Date of such Tack, Assignation of Tack, or other Deed or Writing, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Tack, Assignation of Tack, or other Deed or Writing, or by which the same or the Interest of such Party therein may be qualified, such Prohibitions, Conditions, Restrictions, or Limitations being of the Nature of Prohibitions, Conditions, Restrictions, or Limitations of Entail, or intended to regulate the Succession of such Party, or to limit, restrict, or abridge his Possession or Enjoyment of such Land or Estate in favour of any future Heir: Provided always, that it shall be lawful to the Proprietor of whom such Lease is held to enforce any Prohibitions, Conditions, Restrictions, or Limitations contained in such Tack, Assignation of Tack, or other Deed or Writing which shall have been inserted therein for the *bonâ fide* Purpose of protecting the just Rights and Interests of such Proprietor, in so far as such Enforcement may be necessary in order to such Protection.

Consents to be in Writing and to be irrevocable.

L. And be it enacted, That all Consents of Heirs of Entail, or of their Tutors or Curators or other legal Guardians, under this Act, shall be in the Form of Writings duly tested according to the Law of *Scotland*, and otherwise in such Form as may be fixed by the Court of Session by Act of Sederunt; and no Consent duly given in the Manner provided by this Act shall be revocable by the Granter thereof.

Court may make Acts of Sederunt.

LI. And be it enacted, That it shall be lawful to the Court to pass such Act or Acts of Sederunt as the Court may deem proper for the further Regulation of the Forms of Procedure under this Act, and otherwise for rendering this Act more effectual, according to the true Intent and Meaning hereof.

Interpretation of Act.

LII. And be it enacted, That in construing this Act, except where the Nature of the Provision shall be repugnant to such Construction, the Words "Court of Session" or "the Court" shall be construed to mean either Division of the Court of Session; and the Words "Heir" and "Heir of Entail" shall include the Institute; and the Words "Heir Apparent" shall be construed to mean the Heir who is next in succession to the Heir in possession, and whose Right of Succession, if he survive, must take effect; the Words "Land" and "Lands" shall extend to and comprehend all Heritages; the Words "entailed Estate" shall extend to and comprehend all Heritages which by the Law of *Scotland* may be made the Subject of Entail; the Words "Creditor" and "Creditors" shall extend to and comprehend the Heirs and Assignees of such Creditor or Creditors; and all Words used in the Singular Number shall be held to include several Persons or Things; and Words in the Plural shall be held to include the Singular Number; and all Words importing the Masculine Gender shall extend and be applied to Females as well as Males.

Act may be amended, &c.

LIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

Form of Instrument of Disentail.

At [*state Place*] the [*state Date*], in Presence of [*name Notary Public*] Notary Public, and of the Witnesses subscribing, I [*Name and Designation of Heir in possession*], Heir of Entail in possession of the Lands and others after mentioned, viz. [*take in full Description from Titles*], which Lands and others are held by me under a Deed of Entail dated [*state Date of Entail*], and recorded [*state Particulars of Registration*], take Instruments in the Hands of the said Notary Public subscribing that the said Lands and others are now held by me free from the Conditions, Provisions, and Clauses prohibitory, irritant, and resolutive of the Entail, by virtue of the Act [*specify this Act*]; and I consent to the Registration hereof in the Register of Tailzies, and also in the Books of Council and Session and others competent, therein to remain for Preservation, and thereto constitute my Procurators, *&c.*

In witness whereof I and the said Notary Public have subscribed this Instrument of Disentail [*complete the Testing Clause in ordinary Form*].

[*Signature of Heir of Entail in possession.*]
[*Signature of Notary Public.*] *N.P.*

A.B., Witness.
C.D., Witness.

CAP. XXXVII.

An Act to amend the Law relative to the Assignment of Ecclesiastical Districts.

[14th *August* 1848.]

58 G. 3. c. 45.

59 G. 3. c. 134.

'WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in*

'*in populous Parishes*: And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:'* And whereas another Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the further Amendment of the Church Building Acts:* And whereas it is expedient that Power should be given to subdivide, for Ecclesiastical Purposes, a District formed under the Provisions of the herein-before recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the Purposes of forming a District Parish, a District Chapelry, or Consolidated Chapelry under the herein-before recited Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His Majesty King *George* the Third, the Eighth and Ninth Years of the Reign of Her present Majesty respectively, or any or either of them, or for the Purpose of forming another particular District under the herein-before recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, a particular District before formed under the Act herein-before last mentioned shall be considered to be an original Parish for such Ecclesiastical Divisions respectively; and the Patron and Incumbent for the Time being of such particular District shall be entitled to the same Rights, Privileges, and Notices as appertain to the Incumbent and Patron of an original Parish touching such Ecclesiastical Divisions respectively; and such District Parish, District Chapelry, Consolidated Chapelry, and particular District, so formed as aforesaid, shall be formed by the like Authority, and shall be under and be subject to the same Provisions and Regulations as are provided and specified touching such Ecclesiastical Divisions respectively in the several Acts recited in the Preamble to the herein-before recited Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, except so far as such Provisions and Regulations are altered or affected by this Act.

1 & 2 W. 4. c. 38.

8 & 9 Vict. c. 70.

A District formed under the 1 & 2 W. 4. c. 38. shall be considered to be an original Parish for the Purposes of further Ecclesiastical Divisions.

II. 'And whereas it may be expedient to alter the Boundaries of a particular District assigned under the Provisions of the Act herein-before recited, passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth:' Be it therefore enacted, That where a particular District has been or may hereafter be assigned under such last-mentioned Act to any Church or Chapel already or to be hereafter built or purchased and endowed, and the Patronage thereof granted, under the Provisions of such last-mentioned Act, it shall be lawful at any Time for Her Majesty's Commissioners for building New Churches, if they shall think fit, with the Consent of the Bishop of the Diocese, under his Hand and Seal, in any Case in which the said Commissioners shall have assigned such particular District, or for the said Bishop of the Diocese in any Case in which he shall have assigned such particular District, if he shall think fit, to alter the Boundaries of such particular District, by an Order under their Common Seal, or under the Hand and Seal of the said Bishop; and the said Commissioners or the said Bishop respectively, as the Case may be, shall cause a Description of the Boundaries so altered to be registered in the Registry of the Diocese, and such Alteration of Boundaries shall be valid in Law, for the Purpose of substituting such altered Boundaries in lieu of the former Boundaries of such particular District as aforesaid: Provided always, nevertheless, that, previous to such Alteration of Boundaries being made either by the said Commissioners or by the Bishop of the Diocese, as the Case may be, a Draft or Copy of the Instrument by which such Alteration is proposed to be effected shall be delivered or transmitted to the Incumbent or Incumbents and Patron or Patrons of the original Parish or Parishes out of which such particular District shall have been taken, in order that such Incumbent or Incumbents, Patron or Patrons, may have an Opportunity of submitting to the said Commissioners or the said Bishop, as the Case may be, any Observations or Objections upon or to the Alteration of Boundaries proposed; and the said Commissioners or the said Bishop, as the Case may be, shall not effect such Alteration of Boundaries until after the Expiration of One Calendar Month after such Draft or Copy shall have been so delivered or transmitted, unless such Incumbent or Incumbents and Patron and Patrons shall in the meantime consent to the same: Provided further, that if the Consent of the Incumbent or Incumbents of such original Parish or Parishes is not obtained to such Alteration of Boundaries, such Alteration of Boundaries shall not take effect until after the next Avoidance of the Parish Church or Churches of such original Parish or Parishes.

Boundaries of a District formed under the 1 & 2 W. 4. c. 38. may be altered, subject to certain Notices to Patron and Incumbent.

III. And be it enacted, That it shall be lawful for Her Majesty's said Commissioners, if they shall think fit, with the Consent of the Bishop of the Diocese, to represent to Her Majesty in Council the Expediency of altering the Boundaries of any District Chapelry formed under the Provisions of the Act herein-before recited, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, by adding to such District Chapelry any Portion or Portions of any adjacent Parish or Parishes, and if thereupon Her Majesty in Council shall think fit to order such Alteration such Order shall be good and valid for the Purpose of effecting the same: Provided always, that such Alteration shall not be made without the Consent in Writing under their respective Hands and Seals of the Patron and Incumbent of such District Chapelry and of the Patron and Incumbent of any such Parish, and that such District Chapelry when its Boundaries shall have been so altered shall be subject nevertheless to the same Rules, Regulations, and Provisions, except as are herein excepted, as are applicable to other District Chapelries formed under the Church Building Acts.

Church Building Commissioners may, with certain Consents, annex a Portion of an adjacent Parish to a District Chapelry already formed.

Removal of Doubts as to Extent and Meaning of 8 & 9 Vict. c. 76. s. 23.

IV. 'And whereas by one of the Provisions of the herein-before recited Act passed in the Eighth and 'Ninth Years of the Reign of Her present Majesty it is provided, that if before or during the building 'of any new Church, or previous to its Consecration, the Bishop of the Diocese, and the Patron and 'Incumbent of the Parish in which such new Church has been or is intended to be built, shall enter 'into an Agreement in Writing that the Right of Nomination to such new Church should, on its 'Consecration, belong to and be exercised by any Body Corporate, Aggregate, or Sole, or by any Person 'or Persons, such Agreement should be binding on such respective Parties, their Successors, Heirs, and 'Assigns, and they should be compellable to fulfil the same: And whereas Doubts have been entertained 'whether such Provision extends beyond a Power on the Part of such Bishop, Patron, and Incumbent to 'enter into such Agreement for more than One Turn or Right of Presentation, and it is expedient that 'such Doubts should be removed:' Be it therefore enacted and declared, That any Agreement already made or hereafter to be made between such Bishop, Patron, and Incumbent under the Provisions of the herein-before recited Act, purporting to be an Agreement made between such Parties with respect to any new Church before or during its building, or previous to its Consecration, that the Right of Presentation thereto should, on its Consecration, be vested either in perpetuity or otherwise in any Body Corporate, Aggregate, or Sole, or any Person or Persons, their Heirs or Assigns, shall be valid and effectual for the Purpose of vesting such Patronage according to such Agreement.

To what Places this Act shall extend.

V. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

CAP. XXXVIII.

An Act to authorize the *West India* Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases. [14th *August* 1848.]

2 & 3 W. 4. c. 125.

'WHEREAS by an Act passed in the Session of Parliament held in the Second and Third Years 'of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling His 'Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes and in manner 'therein mentioned, and for giving Relief to* Trinidad, British Guiana, *and* Saint Lucie, it was amongst 'other things enacted, that it should be lawful for the Commissioners thereby named and appointed, or 'other the Commissioners for the Time being acting in the Execution of the said Act, or any Three 'of them, to advance and lend Exchequer Bills to such Amount and in such Proportions as therein 'specified to the Owners of and Persons interested in Estates which had suffered Injuries from the 'Causes therein mentioned in the Islands of *Jamaica*, *Barbadoes*, *Saint Vincent*, and *Saint Lucie*, and 'that the said Commissioners, or any Three of them, should take such Security or Securities as therein 'mentioned for the Repayment of any Advances or Loans made as therein mentioned at or before the 'Expiration of Ten Years from the Time of such Advances respectively, with Interest for the same in 'the meantime after the Rate of Four Pounds *per Centum per Annum*, such Interest to be paid in 'manner in the said Act mentioned: And whereas by an Act passed in the Session of Parliament held 'in the Fifth and Sixth Years of the Reign of His said late Majesty King *William* the Fourth, intituled

5 & 6 W. 4. c. 51.

'*An Act for granting Relief to the Island of* Dominica, *and to amend an Act of the Second and 'Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills 'to a limited Amount for the Purposes therein mentioned*, it was among other things enacted, that it 'should be lawful for the Commissioners acting in the Execution of the said recited Act to advance 'Exchequer Bills to a certain Amount to the Owners of and Persons interested in the Estates and 'Property in the said Island of *Dominica* which had suffered Injury from the Causes therein mentioned, 'and that all such Advances should be made in the same Manner, and subject to the same Conditions, 'Provisions, and Restrictions, and on such Securities, and in all respects whatsoever, as was provided 'and directed by the said recited Act with regard to Advances to be made to Owners of and Persons 'interested in the Estates in the said Islands of *Jamaica*, *Barbadoes*, *Saint Vincent*, and *Saint Lucie*: 'And whereas by an Act passed in the Session of Parliament held in the Third and Fourth Years of

3 & 4 Vict. c. 40.

'the Reign of Her present Majesty, intituled *An Act to amend Two Acts of His late Majesty King 'William the Fourth, for the Relief of certain of Her Majesty's Colonies and Plantations in the* West 'Indies, it was amongst other things enacted, that it should be lawful for the said Commissioners for 'the Time being acting in the Execution of the said recited Acts, or any Three of them, with such 'Consent as therein mentioned, to grant any Extension of the Time limited for the Repayment of any 'Loan which should have been or should be made under the Provisions of the said recited Acts, or 'any Part of such Loan, for any Period not exceeding Ten Years from the Day originally fixed for the 'Repayment thereof or the last Instalment thereof, together with Interest for the same in the meantime 'after the Rate of Four Pounds *per Centum per Annum*, but so as every such Extension of Time were 'made in every Case on condition that the Loan should be paid by equal annual Instalments, not 'exceeding Ten in Number, and the first Instalment to be made at the End of One Year from the 'Expiration of the Time originally fixed for the Repayment of the said Loan or the last Instalment 'thereof, and so as no such Extension of Time were granted except on condition that an absolute Power 'of Sale were vested in Her Majesty, Her Heirs and Successors, of the Hereditaments and Premises 'charged with such Loan, in case Default should be made in Payment of any One of the said annual 'Instalments, or of any One Year's Interest on the said Loan, or such Part as should be due, or any

'Part

'Part thereof respectively, for Six Calendar Months after the same should be due: Provided always, 'that every Application for Extension of Time should be made not less than One Year before such 'Time or Times so limited as aforesaid should arrive: And whereas by an Act passed in the Seventh 'Year of the Reign of Her present Majesty, intituled *An Act for giving additional Powers to the* 7&8 Vict. c. 17. '*Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the* West Indies, 'it was amongst other things enacted, that any such Extension of Time as authorized by the last-'recited Act might be granted at any Time thereafter, and without regard to the Period at which the 'Application for the granting thereof should be or should have been made, and notwithstanding the 'Time originally fixed for the Repayment of such Loan should have arrived: And whereas by an Act 'passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present 'Majesty, intituled *An Act to facilitate the Recovery of Loans made by the* West India *Relief Commis-* 8&9 Vict. c. 50. '*sioners*, it was enacted, that it should be lawful for the Commissioners for the Time being acting in 'the Execution of the said recited Acts or any of the said Acts, or any Person or Persons for the Time 'being acting under their Direction, or any Commissioners in Aid, appointed as by the said first-recited 'Act is mentioned, from Time to Time to make Sale of all or any Part of any Hereditaments which had 'been or should be taken possession of by them or him for Nonpayment of any Principal or Interest in 'pursuance of the Provisions in that Behalf in the said first-recited Act contained, and (as regards any 'Principal Monies due) whether Judgment should have been entered up or not, as by the said last-'mentioned Act is provided: And whereas it is expedient that the said Commissioners should be 'empowered to postpone for a further limited Period the Repayment of the Loans made by them under 'the said recited Acts, and whether any Extension of Time shall have been granted for the Repayment 'thereof or not:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case in which a Certificate for Extension of the Time for Repayment of any Loan has been granted under the said recited Acts before the passing of this Act, it shall be lawful for the said Commissioners for the Time being acting in the Execution of the said recited Acts, or any Three of them, upon any Application made to them, provided that all Interest due on such Loan has been then paid, to forbear from compelling Payment of any Instalments of Principal Monies then due or thereafter to become due for Five Years from the passing of this Act, so as that the Interest to accrue due on the Principal Sum be paid yearly during the said Five Years on the Day required by such Certificate for the Payment of Interest; and after the Expiration of the said Five Years all the Instalments of the Principal Monies which shall be in arrear at the passing of this Act under the Terms and Provisions of such Certificate of Extension, and all Interest thereon, shall be thereupon paid, and in all respects as if such Forbearance had not taken place; and all the Remainder of the said Loan, if any, shall be paid by annual Instalments of the same Amount, and with Interest, on the Day and in all respects as is required by the Certificate for the Extension of Time for the Repayment of such Loan as if this Act had not been passed, except as regards the Years of Payment which will have been postponed by reason of the said Instalments not having been called for as aforesaid.

Where a Certificate for Extension of Time for Repayment of any Loan has been granted under recited Acts, Commissioners may forbear from compelling Payment of the same for Five Years.

II. And be it enacted, That where no Certificate for the Extension of Time for the Repayment of any such Loan as aforesaid has been granted, it shall be lawful for the said Commissioners or any Three of them, with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Three or more of the Commissioners of Her Majesty's Treasury for the Time being, to grant such Extension of Time as is authorized by the said recited Acts, and upon the Terms and Conditions therein mentioned, except that no Instalment of the Principal of such Loan shall be made payable for Five Years from the passing of this Act, and to grant a Certificate of Extension accordingly; provided that all Interest due on such Loan shall have been then paid, and the Interest thereafter to become due shall continue to be paid yearly; and such Extension shall be granted on condition that the said Principal Monies shall by such Certificate of Extension be made payable by annual or other Instalments, so as that, notwithstanding the Forbearance for Five Years as aforesaid, the whole Principal Sum shall be repaid within Fifteen Years from the Day originally fixed for the Repayment of the Loan or the last Instalment thereof.

Where no Certificate has been granted, Commissioners may, with Consent of Treasury, extend the Time for Repayment of Loans on certain Conditions.

III. Provided always, and be it enacted, That it shall not be necessary on the Grant of such Extension of Time to require any Grant or Assurance by any Person or Persons of such Power of Sale as is by the said Act of the Third and Fourth Years of Her present Majesty required, on the Grant of Extension of Time as therein mentioned, to be vested in Her Majesty, Her Heirs and Successors; but after the Issue of every Certificate of Extension to be granted under this Act, and without any further Grant or Assurance, a Power of Sale shall arise and may be exercised in the Events and in manner herein-after mentioned; and such Power of Sale shall have the same Priority and Effect as a Power of Sale granted under the said Act of the Third and Fourth Years of Her present Majesty.

Commissioners may dispense with the Grant of Power of Sale by Deed as required by 3&4 Vict. c. 40.

IV. And be it enacted, That in every Case in which a Certificate of Extension shall be granted under this Act, and Default shall be made for the Space of Six Calendar Months in Payment of all or any Part of any Instalment or Instalments of Principal or of any Interest at the Times and in Manner appointed for Payment thereof respectively in and by the said recited Acts or this Act or such Certificate for Extension, it shall be lawful for the Commissioners for the Time being acting in execution of the said Acts, or any Three of them, or any Attorney or Attornies by them or any Three of them appointed for that Purpose by Deed under their Hands and Seals, or the Commissioners in Aid for the Time being acting under the said firstly and secondly recited Acts, or either of them, in or for any Island

Certificate of Extension of Time under this Act to carry a Power of Sale.

Island or Colony, (whether Judgment shall or shall not have been entered up as by the said first-recited Act is provided, and whether Possession shall or shall not have been taken under the Provisions of that Act,) to make Sale of all or any Part of the Hereditaments charged with such Principal and Interest: Provided always, that no such Sale shall be made as aforesaid unless for at least Three Calendar Months previously to such Sale there shall have been inserted in the *London Gazette*, and in such public Newspaper or Newspapers in the Colony where the Property shall be situate as the said Commissioners shall direct, a Notice of the Intention of the Commissioners to make such Sale; and any such Sale may be made at any Time after such Three Months Notice shall have been given, and may be made, subject to such special Conditions as to the Title, or the Deeds, Copies, or other Evidence to be produced, the Evidence relating to the Identity of the Property sold, and the Mode and Times of Payment of the Money, as the Persons hereby authorized to make such Sale may think fit; and any Contract for Sale may be altered or rescinded in such Manner as such Persons may think fit, and any Part of the Purchase Money may, in the Discretion of the said Commissioners, be left on the Security of all or any Part of the Hereditaments sold, or may be secured on any other Security, and such Securities shall be made to Her Majesty as by the said firstly-recited Act provided with reference to the Securities thereby required to be given previously to an Advance under that Act, and with such Powers and Priorities as by that Act is provided with reference to such last-mentioned Securities or otherwise as the said Commissioners may think fit; and the Receipts in Writing of the said Commissioners or any Three of them, or of such Attorney or Attornies as aforesaid, or of such Commissioners in Aid as aforesaid, for the Monies to arise from such Sales as aforesaid, shall be good and sufficient Discharges for the same; and the said Commissioners or any Three of them, or their said Attorney or Attornies, or such Commissioners in Aid, may make and execute valid and effectual Conveyances and Assurances of the Hereditaments so sold to any Purchaser or Purchasers, or as he, she, or they may direct; and a Recital of or Reference to the Certificate of Extension in any Deed or Instrument of Assurance executed under the Hands and Seals of the said Commissioners or any Three of them, or such Attorney or Attornies as aforesaid, or such Commissioners in Aid, shall be Evidence of the due Grant of such Certificate upon the Application and Acceptance of the Persons authorized to make such Application under this Act, and of the Power of Sale hereby given having become exerciseable over the Hereditaments comprised in such Deed or Instrument, and no Purchaser shall be bound to inquire whether any such Default as aforesaid has been made.

In default of Payment of Interest or Instalments of Principal the whole Loan and Interest to be recoverable.

V. Provided also, and be it enacted, That if Default shall be made in Payment of the Interest due at the passing of this Act, or thereafter to become due, or of any Instalments or Instalment of Principal or any Part thereof respectively at the Times and in manner appointed for Payment thereof in and by the said recited Acts or this Act, or the Certificates of Extension granted or to be granted, then the whole principal Debt shall be considered as due, and may in the Discretion of the said Commissioners be recovered and recoverable by all or any of the Ways and Means by which the same might have been recovered if this Act had not been made, and no such Certificate had been granted under the Powers of the said recited Acts or this Act, or no such Forbearance as aforesaid had been exercised by the said Commissioners or by the Power of Sale hereby created.

Provisions of recited Acts to extend to this Act.

VI. And be it enacted, That all and every the several Clauses, Powers, Priorities, Provisions, Enactments, Penalties, and Restrictions in the said Acts contained, so far as the same are applicable, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such Clauses, Powers, Priorities, Provisions, and Enactments were herein repeated and set forth and made applicable to the Provisions of this Act.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXIX.

An Act to facilitate the raising of Money by Corporate Bodies for building or repairing Prisons. [14th *August* 1848.]

5 & 6 Vict. c. 98.

'WHEREAS by an Act passed in the Fifth and Sixth Years of Her present Majesty, intituled *An Act to amend the Laws concerning Prisons*, the Mayor, Aldermen, and Burgesses of Boroughs 'in which there shall be a separate Court of Sessions of the Peace are authorized and empowered by 'their Councils to take up and borrow Money for building or rebuilding, repairing or enlarging any 'Prison, Court House, or other necessary Buildings to be used therewith, and to secure the Repayment 'of such Money as therein mentioned: And whereas it is expedient that greater Facilities should be 'given to such Councils for raising and from Time to Time repaying Monies levied for the Purposes 'aforesaid: And whereas "The Commissioners Clauses Act, 1847," contains certain Clauses with 'respect to Mortgages executed by the Commissioners, and it would be attended with public Advantage 'if such Clauses were made applicable to Mortgages and Bonds executed by Councils of Boroughs under 'the Powers of the said Act relating to Prisons:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Clauses in the said "Commissioners Clauses Act, 1847," contained with respect to Mortgages executed by the Commissioners, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, and save as herein-after excepted, shall be incorporated with and form Part of this Act, and shall be applicable

Clauses in 10 & 11 Vict. c. 16. respecting Mortgages ex-

to

to all Mortgages or Bonds which may at any Time have been or shall be granted under the Common Seal of any Borough by virtue of the Provisions of the said recited Act "to amend the Laws concerning Prisons." tended to this Act.

II. And be it enacted, That every thing which by "The Commissioners Clauses Act, 1847," is provided or required to be done, and all Powers which may be exercised by the Commissioners respecting any Mortgages of Rates or other Property, shall and may be lawfully done by the Council of any such Borough as aforesaid, with respect to Monies raised or to be raised under the Provisions of the said recited Act "to amend the Laws respecting Prisons," and every thing which by the said "Commissioners Clauses Act, 1847," is provided or required to be done in relation to the borrowing or raising Monies by the Clerk to the Commissioners shall and may be lawfully done by the Town Clerk of any such Borough. *Matters to be done by the Commissioners and their Clerk may be done by Council and Town Clerk.*

III. And be it enacted, That the Mortgagees or Bondholders of the Corporation shall be empowered to enforce the Payment of the Arrears of Interest or of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, in the same Manner as is directed by the said "Commissioners Clauses Act, 1847." *Mortgagees may enforce Payment of Arrears by Receivers.*

IV. And be it enacted, That the Eighty-fourth Clause in the said "Commissioners Clauses Act, 1847," which provides for the Repayment of Monies borrowed on the Security of Rates by a Sinking Fund within a limited Period, shall not apply to or be incorporated with this Act. *10 & 11 Vict. c. 16. s. 84. not to apply to this Act.*

V. And be it enacted, That if the said Council shall at any Time borrow or take up at Interest any Sum of Money at a lower Rate of Interest than any Securities given by them and then in force shall bear, the Money so borrowed at a lower Rate of Interest shall be paid off within the Period of Thirty Years, to be calculated from the Time when the Money paid off was originally borrowed in the first Instance. *Money raised to pay off prior Loans to be paid off within 30 Years.*

VI. And be it enacted, That in order to discharge the Principal Money borrowed, which the said Council are by the Provisions of the said recited Act "for amending the Laws concerning Prisons" required to pay off within the Term of Thirty Years, the said Council shall every Year appropriate and set apart a Sum equal to not less than Six Pounds and Ten Shillings *per Centum* on the Amount of every Sum so borrowed by them respectively, and shall apply such Sum from Time to Time, after Payment thereout of the Interest from Time to Time becoming due, as a Sinking Fund in paying off the respective Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest, or otherwise, until the same respectively shall be of sufficient Amount to pay off the Principal Debts respectively to which such Sinking Fund shall be applicable, or some Part thereof, which the said Council shall think ought to be then paid off, at which Time such accumulated Monies or an adequate Part thereof shall be so applied in paying off such Principal Debts in the Manner mentioned in the said "Commissioners Clauses Act, 1847." *Sinking Fund to be provided.*

VII. And be it enacted, That this Act may be amended or repealed by any Act in this Session of Parliament. *Act may be amended, &c.*

CAP. XL.

An Act to alter the Mode of assessing the Funds leviable in the County of *Inverness*, for making and maintaining certain Roads and Bridges and other Works in the Highlands of *Scotland*.

[14th *August* 1848.]

'WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds, to be issued and applied towards making Roads and building Bridges in the Highlands of* Scotland, *and for enabling the Proprietors of Land in* Scotland *to charge their Estates with a Proportion of the Expense of making and keeping in repair Roads and Bridges in the Highlands of* Scotland, whereby the Sum of Twenty thousand Pounds was directed to be issued from His Majesty's Exchequer in *Great Britain*, to be paid and applied by the Commissioners thereby appointed in the making and erecting Roads and Bridges in the Highlands of *Scotland*; and the Commissioners of His Majesty's Treasury were authorized to direct a proper Person to make a Survey of the Roads and Bridges advisable to be made and erected, and to report thereon, with an Estimate of the Expense thereof; and such Survey, Report, and Estimate being referred to the Commissioners thereby appointed, and approved of by them, the Roads and Bridges so surveyed and reported upon were to be made and erected in the Manner therein directed, and One Half of the Expense of making and erecting such Roads and Bridges was to be paid by Contributors, and One Half thereof by the Public: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty, intituled *An Act to repeal Two Acts made in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, for maintaining and keeping in repair certain Roads and Bridges in* Scotland, *to provide more effectually for that Purpose, and for Regulation of Ferries in* Scotland, which Act, upon a Recital that certain Roads and Bridges for the Purpose of Military Communication had been made in the Highlands of *Scotland* at the public Expense, and of the said recited Act, and that a further Sum of Money had at sundry Times been granted in further Execution of the said Act, provides the Manner in which the said Military Roads and Bridges and the said Highland Roads and Bridges made and completed in pursuance of the said recited Act shall be maintained and repaired, and particularly that in the County of *Inverness* the Three Fourth Parts of the Money to be expended upon the Roads and Bridges thereby directed to be maintained

43 G. 3. c. 80.

59 G. 3. c. 135.

'maintained and kept in repair should be raised by an Assessment upon every Proprietor, Life-renter
'or proper Wadsetter of Land enjoying the Dominium utile thereof, according to the Amount of their
'respective Rents and Profits as assessed to the Property Tax in the Year ending the Fifth Day of
'*April* One thousand eight hundred and fourteen, under Schedule (A.) of an Act passed in the Forty-
46 G. 3. c. 65. 'sixth Year of the Reign of His said Majesty, intituled *An Act for granting to His Majesty, during the*
'*present War, and until the Sixth Day of* April *next after the Ratification of a Definitive Treaty of*
'*Peace, further additional Rates and Duties in* Great Britain *on the Rates and Duties on Profits arising*
'*from Property, Professions, Trades, and Offices; and for repealing an Act passed in the Forty-fifth Year*
'*of His present Majesty, for repealing certain Parts of an Act made in the Forty-third Year of His*
'*present Majesty, for granting a Contribution on the Profits arising from Property, Professions, Trades,*
'*and Offices; and to consolidate and render more effectual the Provisions for collecting the said Duties,*
'for such Sum as shall in the whole repay the Money advanced on behalf of the Heritors of such County
'for the Purposes of the said Act of the Fifty-ninth Year of the Reign of His said Majesty King *George*
'the Third: And whereas another Act was passed in the Fourth Year of the Reign of His Majesty
4 G. 4. c. 56. 'King *George* the Fourth, intituled *An Act for maintaining in repair the Military and Parliamentary*
'*Roads and Bridges in the Highlands of* Scotland, *and also certain Ferry Piers and Shipping Quays*
'*erected by the Commissioners for Highland Roads and Bridges*, whereby Provision was made for
'eventually increasing the Assessments under the said Acts, or erecting Toll Bars for the Collection of
'Rates in aid or in lieu of the Assessments levied in the County, and for Repair of Ferry Piers and
'Shipping Quays, and authorizing Regulations to be made for the Preservation and Use thereof: And
'whereas another Act was passed in the Fifth Year of the Reign of His said Majesty King *George* the
5 G. 4. c. 38. 'Fourth, intituled *An Act to amend Two Acts for maintaining and keeping in repair the Military and*
'*Parliamentary Roads in the Highlands of* Scotland: And whereas another Act was passed in the Session
'of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the
3 & 4 W. 4. c. 33. 'Fourth, intituled *An Act to amend Three Acts passed for maintaining and keeping in repair the Military*
'*and Parliamentary Roads and Bridges in the Highlands of* Scotland, *and to improve certain Lines*
'*of Communication in the Counties of* Inverness *and* Ross: And whereas the Commissioners appointed
'under the said Acts, or One or other of them, have put the same into execution, and various Sums have
'been advanced by Government, and large Sums have also been contributed or raised by Assessment,
'and applied to the Purposes of the said Acts, and a great Extent of Military Roads and Bridges, and
'other Roads and Bridges, and Ferry Piers, and Shipping Quays, and other Works, have been con-
'structed, repaired, and maintained, with the Consent and Approbation of the said Commissioners: And
'whereas, in virtue of the said recited Act of the Fifty-ninth Year of the Reign of His Majesty King
'*George* the Third, various Proprietors of Lands and Heritages in the County of *Inverness* were assessed
'and have continued from Year to Year to pay Assessments according to the Amount of the Rents and
'Profits of their respective Estates as assessed to the Property Tax in the Year One thousand eight
'hundred and fourteen, in which Rents and Profits was included the annual Value of the Kelp grown
'and manufactured upon the Shores of their Estates, which at that Time bore a very high Price in the
'Market, notwithstanding that since the passing of certain Acts reducing and modifying the Duty (which
'is now merely nominal) on the Importation of Barilla, Kelp has so much fallen in Value as to have
'ceased to be manufactured upon some Estates, and on all Estates has suffered a great Reduction in
'Price; and it is just and expedient that such Proprietors should pay Assessments only upon the actual
'Value of the Produce of their Estates, and that another and more equitable Mode of Assessment should
'be adopted:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth Day of *April* One thousand eight hundred and forty-nine the Assessments to be levied in the County of *Inverness*, in virtue of the said recited Acts or any of them, for the Maintenance and Repair of the Roads and Bridges, and of the Ferries, Piers, and Shipping Quays, in the Manner authorized by the said recited Acts, shall be made upon every Proprietor, Life-renter, or proper Wadsetter of Lands and Heritages enjoying the Dominium utile thereof, according to the respective annual Values of such Lands and Heritages as assessed to the Property Tax for the Year ending the Fifth Day of *April* One thousand eight hundred and forty-seven, under Schedule (A.) of an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five*, as continued by another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to continue for Three Years the Duties and Profits arising from Property, Professions, Trades, and Offices*, and thereafter yearly, according to the Amount of the annual Values respectively of such Lands and Heritages, as assessed to the Property Tax in each succeeding Year under the said recited Acts of Her present Majesty.

Assessment to be made on the annual Value of Lands and Heritages as assessed to the Property Tax under Acts 5 & 6 Vict. c. 35. and 8 & 9 Vict. c. 4.

How Assessment shall be made in case of Expiration, &c. of the Two last-recited Acts.

II. Provided always, and be it enacted, That in the event of the Expiration or Repeal of the said recited Acts of Her present Majesty, such Assessment shall thereafter be made from Year to Year, according to the annual Values of the Lands and Heritages of such Proprietors, Life-renters, or Wadsetters as assessed to the Property Tax in the Year immediately preceding the Expiration or Repeal of the said recited Acts of Her present Majesty.

At the End of Five Years,

III. Provided also, and be it enacted, That if at the End of Five Years after the Expiration or Repeal of the said recited Acts of Her present Majesty, or at any Time thereafter, it shall appear to the Commissioners

Commissioners of Supply of the said County that the Operation of the Assessment under this Act has become unjust or unequal, the Commissioners of Supply of the said County shall have Power to make up, and shall make up, from any existing Rental of the County used for the Purpose of Assessment or otherwise, in such Way and Manner as to them shall seem proper, a new Rental according to the respective annual Values for the Time of such Lands and Heritages; which new Rental, when completed, shall for the Year of its Completion, and thereafter, be the Rule of Assessment under this Act; and such and the same Power shall in the same Circumstances be competent to and be exercised by the said Commissioners of Supply with such and the same Effect, at the Expiration of Ten Years from the Adoption of the said new Rental, and at the Expiration of each Period of Ten Years thereafter.

Commissioners of Supply may alter Mode of Assessment as may be then suitable;

and again at the Expiration of every Ten Years.

IV. Provided also, and be it enacted, That if under the Provisions of any Act to be passed in the present or any future Session of Parliament a Valuation shall be made of the Lands and Heritages of the said County, to ascertain and fix the real annual Value thereof in order to Assessment, the Assessments to be imposed and levied in the said County for the Maintenance and Repair of the said Roads and Bridges, and Ferries, Piers, and Shipping Quays within the same, shall, after such Valuation shall be completed, be no longer made according to the annual Values of such Lands and Heritages as assessed to the Property Tax, but shall be imposed and levied upon the real annual Value thereof, as the same shall be ascertained and fixed as aforesaid; without Prejudice, nevertheless, to the Recovery of any Assessment imposed previous to the passing of such Act, or any Arrears of such Assessment.

If real annual Value of the County be ascertained, the Assessment to be thereafter imposed on such Value.

V. And be it enacted, That the said first Five recited Acts shall in all respects, except in so far as the same or any of them are or is altered by this Act, remain in full Force and Operation, and shall, with all the Clauses and Provisions thereof, be applicable and applied (in as far as the same are or is applicable) to this Act, and shall be as valid and efficient for ascertaining the Amount of the Assessments, and for the Recovery and Application thereof, and in all other respects for regulating the Proceedings under this Act, as if the same had been herein repeated and re-enacted.

The Five first-recited Acts to remain in force and be applicable to the Purposes of this Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. XLI.

An Act to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in *Ireland*. [14th *August* 1848.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws in force in* Ireland *for Unions and Divisions of Parishes, and for uniting or disappropriating Parishes or Parts of Parishes, and to make further Provisions with respect to the erecting Chapels of Ease, and making perpetual Cures*, it is among other things enacted, "that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of the major Part of His Majesty's Privy Council in Council assembled, Six at least consenting, and with the Advice and Approbation of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Seals, attested by Two or more credible Witnesses, subscribing thereunto, to divide old Parishes, or to separate any Parish or Part of a Parish heretofore united, in whatever Manner such Union may have been effected, and to unite Parishes one to another, or any Part of a Parish to another Parish, or Part of a Parish in perpetuity, and to erect such divided or united Parishes or Parts of Parishes into new Parishes, with all Parochial Rights:" And whereas by the said recited Act it is among other things also enacted, "that when Two or more Churches or Parishes shall be united into One in pursuance of this Act, having formerly had distinct Patrons, in such Cases the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being and Council as aforesaid, with the Advice and Approbation of the respective Archbishop and Bishop in whose Province and Diocese the said Churches were situate, shall divide the Patronage by Turns among the Patrons, giving to each of them a Right to present oftener and seldomer, according to the true yearly Value of the respective Parish or Parishes whereof they are Patrons, the Consent of each Patron being first had and entered in the Instrument for erecting the said Union; and such Settlement or Settlements as aforesaid shall be final and binding to all Patrons, whether Ecclesiastical or Lay Patrons, and to all Parties for ever, reserving always unto every Archbishop and Bishop, Registrars and Schoolmasters, their respective Dues payable out of every such Parish so united: Provided always, that when the King's Majesty, His Heirs and Successors, is or shall be entitled to the Presentation of any of the said Parish Churches so to be united, He and they shall, from and immediately after such Union, upon the first Vacancy, have the first Presentation of an Incumbent unto such united Church, and afterwards, upon the then next Vacancy, the other respective Patrons severally as the Lord Lieutenant or other Chief Governor or Governors and Council aforesaid, with the Advice and Approbation aforesaid, shall direct and appoint, regard being had to the respective Values of the several Parishes so to be united as aforesaid, and so in course respectively in manner aforesaid:" And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws in force in* Ireland *for Unions and Divisions of Parishes, for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same*, it is amongst other things enacted, that where in pursuance of the said recited Act, or the

7 & 8 G. 4. c. 43.

8 & 9 Vict. c. 54.

'Act now in recital, Two or more Churches or Parishes shall be united into One, or where any Parish 'or Part of a Parish, or Parts of Parishes, shall be united to any other Parish or Parishes, or Part of a 'Parish or Parts of Parishes, in every such Case it shall be lawful for the Lord Lieutenant or other 'Chief Governor or Governors of *Ireland* for the Time being, with the Assent of Her Majesty's Privy 'Council in *Ireland* as aforesaid, if he and they shall so think fit, and with the Advice and Approbation 'of the Archbishop and the Bishop in whose Province and Diocese the said Churches, Parishes, Part or 'Parts of a Parish or Parishes are situate, certified under their Hands and Archiepiscopal and Episcopal 'Seals, and with the Consent of each Patron or Person, or Body Politic, Corporate, or Collegiate, whose 'Ecclesiastical Patronage shall be in anywise affected by the Creation of such Union, (every such 'Consent to be first had and entered in the Instrument for erecting the said Union,) to make and 'establish such a Settlement or Distribution of the Patronage of such Union, and of the Patronage of 'all Unions and Parishes from which any Parish or Parishes, or any Part of a Parish or any Parts 'of Parishes, have been severed in order to create such Union, as in the Opinion of such Lord 'Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid the Justice of the 'Case shall require; and every such Settlement or Distribution shall be final and binding to and upon 'all Patrons, whether Ecclesiastical or Lay Patrons, and to and upon all Parties for ever, reserving 'always unto every Archbishop and Bishop, Registrar and Schoolmaster, their respective Dues payable 'out of every such Parish or Part of a Parish so united: Provided always, that in every Case when the 'Consent of the Queen's Majesty, Her Heirs or Successors, is to be given to any such Settlement or 'Distribution of Patronage, or to making any Union under this Act, the Consent in that Behalf of the 'Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under his or their Hands and Seals, 'shall be to all Intents and Purposes as good and valid in Law as if the Consent of Her Majesty, Her 'Heirs or Successors, had been thereunto signified by Letters Patent under the Great Seal of *Ireland:* 'And whereas it is expedient that greater Facilities should be afforded for the Union and Division of 'Parishes in the Settlement and Distribution of the Patronage of the Parish Churches affected by such 'Unions and Divisions:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the before-recited Acts as relates to or requires the Consent of Patrons shall be and is hereby repealed.

So much of recited Acts as relates to or requires the Consent of Patrons repealed.

Plans of proposed Divisions or Unions of Parishes to be lodged in Privy Council Office, approved by Archbishops, &c., and Copies to be served on Patrons; Lord Lieutenant and Council to consider such Plans and the Objections of Patrons, and may confirm or alter the proposed Plans.

II. And be it enacted, That from and after the passing of this Act, when any Division or Union, Divisions or Unions, is or are to be effected under the before-recited Acts or either of them, an Instrument containing the proposed Plan for the Division or Union, Divisions or Unions, marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland* in which such Parish or Parishes or Part of a Parish or Parts of Parishes are situate, and to be annexed to such Instrument, and also for the Settlement or Distribution of the Patronage of all the Parishes and Unions to be altered or created thereby, and having endorsed upon the same the Approbation of the Archbishop or Archbishops entitled to exercise Archiepiscopal Jurisdiction in the Provinces in which the Parishes and Unions to be divided or created are situate, and of each and every Archbishop, Bishop, or other Person or Persons entitled to exercise Episcopal Jurisdiction within any Portion of the said Parishes and Unions, as Diocesans thereof, certified under their Hands as aforesaid, shall be lodged in the Council Office in *Dublin Castle*, and a Copy of the same shall be sent to each of the Patrons, Persons, Bodies Politic, Corporate, or Collegiate, whose Consent is by the aforesaid Acts or either of them rendered necessary to the effecting of the proposed Division or Union, Divisions or Unions, and together with the same a Notice in Writing shall be served upon each of the Parties last aforesaid, calling upon him or them, within Six Weeks after the Date of the Service of the same, to lodge or cause to be lodged in the Council Office in *Dublin Castle* a Statement in Writing of his or their Objections, if any he or they have to make, to the said Instrument or any Part thereof, or to the Settlement or Distribution of Patronage therein mentioned, or any Part thereof; and at the Expiration of the above Period of Six Weeks from the Date of the Service of the last Notice so served the Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid shall take the Matter of such Instrument, and also the Objections which shall have been lodged against the same, if any such there be, into their Consideration, and thereupon it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council, if they shall so think fit, (Six of the said Privy Council at least consenting, of whom Two at least shall be Members of the Judicial Bench in *Ireland*,) to adopt and confirm the said Instrument, and the Union or Unions, Division or Divisions, and the Settlement or Distribution of Patronage therein made, and to make an Order reciting the said Instrument as lodged in the said Council Office, and confirming the same; or if upon Consideration of the Instrument itself, or of the Objections made thereto in the Manner herein-before prescribed, such Lord Lieutenant or other Chief Governor or Governors and Privy Council should be of opinion that the same ought to be altered in respect of any Particulars therein contained, then such Alteration may be made by them, and the Instrument so altered shall be returned to the Bishop or Bishops and to the Archbishop or Archbishops by whom it was originally approved of as aforesaid; and if the said Instrument so altered be by them sent back to the said Council Office, with their Approbation endorsed thereon as aforesaid, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council, if they shall so think fit, (as before, Six at least consenting,) to make an Order in Council reciting the Instrument as so altered by the Lord Lieutenant or other Chief Governor or Governors in Council, and approved of by the Bishop or Bishops and by the Archbishop or Archbishops as aforesaid, and confirming the same; and such Order in Council, whether confirming

confirming the original Instrument or the Instrument so altered as aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever as if the Consent of such Patrons and Persons, and Bodies Politic, Corporate, or Collegiate as aforesaid, had been given and signified thereto in the Form and Manner prescribed in the said recited Acts or either of them, and the said Union or Division duly completed thereunder: Provided always, that at the Meeting of the Privy Council held for the Consideration of the said Instrument, and of the Objections thereto, it shall be lawful for any of the Parties who shall have made such Objections, on giving Three Days Notice to the Clerk of the Privy Council, to be heard before such Privy Council by their Counsel or Agents.

Churches may be erected within Districts to be formed from Portions of Parishes in different Dioceses.

III. 'And whereas in the said first-recited Act it was enacted, that it might be lawful for the several 'Archbishops and Bishops of *Ireland*, and their Successors, within their respective Dioceses, to erect 'or cause to be erected new Churches or Chapels in convenient Places within Districts to be respec- 'tively formed from contiguous Portions of Two or more adjoining Parishes, as to the said Archbishops 'and Bishops respectively and to their Successors should seem proper, in manner therein-after directed: 'And whereas the said Act did not provide for the forming of such Districts from contiguous Portions 'of adjoining Parishes in different Dioceses, for which it may in many Instances be reasonable and 'convenient to provide:' Be it therefore enacted, That it shall and may be lawful for any of the several Archbishops and Bishops of *Ireland*, and their Successors, or other Person or Persons having Episcopal Jurisdiction in contiguous Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes situated in different Dioceses contiguous to each other, as to the said Archbishops and Bishops and their Successors shall seem proper.

Bounds of Districts to be notified to Incumbents and to the Lord Lieutenant in Council.

IV. And be it enacted, That the Bounds for such Districts shall be ascertained by Writing under the Hands and Archiepiscopal and Episcopal Seals, or Hands and Episcopal Seals, of the Archbishop and Bishop or of the Bishops concurring in the Formation of such Districts; and such Writing shall and may set out the Bounds of such District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument in like Manner as herein-before mentioned, and shall be transmitted to the several Incumbents and to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council for the Purposes and to be dealt with in the Manner specified as to the like Instruments in Writing mentioned and described in the said Act herein-before recited in respect to Districts formed in the same Diocese, and shall be entered in the Registry of every Diocese in which such newly created District shall be situated, and shall be enrolled in manner in said Act set forth in respect to the Districts therein mentioned, upon Payments to be made upon such Entry and Enrolment as therein respectively mentioned.

Bishop to exercise Jurisdiction over District, Incumbent, &c.

V. And be it enacted, That the Bishop in whose Diocese the Church or Chapel of such District shall be locally situate shall and may have, use, and exercise all Ecclesiastical and Spiritual Jurisdiction, Powers, and Authorities in and over such District, and the Incumbent or Perpetual Curate and Inhabitants thereof, in the same Manner and as fully and to the same Intent as if the entire of the said District had been erected and formed out of Parishes locally situate within such Diocese; and the said District shall for the Purposes aforesaid be deemed and taken to be within the Limits of such Diocese: Provided always, that nothing herein contained shall render the Incumbent of any Parish a Portion whereof shall be included in such District, or the Emoluments, Rents, or Tithe Rent Charge of such his Benefice, subject to the Jurisdiction of any Bishop, save the Bishop in whose Diocese his Benefice shall be situate, or prejudice or affect his Rights, Privileges, or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed under the Provisions of the said first-recited Act.

Nothing to render Incumbent subject to any other Bishop.

Providing for Exchange of Glebe Lands of disunited Parishes.

VI. 'And whereas there are united Parishes in *Ireland*, and it may be hereafter expedient on the 'Death or Removal of the Incumbents of such united Parishes to disunite the same: And whereas in 'such united Parishes Glebe Houses have been or may be built on the Glebe Land of some one of the 'Parishes forming such united Parishes, pursuant to the Provisions of the Statute Law for that Purpose 'in force in *Ireland*, and the Incumbents of such united Parishes are or may be entitled, under the 'Provisions of the same Law, to certain Charges or Sums of Money to be paid to such Incumbents, or 'their Executors or Administrators, on the Removal or Death of such Incumbents, by their Successors, 'or the Executors or Administrators of such Successors: And whereas in the event of such united 'Parishes being hereafter disunited the Glebe Houses so built would be too large and very inconvenient 'for the Residence of the Incumbent of any One of the Two Parishes theretofore forming such united 'Parishes:' Be it enacted, That from and after the passing of this Act it shall and may be lawful for any such Incumbent of any such united Parishes, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council of *Ireland*, Six at least of said Privy Council assenting, to exchange such Glebe on which such Glebe House may have been built for Lands of equal or greater Value in each or any One of such disunited Parishes whereof he the said Incumbent may be seised or entitled to, in such Manner, with such Consents, and under all such Rules, Restrictions, and Limitations, and with all such Benefits and Advantages, as in the several Acts relating to the Exchange of Glebes in *Ireland* are respectively mentioned: Provided always, that in ascertaining the Value of the Glebe Land so to be exchanged such Price or Value (if any) shall be set upon such Glebe House and other Buildings and Improvements as the Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid shall deem just and reasonable; and that it shall not be

lawful for such Incumbent, his Executors or Administrators, to have, take, or claim, of or from any Successor, or the Executors or Administrators of any Successor of such Incumbent, any Charge or Sum of Money to which he the said Incumbent, or his Executors or Administrators, might be entitled by the Statute Law of *Ireland* in respect of any such Glebe House, Building, or Improvements; and that any Certificate granted under the Authority of such Statute Law to such Incumbent shall, from and after such Exchange, be utterly null and void.

Provisions of recited Acts applicable to Districts formed under this Act.

VII. And be it enacted, That all the Provisions in the said Acts herein-before recited applicable to Districts formed thereunder shall, as amended by this Act, be applicable to Districts to be formed under and by virtue of the Provisions of this Act, so far as the same are not inconsistent with the Provisions of this Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLII.

An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within *England* and *Wales* with respect to Persons charged with indictable Offences.

[14th *August* 1848.]

'WHEREAS it would conduce much to the Improvement of the Administration of Criminal Justice within *England* and *Wales* if the several Statutes and Parts of Statutes relating to the Duties of 'Her Majesty's Justices of the Peace therein with respect to Persons charged with indictable Offences 'were consolidated, with such Additions and Alterations as may be deemed necessary, and that such 'Duties should be clearly defined by positive Enactment:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him.

in all Cases where a Charge or Complaint (A.) shall be made before any One or more of Her Majesty's Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place within *England* or *Wales*, that any Person has committed or is suspected to have committed any Treason, Felony, or indictable Misdemeanor, or other indictable Offence whatsoever, within the Limits of the Jurisdiction of such Justice or Justices of the Peace, or that any Person guilty or suspected to be guilty of having committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice or Justices is residing or being or is suspected to reside or be within the Limits of the Jurisdiction of such Justice or Justices, then and in every such Case, if the Person so charged or complained against shall not then be in Custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B.) to apprehend such Person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to such Charge or Complaint, and to be further dealt with according to Law: Provided always, that in all Cases it shall be lawful for such Justice or Justices to whom such Charge or Complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the Person so charged or complained against, to issue his or their Summons (C.) directed to such Person, requiring him to appear before the said Justice or Justices at a Time and Place to be therein mentioned, or before such other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there, and if after being served with such Summons in manner herein-after mentioned he shall fail to appear at such Time and Place, in obedience to such Summons, then and in every such Case the said Justice or Justices, or any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, may issue his or their Warrant (D.) to apprehend such Person so charged or complained against, and cause such Person to be brought before him or them, or before some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Charge or Complaint, and to be further dealt with according to Law: Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant herein-before first mentioned at any Time before or after the Time mentioned in such Summons for the Appearance of the said accused Party.

In what Cases the Party may be summoned instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, then a Warrant may be issued.

Warrant to apprehend for Offences committed on the High Seas or abroad.

II. And be it enacted, That in all Cases of indictable Crimes or Offences of any Kind or Nature whatsoever committed on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of *England* have or claim to have Jurisdiction, and in all Cases of Crimes or Offences committed on Land beyond the Seas, for which an Indictment may legally be preferred in any Place within *England* or *Wales*, it shall be lawful for any One or more of Her Majesty's Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place within *England* or *Wales* in which any Person charged with having committed or with being suspected to have committed any such Crime or Offence shall reside or be, or shall be supposed or suspected to reside or be, to issue his or their Warrant (E.) to apprehend the Person so charged, and to cause him to be brought before him or them, or some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Charges, and to be further dealt with according to Law.

Warrant to apprehend a Party against whom an Indictment is found.

III. And be it enacted, That where any Indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any Person who shall then be at large, and whether such Person shall have been bound by any Recognizance to appear to answer to the same or not, the Person who shall act as Clerk of the

Indictments

Indictments at such Court of Oyer and Terminer or Gaol Delivery, or as Clerk of the Peace at such Sessions, at which the said Indictment shall be found, shall at any Time afterwards, after the End of the Sessions of Oyer and Terminer or Gaol Delivery or Sessions of the Peace at which such Indictment shall have been found, upon Application of the Prosecutor, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, if such Person shall not have already appeared and pleaded to such Indictment, grant unto such Prosecutor or Person a Certificate (F.) of such Indictment having been found; and upon Production of such Certificate to any Justice or Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place in which the Offence shall in such Indictment be alleged to have been committed, or in which the Person indicted in and by such Indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he and they are hereby required, to issue his or their Warrant (G.) to apprehend such Person so indicted, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place, to be dealt with according to Law, and afterwards, if such Person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon Oath or Affirmation before him or them that the Person so apprehended is the same Person who is charged and named in such Indictment, shall, without further Inquiry or Examination, commit (H.) him for Trial, or admit him to Bail, in manner herein-after mentioned; or if such Person so indicted shall be confined in any Gaol or Prison for any other Offence than that charged in the said Indictment, at the Time of such Application, and Production of the said Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices, and he and they are hereby required, upon it being proved before him or them upon Oath or Affirmation that the Person so indicted and the Person so confined in Prison are one and the same Person, to issue his or their Warrant (I.) directed to the Gaoler or Keeper of the Gaol or Prison in which the Person so indicted shall then be confined as aforesaid, commanding him to detain such Person in his Custody until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom, for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of his Custody by due Course of Law.

If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas.

IV. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue any Warrant as aforesaid or any Search Warrant on a *Sunday* as well as on any other Day.

Justices may issue Warrants on Sundays.

V. And be it enacted, That in Cases where a Justice of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place shall be also Justice of the Peace for a County, Riding, Division, Liberty, City, Borough, or Place next adjoining thereto or surrounded thereby, it shall and may be lawful for such Justice of the Peace to act as such Justice for the one County, Riding, Division, Liberty, City, Borough, or other Place whilst he is residing or happens to be in the other such County, Riding, Division, Liberty, City, Borough, or other Place, in all Matters and Things herein-before or hereafter in this Act mentioned; and that all such Acts of such Justice, and the Acts of any Constable or other Officer in obedience thereto, shall be as valid, good, and effectual in the Law to all Intents and Purposes as if such Justice at the Time he shall so act as aforesaid were in the County, Riding, Division, Liberty, City, Borough, or other Place for which he shall so act; and all Constables and other Officers for the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall so act as aforesaid are hereby authorized and required to obey the Warrants, Orders, Directions, Act or Acts of such Justice which in that Behalf shall be granted, given, or done, and to do and perform their several Offices and Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty; and any such Constable or other Peace Officer, or any other Person, apprehending or taking into Custody any Person offending against Law, and whom he lawfully may and ought to apprehend or take into Custody, by virtue of his Office or otherwise, in any such County, Riding, Division, Liberty, City, Borough, or Place, may lawfully take and convey such Person so apprehended and taken as aforesaid to and before any such Justice of the Peace for such County, Riding, Division, Liberty, City, Borough, or Place whilst such Justice shall be in such adjoining County, Riding, Division, Liberty, City, Borough, or Place as aforesaid, and the said Constables and other Peace Officers, and all such other Persons as aforesaid, are hereby authorized and required in all such Cases so to act in all things as if the said Justice of the Peace were within the said County, Riding, Division, Liberty, City, Borough, or Place for which he shall so act.

Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another.

All Acts of Justice, &c. to be valid.

Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c. if he act as a Justice in both.

VI. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace acting for any County at large, or for any Riding or Division of such County, to act as such at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to any such County, Riding, or Division respectively, and that all and every such Act and Acts, Matters and Things, to be so done by such Justice or Justices within such City, Town, or Precinct, as Justice or Justices for such County, Riding, or Division respectively, shall be as valid and effectual in Law as if the same had been done within such County, Riding, or Division respectively, to all Intents and Purposes whatsoever: Provided always, that nothing in this Act contained shall extend to give Power to the Justices of the Peace for any County, Riding, or Division, not being also Justices for such City, Town, or other Precinct, or not having Authority as Justices of the Peace therein, or any Constable or other Officer acting under them, to act or intermeddle in any Matters or Things arising within any such City, Town, or Precinct, in any Manner whatsoever.

Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction.

Not to give Power to act, &c. in any Matters, &c. arising within the same.

VII. 'And whereas Doubts have arisen whether the Powers given to Justices by an Act passed in the 'Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, 'intituled

For Removal of Doubts as to Powers given

to Justices, &c. in detached Parts of Counties under 2 & 3 Vict. c. 82.

' intituled *An Act for the better Administration of Justice in detached Parts of Counties*, are applicable ' to Cases of summary Jurisdiction and to Acts merely ministerial:' Be it hereby declared and enacted, That all the Acts of any Justice or Justices, and of any Constable or Officer in obedience thereto, shall be as good in relation to any detached Part of any County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act as if the same were to all Intents and Purposes Part of the said County; and all Constables and other Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Justice or Justices, and to perform their several Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

When Charge, &c. is made, if a Warrant is to be issued, Information, &c., on Oath, &c.

If Summons to be issued instead, Information, &c. not to be on Oath.

No Objection allowed for alleged Defect in Form.

VIII. And be it enacted, That in all Cases where a Charge or Complaint for any indictable Offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a Warrant in the first instance against the Party or Parties so charged, an Information and Complaint thereof (A.) in Writing, on the Oath or Affirmation of the Informant or of some Witness or Witnesses in that Behalf, shall be laid before such Justice or Justices: Provided always, that in all Cases where it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such Information and Complaint shall be in Writing, or be sworn to or affirmed in manner aforesaid, but in every such Case such Information and Complaint may be by Parol merely, and without any Oath or Affirmation whatsoever to support or substantiate the same: Provided also, that no Objection shall be taken or allowed to any such Information or Complaint for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examination of the Witnesses in that Behalf, as herein-after mentioned.

Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged.

How Summons to be served.

IX. And be it enacted, That upon such Information and Complaint being so laid as aforesaid the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as herein-before is directed to cause the Person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to be dealt with according to Law; and every such Summons (C.) shall be directed to the Party so charged in and by such Information, and shall state shortly the Matter of such Information, and shall require the Party to whom it is so directed to be and appear at a certain Time and Place therein mentioned before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace of the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there, to answer to the said Charge, and to be further dealt with according to Law; and every such Summons shall be served by a Constable or other Peace Officer upon the Person to whom it is so directed by delivering the same to the Party personally, or if he cannot conveniently be met with then by leaving the same with some Person for him at his last or most usual Place of Abode; and the Constable or other Peace Officer who shall have served the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of such Summons; and if the Person so served shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, in obedience to the same, then it shall be lawful for such Justice or Justices to issue his or their Warrant (D.) for apprehending the Party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer the Charge in the said Information and Complaint mentioned, and to be further dealt with according to Law: Provided always, that no Objection shall be taken or allowed to any such Summons or Warrant for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or admit him to Bail, in manner herein-after mentioned.

If Party summoned do not attend, Justice may issue a Warrant to compel Attendance.

No Objection allowed for alleged Defect in Form, &c.

Warrant to apprehend Parties to be under Hand and Seal of Justice.

How Warrant to be directed, and to whom.

X. And be it declared and enacted, That every Warrant (B.) hereafter to be issued by any Justice or Justices of the Peace to apprehend any Person charged with any indictable Offence shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and all other Constables or Peace Officers in the County or other District within which the Justice or Justices issuing such Warrant has or have Jurisdiction, or generally to all the Constables or Peace Officers within such last-mentioned County or District, and it shall state shortly the Offence on which it is founded, and shall name or otherwise describe the Offender, and it shall order the Person or Persons to whom it is directed to apprehend the Offender, and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the Charge contained in the said Information, and to be further dealt with according to Law; and it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the Offender at any Place within the County, Riding, Division, Liberty, City, Borough, or Place within which the Justice or Justices issuing the same shall

How and where Warrant may be executed.

have

have Jurisdiction, or in case of fresh Pursuit at any Place in the next adjoining County or Place, and within Seven Miles of the Border of such first-mentioned County, Riding, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or other Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction it shall be lawful for any Constable, Headborough, Tithingman, Borsholder, or other Peace Officer for any Parish, Township, Hamlet, or Place within such County or District to execute the said Warrant within any Parish, Township, Hamlet, or Place situate within the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding the Place in which such Warrant shall be executed shall not be within the Parish, Township, Hamlet, or Place for which he shall be such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer: Provided always, that no Objection shall be taken or allowed to any such Warrant for any Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or to admit him to Bail, in manner herein-after mentioned.

No Objection allowed for alleged Defect in Form, &c.

XI. And be it enacted, That if the Person against whom any such Warrant shall be issued as aforesaid shall not be found within the Jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in *England* or *Wales* out of the Jurisdiction of the Justice issuing such Warrant, it shall and may be lawful for any Justice of the Peace for the County or Place into which such Person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon Proof alone being made on Oath of the Handwriting of the Justice issuing such Warrant, to make an Indorsement (K.) on such Warrant, signed with his Name, authorizing the Execution of such Warrant within the Jurisdiction of the Justice making such Indorsement, and which Indorsement shall be sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same in such other County or Place, and to carry the Person against whom such Warrant shall have issued, when apprehended, before the Justice and Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, City, Liberty, Borough, or Place, or before some Justice or Justices of the County, Riding, Division, Liberty, City, Borough, or Place where the Offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor, or any of the Witnesses upon the Part of the Prosecution, shall then be in the County or Place where such Person shall have been so apprehended, the Constable or other Person or Persons who shall have so apprehended such Person may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices of the same County or Place; and the said Justice or Justices may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect in manner herein-after directed with respect to Persons charged before a Justice or Justices of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Persons have been apprehended.

Regulations as to the backing of Warrants.

Proviso.

XII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justice of Oyer and Terminer or Gaol Delivery, for any indictable Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County or Place in that Part of the United Kingdom called *Ireland*, or if any Person against whom a Warrant shall be issued in any County or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench there, or any Justice of Oyer and Terminer or Gaol Delivery, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Riding, Division, Liberty, City, Borough, or Place in that Part of the United Kingdom called *England* or *Wales*, it shall and may be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant in manner herein-before mentioned, or to the like Effect, and which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables or other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place where the Justice so indorsing it shall have Jurisdiction, by apprehending the Person against whom such Warrant shall have been granted, and to convey him before the Justice or Justices who granted the same, or before some other Justice or Justices of the Peace in and for the same County or Place, and which said Justice or Justices before whom he shall be so brought shall thereupon proceed in such Manner as if the said Person had been apprehended in the said last-mentioned County or Place.

English Warrants may be backed in Ireland, and vice versâ, in the event of Parties escaping.

Warrants so indorsed to be valid.

XIII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, by any Justice of the Peace,

English Warrants may be

or

backed in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, and vice versâ.

or by any Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer or Gaol Delivery, for any indictable Offence, shall escape, go into, reside, or be, or be supposed or suspected to be, in any of the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for any Officer within the District into which such accused Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders within such District, to indorse (K.) such Warrant in the Manner herein-before mentioned, or to the like Effect; or if any Person against whom any Warrant or Process in the Nature of a Warrant, shall be issued in any of the Isles aforesaid, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Riding, Division, Liberty, City, Borough, or Place in *England* or *Wales*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant or Process in manner herein-before mentioned, and every such Warrant or Process, so indorsed, shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same respectively was originally directed, and also to all Constables and Peace Officers in the County, District, or Jurisdiction within which such Warrant or Process shall be so indorsed, to execute the same within the County, District, or Place where the Justice or Officer indorsing the same has Jurisdiction, and to convey such Offender, when apprehended, into the County or District wherein the Justice or Person who issued such Warrant or Process shall have Jurisdiction, and carry him before such Justice or Person, or before some other Justice or Person within the same County or District who shall have Jurisdiction to commit such Offender to Prison for Trial, and such Justice or Person may thereupon proceed in such and the same Manner as if the said Offender had been apprehended within his Jurisdiction.

Warrants so indorsed to be valid.

English or Irish Warrants may be backed in Scotland.

XIV. And be it declared and enacted, That if any Person against whom a Warrant shall be issued by any Justice of the Peace for any County or Place within *England* or *Wales* or *Ireland*, or by any Judge of Her Majesty's Court of Queen's Bench or Justice of Oyer and Terminer or Gaol Delivery in *England* or *Ireland*, for any Crime or Offence against the Laws of those Parts respectively of the United Kingdom of *Great Britain* and *Ireland*, shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in that Part of the said United Kingdom called *Scotland*, it shall be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place where such Person or Persons shall go into, reside, or be, or be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned, or to the like Effect, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs Officers, Stewards Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same within the County or Place where it shall have been so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *England*, *Wales*, or *Ireland* where the Justice or Justices who first issued the said Warrant shall have Jurisdiction in that Behalf, and to carry him before such Justice or Justices, or before any other Justice or Justices of the Peace of and for the same County or Place, to be there dealt with according to Law, and which said Justice or Justices are hereby authorized and required thereupon to proceed in such and the same Manner as if the said Offender had been apprehended within his or their Jurisdiction.

Warrants so indorsed to be valid.

Scotch Warrants may be backed in England or Ireland.

XV. And be it enacted, That if any Person against whom a Warrant shall be issued by the Lord Justice General, Lord Chief Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, or Justice of the Peace, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or shall be supposed or suspected to be, in any County or Place in *England* or in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or shall be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned, and which said Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where the Justice so indorsing such Warrant shall have Jurisdiction, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Scotland* next adjoining to that Part of the United Kingdom called *England*, and carry him before the Sheriff or Steward Depute or Substitute, or One of the Justices of the Peace, of such County or Place, and which said Sheriff, Steward Depute or Substitute, or Justice of the Peace, is hereby authorized and required thereupon to proceed in such and the same Manner, according to the Rules and Practice of the Law of *Scotland*, as if the said Offender had been apprehended within such County or Place in *Scotland* last aforesaid.

Warrants so indorsed to be valid.

Power to Justices to summon Witnesses to attend and give Evidence.

XVI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence for the Prosecution, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Examination of the Witnesses against the Accused, such Justice may and is hereby required to issue his Summons (L. 1.) to such Person, under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County Riding

Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Charge made against such accused Party; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (L. 2.) under his or their Hands and Seals to bring and have such Person at a Time and Place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (L. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (L. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

If Summons not obeyed, Warrant may be issued to compel Attendance.

In certain Cases Warrant may be issued in the first instance.

Persons appearing on Summons, &c. refusing to be examined may be committed.

XVII. And be it enacted, That in all Cases where any Person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable Offence, whether committed in *England* or *Wales*, or upon the High Sea, or on Land beyond the Sea, or whether such Person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in Custody for the same or any other Offence, such Justice or Justices, before he or they shall commit such accused Person to Prison for Trial, or before he or they shall admit him to Bail, shall, in the Presence of such accused Person, who shall be at liberty to put Questions to any Witness produced against him, take the Statement (M.) on Oath or Affirmation of those who shall know the Facts and Circumstances of the Case, and shall put the same into Writing, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such Witness shall appear to be examined as aforesaid shall, before such Witness is examined, administer to such Witness the usual Oath or Affirmation, which such Justice or Justices shall have full Power and Authority to do; and if upon the Trial of the Person so accused as first aforesaid it shall be proved, by the Oath or Affirmation of any credible Witness, that any Person whose Deposition shall have been taken as aforesaid is dead, or so ill as not to be able to travel, and if also it be proved that such Deposition was taken in the Presence of the Person so accused, and that he or his Counsel or Attorney had a full Opportunity of cross-examining the Witness, then, if such Deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such Deposition as Evidence in such Prosecution, without further Proof thereof, unless it shall be proved that such Deposition was not in fact signed by the Justice purporting to sign the same.

As to the Examination of Witnesses.

Justice to administer Oath or Affirmation.

Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence.

XVIII. And be it enacted, That after the Examinations of all the Witnesses on the Part of the Prosecution as aforesaid shall have been completed, the Justice of the Peace or One of the Justices by or before whom such Examination shall have been so completed as aforesaid shall, without requiring the Attendance of the Witnesses, read or cause to be read to the Accused the Depositions taken against him, and shall say to him these Words, or Words to the like Effect: "Having heard the Evidence, do you wish to say any thing in answer to the Charge? you are not obliged to say any thing unless you desire to do so, but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" and whatever the Prisoner shall then say in answer thereto shall be taken down in Writing (N.), and read over to him, and shall be signed by the said Justice or Justices, and kept with the Depositions of the Witnesses, and shall be transmitted with them as herein-after mentioned; and afterwards upon the Trial of the said accused Person the same may, if necessary, be given in Evidence against him, without further Proof thereof, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: Provided always, that the said Justice or Justices before such accused Person shall make any Statement shall state to him, and give him clearly to understand, that he has nothing to hope from any Promise of Favour, and nothing to fear from any Threat which may have been holden out to him to induce him to make any Admission or Confession of his Guilt, but that whatever he shall then say may be given in Evidence against him upon his Trial, notwithstanding such Promise or Threat: Provided nevertheless, that nothing herein enacted or contained shall prevent the Prosecutor in any Case from giving in Evidence any Admission

After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make;

and inform him that he has nothing to hope or fear from either Promise or Threat.

or Confession or other Statement of the Person accused or charged, made at any Time, which by Law would be admissible as Evidence against such Person.

Place where Examination taken not an open Court, and no Person to remain without Consent.

XIX. And be it declared and enacted, That the Room or Building in which such Justice or Justices shall take such Examinations and Statement as aforesaid shall not be deemed an open Court for that Purpose; and it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person shall have Access to or be or remain in such Room or Building without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be best answered by so doing.

Power to Justice to bind over the Prosecutors and Witnesses by Recognizance.

XX. And be it enacted, That it shall be lawful for the Justice or Justices before whom any such Witness shall be examined as aforesaid to bind by Recognizance (O. 1.) the Prosecutor and every such Witness to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Superior Court of a County Palatine, or Court of General or Quarter Sessions of the Peace, at which the Accused is to be tried, then and there to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, against the Party accused, which said Recognizance shall particularly specify the Profession, Art, Mystery, or Trade of every such Person entering into or acknowledging the same, together with his Christian and Surname, and the Parish, Township, or Place of his Residence, and if his Residence be in a City, Town, or Borough, the Recognizance shall also particularly specify the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof or a Lodger therein; and the said Recognizance, being duly acknowledged by the Person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a Notice (O. 2.) thereof, signed by the said Justice or Justices, shall at the same Time be given to the Person bound thereby; and the several Recognizances so taken, together with the written Information (if any), the Depositions, the Statement of the Accused, and the Recognizance of Bail (if any) in every such Case, shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered, to the proper Officer of the Court in which the Trial is to be had, before or at the opening of the said Court on the First Day of the Sitting thereof, or at such other Time as the Judge, Recorder, or Justice who is to preside in such Court at the said Trial shall order and appoint: Provided always, that if any such Witness shall refuse to enter into or acknowledge such Recognizance as aforesaid it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (P. 1.), to commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place in which the accused Party is to be tried, there to be imprisoned and safely kept until after the Trial of such accused Party, unless in the meantime such Witness shall duly enter into such Recognizance as aforesaid before some One Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place in which such Gaol or House of Correction shall be situate: Provided nevertheless, that if afterwards, from Want of sufficient Evidence in that Behalf or other Cause, the Justice or Justices before whom such accused Party shall have been brought shall not commit him or hold him to Bail for the Offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place, by his or their Order (P. 2.) in that Behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such Witness shall be so in Custody to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Recognizance, Depositions, &c. to be transmitted to the Court in which the Trial is to be had.

Witnesses refusing to enter into Recognizances may be committed.

Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant.

If Remand be for Three Days only, by verbal Order.

XXI. And be it enacted, That if, from the Absence of Witnesses, or from any other reasonable Cause, it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful to and for the Justice or Justices before whom the Accused shall appear or be brought by his or their Warrant (Q. 1.), from Time to Time to remand the Party accused for such Time as by such Justice or Justices in their Discretion shall be deemed reasonable, not exceeding Eight clear Days, to the Common Gaol or House of Correction, or other Prison, Lock-up House, or Place of Security, in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall then be acting; or if the Remand be for a Time not exceeding Three clear Days it shall be lawful for such Justice or Justices verbally to order the Constable or other Person in whose Custody such Party accused may then be, or any other Constable or Person to be named by the said Justice or Justices in that Behalf, to continue or keep such Party accused in his Custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the Time appointed for continuing such Examination: Provided always, that any such Justice or Justices may order such accused Party to be brought before him or them, or before any other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, at any Time before the Expiration of the Time for which such accused Party shall be so remanded, and the Gaoler or Officer in whose Custody he shall then be shall duly obey such Order: Provided also, that, instead of detaining the accused Party in Custody during the Period for which he shall be so remanded, any One Justice of the Peace before whom such accused Party shall so appear or be brought as aforesaid may discharge him, upon his entering into a Recognizance (Q. 2. 3.), with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination; and if such accused Party shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q. 4.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division,

Party accused may be admitted to Bail, on the Examination being adjourned.

If Party does not appear upon Recognizance, Justice may transmit the

Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said accused Party.

same to the Clerk of the Peace.

XXII. 'And whereas it often happens that a Person is charged before a Justice of the Peace with 'an Offence alleged to have been committed in another County or Place than that in which such Person 'has been apprehended or in which such Justice has Jurisdiction, and it is necessary to make Provision 'as to the Manner of taking the Examinations of the Witnesses, and of committing the Party accused, 'or admitting him to Bail in such a Case:' Be it therefore enacted, That whenever a Person shall appear or shall be brought before a Justice or Justices of the Peace in the County, Riding, Division, Liberty, City, Borough, or Place, wherein such Justice or Justices shall have Jurisdiction, charged with an Offence alleged to have been committed by him in any County or Place within *England* or *Wales* wherein such Justice or Justices shall not have Jurisdiction, it shall be lawful for such Justice or Justices, and he and they are hereby required to examine such Witnesses, and receive such Evidence in Proof of such Charge as shall be produced before him or them, within his or their Jurisdiction; and if in his or their Opinion such Testimony and Evidence shall be sufficient Proof of the Charge made against such accused Party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where the Offence is alleged to have been committed, or shall admit him to Bail, as herein-after mentioned, and shall bind over the Prosecutor (if he have appeared before him or them) and the Witnesses by Recognizance accordingly, as is herein-before mentioned; but if such Testimony and Evidence shall not in the Opinion of such Justice or Justices be sufficient to put the accused Party upon his Trial for the Offence with which he is so charged, then such Justice or Justices shall bind over such Witnesses as he shall have examined by Recognizance to give Evidence, as herein-before is mentioned, and such Justice or Justices shall, by Warrant (R. 1.) under his or their Hand and Seal or Hands and Seals, order such accused Party to be taken before some Justice or Justices of the Peace in and for the County, Riding, Division, Liberty, City, Borough, or Place where and near unto the Place where the Offence is alleged to have been committed, and shall at the same Time deliver the Information and Complaint, and also the Depositions and Recognizances so taken by him or them, to the Constable who shall have the Execution of such last-mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the Accused in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the Case, and shall be treated to all Intents and Purposes as if they had been taken by or before the said last-mentioned Justice or Justices, and shall, together with such Depositions and Recognizances as such last-mentioned Justice or Justices shall take in the Matter of such Charge against the said accused Party, be transmitted to the Clerk of the Court where the said accused Party is to be tried, in the Manner and at the Time herein-before mentioned, if such accused Party shall be committed for Trial upon the said Charge, or shall be admitted to Bail; and in case such accused Party shall be taken before the Justice or Justices last aforesaid by virtue of the said last-mentioned Warrant, the Constable or other Person or Persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused Party before such last-mentioned Justice or Justices, shall be entitled to be paid his Costs and Expenses of conveying the said accused Party before the said Justice or Justices; and upon the said Constable or other Person producing the said accused Party before such Justice or Justices, and delivering him into the Custody of such Person as the said Justice or Justices shall direct or name in that Behalf, and upon the said Constable delivering to the said Justice or Justices the Warrant, Information (if any), Depositions, and Recognizances aforesaid, and proving by Oath the Handwriting of the Justice or Justices who shall have subscribed the same, such Justice or Justices to whom the said accused Party is so produced shall thereupon forthwith ascertain the Sum which ought to be paid to such Constable or other Person for conveying such accused Party and taking him before such Justice or Justices, as also his reasonable Costs and Expenses of returning, and thereupon such Justice or Justices shall make an Order (R. 2.) upon the Treasurer of the County, Riding, Division, or Liberty, City, Borough, or Place, or if such City, Borough, or Place shall be contributory to the County Rate of any County, Riding, Division, or Liberty, then upon the Treasurer of such County, Riding, Division, or Liberty respectively to which it is contributory, for Payment to such Constable or other Person of the Sum so ascertained to be payable to him in that Behalf, and the said Treasurer, upon such Order being produced to him, shall pay the Amount to the said Constable or other Person producing the same, or to any Person who shall present the same to him for Payment: Provided always, that if such last-mentioned Justice or Justices shall not think the Evidence against such accused Party sufficient to put him upon his Trial, and shall discharge him without holding him to Bail, every such Recognizance so taken by the said first-mentioned Justice or Justices as aforesaid shall be null and void.

If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former;

and if Evidence be deemed sufficient, may be committed to Prison;

if insufficient, to be brought before some Justice in the latter County.

As to Payment of Expenses of conveying the Accused into the proper County, &c.

XXIII. And be it enacted, That where any Person shall appear or be brought before a Justice of the Peace, charged with any Felony, or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with obtaining or attempting to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth of a Child by secret burying or otherwise, or with wilful or indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace Officer in the Execution of his Duty, or upon any Person acting in his Aid, or with Neglect or Breach of Duty as a Peace Officer, or with any Misdemeanor for the

Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors.

Prosecution of which the Costs may be allowed out of the County Rate, such Justice of the Peace may, in his Discretion, admit such Person to Bail, upon his procuring and producing such Surety or Sureties as in the Opinion of such Justice will be sufficient to ensure the Appearance of such accused Person at the Time and Place when and where he is to be tried for such Offence; and thereupon such Justice shall take the Recognizance (S. 1. 2.) of the said accused Person and his Surety or Sureties, conditioned for the Appearance of such accused Person at the Time and Place of Trial, and that he will then surrender and take his Trial, and not depart the Court without Leave; and in all Cases where a Person charged with any indictable Offence shall be committed to Prison to take his Trial for the same, it shall be lawful, at any Time afterwards, and before the First Day of the Sitting or Session at which he is to be tried, or before the Day to which such Sitting or Session may be adjourned, for the Justice or Justices of the Peace who shall have signed the Warrant for his Commitment, in his or their Discretion, to admit such accused Person to Bail in manner aforesaid; or if such committing Justice or Justices shall be of opinion that for any of the Offences herein-before mentioned the said accused Person ought to be admitted to Bail, he or they shall in such Cases, and in all other Cases of Misdeameanors, certify (S. 3.) on the Back of the Warrant of Commitment his or their Consent to such accused Party being bailed, stating also the Amount of Bail which ought to be required, it shall be lawful for any Justice of the Peace, attending or being at the Gaol or Prison where such accused Party shall be in Custody, on Production of such Certificate, to admit such accused Person to Bail in manner aforesaid; or if it shall be inconvenient for the Surety or Sureties in such a Case to attend at such Gaol or Prison to join with such accused Person in the Recognizance of Bail, then such committing Justice or Justices may make a Duplicate of such Certificate (S. 4.) as aforesaid, and upon the same being produced to any Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, it shall be lawful for such last-mentioned Justice to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol or Prison, and produced, together with the Certificate on the Warrant of Commitment as aforesaid to any Justice of the Peace attending or being at such Gaol or Prison, it shall be lawful for such last-mentioned Justice thereupon to take the Recognizance of such accused Party, and to order him to be discharged out of Custody as to that Commitment, as herein-after mentioned; and where any Person shall be charged before any Justice of the Peace with any indictable Misdemeanor other than those herein-before mentioned, such Justice, after taking the Examinations in Writing as aforesaid, instead of committing him to Prison for such Offence, shall admit him to Bail in manner aforesaid, or if he have been committed to Prison, and shall apply to any One of the Visiting Justices of such Prison, or to any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, before the First Day of the Sitting or Session at which he is to be tried, or before the Day to which such Sitting or Session may be adjourned, to be admitted to Bail, such Justice shall accordingly admit him to Bail in manner aforesaid; and in all Cases where such accused Person in Custody shall be admitted to Bail by a Justice of the Peace other than the committing Justice or Justices as aforesaid, such Justice of the Peace so admitting him to Bail shall forthwith transmit the Recognizance or Recognizances of Bail to the committing Justice or Justices, or One of them, to be by him or them transmitted, with the Examinations, to the proper Officer: Provided nevertheless, that no Justice or Justices of the Peace shall admit any Person to Bail for Treason, nor shall such Person be admitted to Bail, except by Order of One of Her Majesty's Secretaries of State, or by Her Majesty's Court of Queen's Bench at *Westminster*, or a Judge thereof in vacation: Provided also, that when, in Cases of Misdemeanor, the Defendant shall be entitled to a Traverse at the next Assizes or Quarter Sessions, and shall not be bound to take his Trial until the Second Assizes or Sessions, in every such Case the Recognizance (S. 1.) of Bail shall be conditioned that he shall appear and plead at the next Assizes or Sessions, and then traverse the Indictment, and that he shall surrender and take his Trial at such Second Assizes or Sessions, unless such accused Party shall, before he enter into such Recognizance, choose and consent to take his Trial at such First Assizes or Sessions, in which Case the Recognizance may be in the ordinary Form herein-before mentioned.

Justices may admit to Bail in the like Cases after Commitment for Trial.

Justice may admit to Bail Persons charged with other Misdemeanors.

Certain Recognizances to be transmitted to committing Justices.

No Bail in Cases of Treason but by Order of Secretary of State, &c.

Where Defendant entitled to traverse.

XXIV. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall admit to Bail any Person who shall then be in any Prison charged with the Offence for which he shall be so admitted to Bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison a Warrant of Deliverance (S. 5.) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

When Justice admits a Person to Bail after Commitment a Writ of Deliverance shall be sent to him, &c.

XXV. And be it enacted, That when all the Evidence offered upon the Part of the Prosecution against the accused Party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused Party upon his Trial for any indictable Offence, such Justice or Justices shall forthwith order such accused Party, if in Custody, to be discharged as to the Information then under Inquiry; but if, in the Opinion of such Justice or Justices, such Evidence is sufficient to put the accused Party upon his Trial for an indictable Offence, or if the Evidence given raise a strong or probable Presumption of the Guilt of such accused Party, then such Justice or Justices shall, by his or their Warrant (T. 1.), commit him to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place to which by Law he may now be committed, or, in the Case of an indictable Offence committed on the High Seas, or on Land beyond the Sea, to the Common

If Evidence be not thought sufficient to warrant Commitment Accused shall be discharged; but if it be considered sufficient, Justice shall, by Warrant, commit

Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place within which such Justice or Justices shall have Jurisdiction, to be there safely kept until he shall be thence delivered by due Course of Law, or admit him to Bail as herein-before mentioned. the Accused for Trial.

XXVI. And be it enacted, That the Constable or any of the Constables or other Persons to whom the said Warrant of Commitment shall be directed shall convey such accused Person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper, or Governor of such Gaol or Prison, who shall thereupon give such Constable or other Person so delivering such Prisoner into his Custody a Receipt (T. 2.) for such Prisoner, setting forth the State and Condition in which such Prisoner was when he was delivered into the Custody of such Gaoler, Keeper, or Governor; and in all Cases where such Constable or other Person shall be entitled to his Costs or Expenses for conveying such Person to such Prison as aforesaid it shall be lawful for the Justice or Justices who shall have committed the accused Party, or for any Justice of the Peace in and for the said County, Riding, Division, or other Place of exclusive Jurisdiction wherein the Offence is alleged in the said Warrant to have been committed, to ascertain the Sum which ought to be paid to such Constable or other Person for conveying such Prisoner to such Gaol or Prison, and also the Sum which should reasonably be allowed him for his Expenses in returning, and thereupon such Justice shall make an Order (T. 2.) upon the Treasurer of such County, Riding, Division, Liberty, or Place of exclusive Jurisdiction, or if such Place of exclusive Jurisdiction shall be contributory to the County Rate of any County, Riding, or Division, then upon the Treasurer of such County, Riding, or Division respectively, or, in the County of *Middlesex*, upon the Overseers of the Poor of the Parish or Place within which the Offence is alleged to have been committed, for Payment to such Constable or other Person of the Sums so ascertained to be payable to him in that Behalf; and the said Treasurer or Overseers, upon such Order being produced to him or them respectively, shall pay the Amount thereof to such Constable or other Person producing the same, or to any Person who shall present the same to him or them for Payment: Provided nevertheless, that if it shall appear to the Justice or Justices by whom any such Warrant of Commitment against such Prisoner shall be granted as aforesaid that such Prisoner hath Money sufficient to pay the Expenses, or some Part thereof, of conveying him to such Gaol or Prison, it shall be lawful for such Justice or Justices, in his or their Discretion, to order such Money or a sufficient Part thereof to be applied to such Purpose. Regulations for conveying Prisoners to Gaol. As to Payment of Costs of conveying Prisoners to Prison.

XXVII. And be it enacted, That at any Time after all the Examinations aforesaid shall have been completed, and before the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person so committed to Prison or admitted to Bail as aforesaid is to be tried, such Person may require and shall be entitled to have, of and from the Officer or Person having the Custody of the same, Copies of the Depositions on which he shall have been committed or bailed, on Payment of a reasonable Sum for the same, not exceeding at the Rate of Three Halfpence for each Folio of Ninety Words. After Examinations are completed, Defendant entitled to Copies of the Depositions.

XXVIII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law. Forms in Schedule valid.

XXIX. And be it enacted, That any One of the Magistrates appointed or hereafter to be appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the Metropolitan Police District, and every Stipendiary Magistrate appointed or to be appointed for any other City, Town, Liberty, Borough, or Place, and sitting at a Police Court or other Place appointed in that Behalf, shall have full Power to do alone whatsoever is authorized by this Act to be done by any One or more Justice or Justices of the Peace; and that the several Forms in the Schedule to this Act contained may be varied, so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other Place of sitting of such Stipendiary Magistrate; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, or in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, or in an Act passed in the same Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, or in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for better defining the Powers of Justices within the Metropolitan Police District.* Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone. Nothing to affect Powers, &c. contained in 10 G. 4. c. 44. 2 & 3 Vict. c. 47. 2 & 3 Vict. c. 71. and 3 & 4 Vict. c. 84.

XXX. And be it enacted, That it shall be lawful for the Lord Mayor of the City of *London*, or for any Alderman of the said City, for the Time being, sitting at the Mansion House or Guildhall Justice Rooms in the said City, to do alone any Act, at either of the said Justice Rooms, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police in the City of* London. Lord Mayor, or any Alderman of London, may act alone. Nothing to affect Powers, &c. contained in 2 & 3 Vict. c. 94.

XXXI. And be it enacted, That the Chief Magistrate of the Metropolitan Police Court at *Bow Street* for the Time being shall be a Justice of the Peace of and for the County of *Berks*, if his Name be inserted in the Commission of the Peace for that County, without possessing the Qualification by Estate required by Law in that Behalf, and without taking any Oath of Qualification. Chief Magistrate of Bow Street may be a Justice for Berks, without Qualification.

XXXII. And

Act to extend to Berwick-upon-Tweed, but not to Scotland, Ireland, &c., except as to backing of Warrants.

XXXII. And be it enacted, That the Town of *Berwick-upon-Tweed* shall be deemed to be within *England* for all the Purposes of this Act, but nothing in this Act shall be deemed or taken to extend to *Scotland* or *Ireland*, or to the Isles of *Man*, *Jersey*, or *Guernsey*, save and except the several Provisions respectively herein-before contained respecting the backing of Warrants, and also nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of Her Majesty's Court of Queen's Bench.

Commencement of Act.

XXXIII. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight.

After Commencement of this Act the following Acts and Parts of Acts repealed.

XXXIV. And be it enacted, That the following Statutes and Parts of Statutes shall from and after the Day on which this Act shall commence and take effect be and the same are hereby repealed; (that is to say,) a certain Act of Parliament made and passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Execution of Criminal Laws in the Two Parts of the United Kingdom;* and a certain other Act made and passed in the Twenty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enable Justices of the Peace to act as such in certain Cases out of the Limits of the Counties in which they actually are;* and so much of a certain other Act made and passed in the Forty-fourth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another,* as relates to the Apprehension of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland*, and to the backing of Warrants against such Offenders; and so much of a certain other Act made and passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another,* as relates to the bailing of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland;* and also a certain other Act made and passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the more easy apprehending and trying of Offenders escaping from one Part of the United Kingdom to the other;* and also a certain other Act made and passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the Twenty-eighth Year of the Reign of King* George *the Third, intituled "An Act to enable Justices of the Peace to act as such "in certain Cases out of the Limits of the Counties in which they actually are;"* and so much of a certain other Act made and passed in the Third Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated,* as relates to the Form of Recognizances, and to the Notice to be given to Persons acknowledging the same; and so much of a certain other Act made and passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith,* as relates to the taking of such Examinations, and the Commitment of Persons so charged, by Justices of the Peace; and so much of a certain other Act made and passed in the said Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England, as relates to the taking of Bail in Cases of Felony, and to the taking of the Examinations and Informations against Persons charged with Felonies and Misdemeanors; and binding Persons by Recognizance to prosecute or give Evidence; and so much of a certain Act made and passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench, and for extending the Provisions of an Act of the Fifth Year of King* William *and Queen* Mary, *for preventing Delays at the Quarter Sessions of the Peace, to other Indictments, and for extending the Provisions of an Act of the Seventh Year of King* George *the Fourth, as to taking Bail in Cases of Felony,* as relates to the taking of Bail in Cases of Felony; and so much of a certain other Act made and passed in the Seventh Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney,* as relates to the Right of Parties charged with Offences to have Copies of the Depositions or Examinations against them; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Act or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

13 G. 3. c. 31.
28 G. 3. c. 49.
44 G. 3. c. 92.
45 G. 3. c. 92.
54 G. 3. c. 186.
1 & 2 G. 4. c. 63.
3 G. 4. c. 46.
7 G. 4. c. 38.
7 G. 4. c. 64.
5 & 6 W. 4. c. 33.
6 & 7 W. 4. c. 114.

Act may be amended, &c.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE.

(A.)

Information and Complaint for an indictable Offence.

} The Information and Complaint of *C.D.* of [*Yeoman*], taken this
to wit. } Day of in the Year of our Lord 184 before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of who saith that [*&c., stating the Offence*].

Sworn before [*me*], the Day and Year first above mentioned, at *J.S.*

(B.)

Warrant to apprehend a Person charged with an indictable Offence.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of [*Labourer*] hath this Day been charged upon Oath before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that he on at did [*&c. stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer unto the said Charge, and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(C.)

Summons to a Person charged with an indictable Offence.

To *A.B.* of [*Labourer*].

WHEREAS you have this Day been charged before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you on at [*&c., stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, to be and appear before me on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer to the said Charge, and to be further dealt with according to Law. Herein fail not.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the County aforesaid. *J.S.* (L.S.)

(D.)

Warrant where the Summons is disobeyed.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS on the last past *A.B.* of [*Labourer*] was charged before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas [*I*] then issued [*my*] Summons to the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as might then be there, to answer to the said Charge, and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place appointed in and by the said Summons, although it hath now been proved to me upon Oath that the said Summons was duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before me, or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Charge, and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(E.)

Warrant to apprehend a Person charged with an indictable Offence committed on the High Seas or Abroad.

For Offences committed on the High Seas the Warrant may be the same as in ordinary Cases, but describing the Offence to have been committed "on the High Seas, out of the Body of any County of this Realm, and within the Jurisdiction of the Admiralty of England."

For Offences committed Abroad for which the Parties may be indicted in this Country the Warrant also may be the same as in ordinary Cases, but describing the Offence to have been committed "on Land

Land out of the United Kingdom, to wit, at in the Kingdom of ," or "at in the East Indies," *or* "at in the Island of in the West Indies," *or as the Case may be.*

(F.)

Certificate of Indictment being found.

I HEREBY certify, That at [a Court of Oyer and Terminer and General Gaol Delivery, *or* a Court of General Quarter Sessions of the Peace,] holden in and for the [*County*] of at in the said [*County*], on a Bill of Indictment was found by the Grand Jury against *A.B.*, therein described as *A.B.* late of [*Labourer*], for that he [*&c., stating shortly the Offence*], and that the said *A.B.* hath not appeared or pleaded to the said Indictment.

Dated this Day of 184 .

J.D.
Clerk of the Indictments on the Circuit,
or
Clerk of the Peace of and for the said [*County*].

(G.)

Warrant to apprehend a Person indicted.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Indictments on the Circuit [*or* Clerk of the Peace of and for the [*County*] of] [that, *&c., stating the Certificate*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(H.)

Warrant of Commitment of a Person indicted.

To the Constable of and to the Keeper of the [Common Gaol, *or* House of Correction,] at in the said [*County*] of

WHEREAS by [*my*] Warrant under my Hand and Seal, dated the Day of after reciting that it had been certified by *J.D.* [*&c., as in the Certificate*], [*I*] commanded the Constable of and all other Peace Officers of the said County, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], or before some other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law: And whereas the said *A.B.* hath been apprehended under and by virtue of the said Warrant, and being now brought before [*me*], it is hereupon duly proved to [*me*] upon Oath that the said *A.B.* is the same Person who is named and charged in and by the said Indictment: These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to take and safely convey the said *A.B.* to the said [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and him there safely to keep until he shall be thence delivered by due Course of Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(I.)

Warrant to detain a Person indicted who is already in Custody for another Offence.

To the Keeper of the [Common Gaol, *or* House of Correction,] at in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Indictments on the Circuit [*or* Clerk of the Peace of and for the County of], that [*&c., stating the Certificate*]: And whereas [*I am*] informed that the said *A.B.* is in your Custody in the said [*Common Gaol*] at aforesaid, charged with some Offence or other Matter; and it being now duly proved upon Oath before [*me*] that the said *A.B.* so indicted as aforesaid, and the said *A.B.* in your Custody as aforesaid, are one and the same Person: These are therefore to command you, in Her Majesty's Name, to detain the said *A.B.* in your Custody in the [*Common Gaol*] aforesaid until by Her

Her Majesty's Writ of Habeas Corpus he shall be removed therefrom for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of your Custody by due Course of Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(K.)

Endorsement in backing a Warrant.

} WHEREAS Proof upon Oath hath this Day been made before me, One of Her Majesty's
to wit. } Justices of the Peace for the said [*County*] of that the Name of *J.S.*, to the within Warrant subscribed, is of the Handwriting of the Justice of the Peace within mentioned; I do therefore hereby authorize *W.T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom it may lawfully be executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said last-mentioned [*County*],* and to bring the said *A.B.*, if apprehended within the same [*County*], before me, or before some other Justice or Justices of the Peace of the same County, to be dealt with according to Law.

Given under my Hand, this Day of 184 .

J.L.

* *The Words following this Asterisk are to be used only where the Justice backing the Warrant shall think fit, and may be omitted in backing English Warrants in Ireland, Scotland, &c., or in backing Irish or Scotch Warrants, &c. in England.*

(L. 1.)

Summons of a Witness.

To *E.F.* of [*Labourer*].

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that *A.B.* [*&c., as in the Summons or Warrant against the Accused*], and it hath been made to appear to me upon [*Oath*] that you are likely to give material Evidence for the [*Prosecution*]: These are therefore to require you to be and to appear before me on next at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same County as may then be there, to testify what you shall know concerning the said Charge so made against the said *A.B.* as aforesaid. Herein fail not.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS Information having been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that *A.B.* [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] was likely to give material Evidence for the Prosecution, I did duly issue my Summons to the said *E.F.*, requiring him to be and appear before me on at or before such other Justice or Justices of the Peace for the same County as might then be there, to testify what he should know respecting the said Charge so made against the said *A.B.* as aforesaid: And whereas Proof hath this Day been made before me upon Oath of such Summons having been duly served upon the said *E.F.*: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse has been offered for such Neglect: These are therefore to command you to bring and have the said *E.F.* before me on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 3.)

Warrant for a Witness in the first instance.

To the Constable of and to all other Peace Officers in the said [*County*] of .

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that [*&c., as in Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence for the Prosecution, and that it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do: These are therefore to command you to bring and have the said *E.F.* before me on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 4.)

Warrant of Commitment of a Witness for refusing to be sworn or to give Evidence.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, I duly issued my Summons to the said *E.F.*, requiring him to be and appear before me on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before me [*or* being brought before me by virtue of a Warrant in that Behalf, to testify as aforesaid], and being required to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or* being duly sworn as a Witness doth now refuse to answer certain Questions concerning the Premises which are here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the County aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and him there safely keep for the Space of Days for his said Contempt, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(M.)

Depositions of Witnesses.

to wit. } The Examination of *C.D.* of [*Farmer*] and *E.F.* of [*Labourer*], taken on [*Oath*] this Day of in the Year of our Lord at in the [*County*] aforesaid, before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said [*County*], in the Presence and Hearing of *A.B.*, who is charged this Day before [*me*], for that he the said *A.B.* on at [*&c., describing the Offence as in a Warrant of Commitment*].

THIS Deponent *C.D.* on his [*Oath*] saith as follows [*&c., stating the Deposition of the Witness as nearly as possible in the Words he uses. When his Deposition is complete let him sign it*].

And this Deponent *E.F.*, upon his Oath, saith as follows [*&c.*]

The above Depositions of *C.D.* and *E.F.* were taken and [*sworn*] before me at on the Day and Year first above mentioned.

J.S.

(N.)

Statement of the Accused.

: *A.B.* stands charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] aforesaid, this Day of in the Year of our Lord for that he the said *A.B.* on at [*&c., as in the Caption of the Depositions*]; and the said Charge being read to the said *A.B.*, and the Witnesses for the Prosecution, *C.D.* and *E.F.*, being severally examined in his Presence, the said *A.B.* is now addressed by

by me as follows: "Having heard the Evidence, do you wish to say any thing in answer to the Charge? you are not obliged to say any thing unless you desire to do so; but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" whereupon the said *A.B.* saith as follows:

[*Here state whatever the Prisoner may say, and in his very Words, as nearly as possible. Get him to sign it if he will.*]

A.B.

Taken before me at the Day and Year first above mentioned.

J.S.

(O. 1.)

Recognizance to prosecute or give Evidence.

: BE it remembered, That on the Day of in the Year of our Lord *C.D.* of in the Township of in the said County, *Farmer*, [*or C.D.* of *No. 2,* Street in the Parish of in the Borough of *Surgeon*, of which said House he is Tenant,] personally came before me, One of Her Majesty's Justices of the Peace for the said County, and acknowledged himself to owe to our Sovereign Lady the Queen the Sum of of good and lawful Money of Great Britain, to be made and levied of his Goods and Chattels, Lands and Tenements, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *C.D.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me,

J.S.

Condition to prosecute.

The Condition of the within-written Recognizance is such, That whereas one *A.B.* was this Day charged before me *J.S.*, Justice of the Peace within mentioned, for that [*&c., as in the Caption of the Depositions*], if therefore he the said *C.D.* shall appear at the next Court of Oyer and Terminer or General Gaol Delivery [*or* at the next Court of General Quarter Sessions of the Peace] to be holden in and for the [*County*] of * and there prefer or cause to be preferred a Bill of Indictment for the Offence aforesaid against the said *A.B.*, and there also duly prosecute such Indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition to prosecute and give Evidence.

*Same as the last Form to the Asterisk *, and then thus:*—"and there prefer or cause to be preferred a Bill of Indictment against the said *A.B.* for the Offence aforesaid, and duly prosecute such Indictment, and give Evidence thereon as well to the Jurors who shall then inquire of the said Offence as also to them who shall pass upon the Trial of the said *A.B.*, then the said Recognizance to be void, or else to stand in full force and virtue."

Condition to give Evidence.

*Same as the last Form but One to the Asterisk *, and then thus:*—"and there give such Evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said *A.B.* for the Offence aforesaid, as well to the Jurors who shall there inquire of the said Offence as also to the Jurors who shall pass upon the Trial of the said *A.B.* if the said Bill shall be found a true Bill, then the said Recognizance to be void, or else to stand in full force and virtue."

(O. 2.)

Notice of the said Recognizance to be given to the Prosecutor and his Witnesses.

} TAKE notice, That you *C.D.* of are bound in the Sum of to
to wit. } appear at the next Court of [*General Quarter Sessions of the Peace*] in and for the County of to be holden at in the said County, and then and there [*prosecute and*] give Evidence against *A.B.*; and unless you then appear there, and [*prosecute and*] give Evidence accordingly, the Recognizance entered into by you will be forthwith levied on you. Dated this Day of 184 .

J.S.

(P. 1.)

Commitment of Witness for refusing to enter into the Recognizance.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Witness*], and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give

material Evidence for the Prosecution, [*I*] duly issued [my Summons to the said *E.F.*, requiring him to be and appear] before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*], [*or* being brought before [*me*] by virtue of a Warrant in that Behalf, to testify as aforesaid,] hath been now examined by [*me*] touching the Premises, but being by [*me*] required to enter into a Recognizance conditioned to give Evidence against the said *A.B.* hath now refused so to do: These are therefore to command you the said Constable to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the [*County*] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said *House of Correction*, there to imprison and safely keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime such *E.F.* shall duly enter into such Recognizance as aforesaid in the Sum of Pounds, before some One Justice of the Peace for the said [*County*], conditioned in the usual Form to appear at the next Court of [Oyer and Terminer or General Gaol Delivery, *or* General Quarter Sessions of the Peace,] to be holden in and for the [*County*] of and there to give Evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said *A.B.* for the Offence aforesaid, and also to give Evidence upon the Trial of the said *A.B.* for the said Offence, if a true Bill should be found against him for the same.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

(P. 2.)

Subsequent Order to discharge the Witness.

To the Keeper of the [*House of Correction*] at in the [*County*] of

WHEREAS by [*my*] Order dated the Day of [*instant*], reciting that *A.B.* was lately before them, charged before [*me*] for a certain Offence therein mentioned, and that *E.F.* having appeared before *me*, and being examined as a Witness for the Prosecution in that Behalf, refused to enter into a Recognizance to give Evidence against the said *A.B.*, and *I* therefore thereby committed the said *E.F.* to your Custody, and required you safely to keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid: And whereas for Want of sufficient Evidence against the said *A.B.* the said *A.B.* has not been committed or holden to Bail for the said Offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your Custody: These are therefore to order and direct you the said Keeper to discharge the said *E.F.* out of your Custody as to the said Commitment, and suffer him to go at large.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant remanding a Prisoner.

To the Constable of and to the [*Keeper of the House of Correction*] at in the said [*County*] of

WHEREAS *A.B.* was this Day charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Warrant to apprehend*]; and it appears to *me* to be necessary to remand the said *A.B.*: These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and *I* hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and there safely keep him until the Day of instant, when *I* hereby command you to have him at at o'Clock in the Forenoon of the same Day before *me*, or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Charge, and to be further dealt with according to Law, unless you shall be otherwise ordered in the meantime.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 2.)

(Q. 2.)

Recognizance of Bail instead of Remand, on an Adjournment of Examination.

: BE it remembered, That on the Day of in the Year of our Lord *A.B.* of *Labourer*, *L.M.* of *Grocer*, and *N.O.* of *Butcher*, personally came before me, One of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; that is to say, the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me,

J.S.

Condition.

The Condition of the within-written Recognizance is such, That whereas the within-bounden *A.B.* was this Day [*or* on last past] charged before me, for that [*&c., as in the Warrant*]: And whereas the Examination of the Witnesses for the Prosecution in this Behalf is adjourned until the Day of instant; if therefore the said *A.B.* shall appear before me on the said Day of instant at o'Clock in the Forenoon, or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer [*further*] to the said Charge, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

(Q. 3.)

Notice of such Recognizance to be given to the Accused and his Sureties.

: TAKE notice, That you *A.B.* of are bound in the Sum of and your Sureties *L.M.* and *N.O.* in the Sum of each, that you *A.B.* appear before me *J.S.*, One of Her Majesty's Justices of the Peace for the [*County*] of on the Day of instant at o'Clock in the Forenoon, at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer further to the Charge made against you by *C.D.*, and to be further dealt with according to Law; and unless you *A.B.* personally appear accordingly the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them. Dated this Day of 184 .

J.S.

(Q. 4.)

Certificate of Nonappearance to be endorsed on the Recognizance.

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the above Condition mentioned, but therein hath made Default, by reason whereof the within-written Recognizance is forfeited.

J.S.

(R. 1.)

Warrant to convey the Accused before a Justice of the County, &c. in which the Offence was committed.

To *W.T.*, Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of *Labourer*, hath this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Warrant to apprehend*]: And whereas [*I*] have taken the Deposition of *C.D.*, a Witness examined by [*me*] in this Behalf; but inasmuch as [*I*] am informed that the principal Witnesses to prove the said Offence against the said *A.B.* reside in the [*County*] of *C.*, where the said Offence is alleged to have been committed, These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to take and convey the said *A.B.* to the said [*County*] of *C.*, and there carry him before some Justice or Justices of the Peace in and for that [*County*], and near unto the [*Parish of D.*], where the Offence is alleged to have been committed, to answer further to the said Charge before him or them, and to be further dealt with according to Law; and [*I*] hereby further command you the said Constable to deliver to the said Justice or Justices the Information in this Behalf, and also the said Deposition of *C.D.* now given into your Possession for that Purpose, together with this Precept.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(R. 2.)

(R. 2.)

Order for Payment of the Constables Expenses.

To *R. W.* Esquire, Treasurer of the said County of *C.*

WHEREAS *W. T.* Constable of in the County of *A.*, hath by virtue of and in obedience to a certain Warrant of *J. S.* Esquire, [*One*] of Her Majesty's Justices of the Peace in and for the said County of *A.*, taken and conveyed one *A.B.*, charged before the said *J. S.* with having [*&c., stating shortly the Offence*], from in the said County of *A.* to in the said County of *C.*, a Distance of Miles, and produced the said *A.B.* before me *S.P.* One of Her Majesty's Justices of the Peace in and for the said County of *C.*, and delivered him into the Custody of by [*my*] Direction, to answer to the said Charge, and further to be dealt with according to Law: And whereas the said *W. T.* hath also delivered to [*me*] the said Warrant, together with the Information in that Behalf, and also the Deposition of *C.D.* in the said Warrant mentioned, and hath proved to [*me*] upon Oath the Handwriting of the said *J. S.* subscribed to the same: And whereas [*I*] have ascertained that the Sum which ought to be paid to the said *W. T.* for conveying the said *A.B.* from the said County of *A.* to the said County of *C.*, and taking him before [*me*], is the Sum of and that the reasonable Expenses of the said *W. T.* in returning will amount to the further Sum of making together the Sum of : These are therefore to order you, as such Treasurer of the said County of *C.*, to pay unto the said *W. T.* the said Sum of according to the Form of the Statute in such Case made and provided, for which Payment this Order shall be your sufficient Voucher and Authority.

Given under my Hand, this Day of 184 .

J.P.

(S. 1.)

Recognizance of Bail.

BE it remembered, That on the Day of in the Year of our Lord *A.B.* of *Labourer, L.M.* of *Grocer,* and *N.O.* of *Butcher,* personally came before [*us*] the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each, of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition endorsed.

Taken and acknowledged the Day and Year first above mentioned at before us,

J.S.
J.N.

Condition in ordinary Cases.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*us*], the Justices within mentioned, for that [*&c., as in the Warrant*]; if therefore the said *A.B.* will appear at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of and there surrender himself into the Custody of the Keeper of the [*Common Gaol*] there, and plead to such Indictment as may be found against him by the Grand Jury for or in respect of the Charge aforesaid, and take his Trial upon the same, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition where the Defendant is entitled to a Traverse.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*me*], the Justice within mentioned, for that [*&c., as in the Warrant or Summons*]; if therefore the said *A.B.* will appear at the next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] to be holden in and for the County of and there plead to such Indictment as may be found against him by the Grand Jury for or in respect of the Charge aforesaid, and shall afterwards at the then next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery,] surrender himself into the Custody of the Keeper of the [*House of Correction*] there, and take his Trial upon the said Indictment, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S. 2.)

Notice of the said Recognizance to be given to the Accused and his Bail.

TAKE notice, That you *A.B.* of are bound in the Sum of and your [*Sureties, L.M. and N.O.*] in the Sum of each, that you *A.B.* appear, *&c.* [*as in the Condition*

tion of the Recognizance], and not depart the said Court without Leave; and unless you the said *A.B.* personally appear and plead, and take your Trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this Day of 184 .

J.S.

(S. 3.)

Certificate of Consent to Bail by the committing Justice endorsed on the Commitment.

I HEREBY certify, That I consent to the within-named *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each.

J.S.

(S. 4.)

The like, on a separate Paper.

WHEREAS *A.B.* was on the committed by me to the [*House of Correction*] at charged with [*&c., naming the Offence shortly*]:

I hereby certify, That I consent to the said *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each. Dated the Day of 184 .

J.S.

(S. 5.)

Warrant of Deliverance on Bail being given for a Prisoner already committed.

To the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of *Labourer*, hath before [*us, Two*] of Her Majesty's Justices of the Peace in and for the said County, entered into his own Recognizance, and found sufficient Sureties for his Appearance at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of to answer our Sovereign Lady the Queen, for that [*&c., as in the Commitment*], for which he was taken and committed to your said [*House of Correction*]: These are therefore to command you, in Her said Majesty's Name, that if the said *A.B.* do remain in your Custody in the said [*House of Correction*] for the said Cause, and for no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)
J.N. (L.S.)

(T. 1.)

Warrant of Commitment.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.* was this Day charged before me, *J.S.*, One of Her Majesty's Justices of the Peace in and for the said [*County*] of on the Oath of *C.D.* of *Farmer*, and others, for that [*&c., stating shortly the Offence*]: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until he shall be thence delivered by due Course of Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(T. 2.)

Gaoler's Receipt to the Constable for the Prisoner, and Justices Order thereon for Payment of the Constable's Expenses in executing the Commitment.

I HEREBY certify, That I have received from *W.T.*, Constable of the Body of *A.B.*, together with a Warrant under the Hand and Seal of *J.S.* Esquire, One of Her Majesty's Justices of the Peace for the [*County*] of ; and that the said *A.B.* was [sober, *or as the Case may be,*] at the Time he was so delivered into my Custody.

P.K.,
Keeper of the House of Correction
[*or* Common Gaol] at .

CONSTABLE'S

CONSTABLE'S EXPENSES: £ s. d.

For conveying the above *A.B.* from to [*by Railway*] at per Mile - - - - -
For conveying him to and from the Railway Station - - -
For Subsistence of Prisoner whilst in Custody after Commitment Days, at per Day - - - - -
For his Lodging Nights, at per Night - - -
Constable Days, at per Day - - - -
[*One*] Assistant [*if necessary*] Days, at per Day - -

Total £

To *R. W.* Esquire, Treasurer of the said [*County*] of .

WHEREAS *W. T.*, Constable of in the County of , hath produced unto me, *J.P.*, One of Her Majesty's Justices of the Peace in and for the said County of (wherein the Offence herein-after mentioned is alleged to have been committed), the above Receipt of *P.K.*, Keeper of the [*House of Correction*] at : And whereas, in pursuance of the Statute in such Case made and provided, I have ascertained that the Sum which ought to be paid to the said *W. T.* for conveying the said *A.B.* from in the said County of to the said *House of Correction* is and that the reasonable Expenses of the said *W. T.* in returning will amount to the further Sum of making together the Sum of : These are therefore to order you, as such Treasurer of the said County of to pay unto the said *W. T.* the said Sum of according to the Form of the Statute in such Case made and provided, for which Payment this Order shall be your sufficient Voucher and Authority.

Given under my Hand, this Day of 184 .

J.P.

Received the Day of 184 of the Treasurer of the [*County*] of the Sum of being the Amount of the above Order.

£ .

CAP. XLIII.

An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within *England* and *Wales*, with respect to summary Convictions and Orders.

[14th *August* 1848.]

'WHEREAS it would conduce much to the Improvement of the Administration of Justice within 'England and *Wales*, so far as respects summary Convictions, and Orders to be made by Her 'Majesty's Justices of the Peace therein, if the several Statutes and Parts of Statutes relating to the 'Duties of such Justices in respect of such summary Convictions and Orders were consolidated, with 'such Additions and Alterations as may be deemed necessary, and that such Duties should be clearly 'defined by such positive Enactment:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where an Information shall be laid before One or more of Her Majesty's Justices of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place within *England* or *Wales*, that any Person has committed or is suspected to have committed any Offence or Act within the Jurisdiction of such Justice or Justices for which he is liable by Law, upon a summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all Cases where a Complaint shall be made to any such Justice or Justices upon which he or they have or shall have Authority by Law to make any Order for the Payment of Money or otherwise, then and in every such Case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A.) directed to such Person, stating shortly the Matter of such Information or Complaint, and requiring him to appear at a certain Time and Place before the same Justice or Justices, or before such other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to answer to the said Information or Complaint, and to be further dealt with according to Law; and every such Summons shall be served by a Constable or other Peace Officer, or other Person to whom the same shall be delivered, upon the Person to whom it is so directed, by delivering the same to the Party personally, or by leaving the same with some Person for him at his last or most usual Place of Abode; and the Constable, Peace Officer, or Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any Case where the Application for any Order of Justices is by Law to be made *ex parte:* Provided also, that no Objection shall be taken or allowed to any Information, Complaint, or Summons, for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Informant or Complainant at the hearing of such Information or Complaint as herein-after

In all Cases where Information shall be laid or Complaint made of Offences committed, Justices may issue Summons to Persons to answer the same.

How Summons to be served.

Justices not obliged to issue Summonses in certain Cases.

No Objection allowed for Want of Form.

after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the hearing of the Case to some future Day.

If Summons be not obeyed, Justices may issue Warrant;

II. And be it enacted, That if the Person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by Oath or Affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable Time before the Time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information or Complaint to his or their Satisfaction, to issue his or their Warrant (B.) to apprehend the Party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; or upon such Information being laid as aforesaid for any Offence punishable on Conviction the Justice or Justices before whom such Information shall have been laid may, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information to his or their Satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C.) for apprehending the Person against whom such Information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information, and to be further dealt with according to Law; or if, where a Summons shall be so issued as aforesaid, and upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justice or Justices then present that such Summons was duly served upon such Party a reasonable Time before the Time so appointed for his Appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the hearing of such Information or Complaint, and to adjudicate thereon, as fully and effectually, to all Intents and Purposes, as if such Party had personally appeared before him or them in obedience to the said Summons.

or may issue Warrant in the first instance;

or if Summons, having been duly served, be not obeyed, the Justices may proceed ex parte.

Form of Warrant.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to any such Information or Complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constable of the Parish or other District within which the same is to be executed, without naming him, or to such Constable and all other Constables within the County or other District within which the Justice or Justices issuing such Warrant hath or have Jurisdiction, or generally to all the Constables within such last-mentioned County or District, and it shall state shortly the Matter of the Information or Complaint on which it is founded, and shall name or otherwise describe the Person against whom it has been issued, and it shall order the Constable or other Person to whom it is directed to apprehend the said Defendant, and to bring him before One or more Justice or Justices of the Peace (as the Case may require) of the same County, Riding, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; and that it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in full force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any Place within the County, Riding, Division, Liberty, City, Borough, or Place within which the Justices issuing the same shall have Jurisdiction, or, in case of fresh Pursuit, at any Place in the next adjoining County or Place within Seven Miles of the Border of such first-mentioned County, Riding, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable, Headborough, Tithingman, Borsholder, or other Peace Officer for any Parish, Township, Hamlet, or Place situate within the Limits of the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding that the Place in which such Warrant shall be executed shall not be within the Parish, Township, Hamlet, or Place for which he shall be such Constable, Headborough, Tithingman, Borsholder, or other Peace Officer; and such of the Provisions and Enactments contained in a certain Act of Parliament made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Persons charged with indictable Offences*, as to the backing of any Warrant, and the Indorsement thereon by a Justice of the Peace or other Officer, authorizing the Person bringing such Warrant, and all other Persons to whom the same was originally directed, to execute the same within the Jurisdiction of the Justice or Officer so making such Indorsement, as are applicable to the Provisions of this Act, shall extend to all such Warrants, and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a Manner as if the said several Provisions and Enactments were here repeated and made Parts of this Act: Provided always, that no Objection shall be taken or allowed to any such Warrant to apprehend a Defendant so issued upon any such Information or Complaint as aforesaid under

Where and how Warrant may be executed.

Certain Provisions of 11 & 12 Vict. c. 42. as to backing of Warrants to extend to Warrants issued under this Act.

No Objection allowed for Want of Form

in the Warrant, or for any Variance, &c.; but if the Party charged is deceived by the Variation, he may be committed or discharged upon Recognizance;

or by virtue of this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Informant or Complainant as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant,

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Description of the Property of Partners, &c.;

IV. And be it enacted, That in any Information or Complaint, or the Proceedings thereon, in which it shall be necessary to state the Ownership of any Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such Persons, and to state the Property to belong to the Person so named and another or others, as the Case may be, and whenever in any Information or Complaint, or the Proceedings thereon, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in Common,

of the Property of Counties;

it shall be sufficient to describe them in manner aforesaid; and whenever in any such Information or Complaint, or the Proceedings thereon, it shall be necessary to describe the Ownership of any Work or Building made, maintained, or repaired at the Expense of any County, Riding, Division, Liberty, City, Borough, or Place, or of any Materials for the making, altering, or repairing of the same, they may be therein described as the Property of the Inhabitants of such County, Riding, Division, Liberty, City,

of the Property in Goods provided for the Poor;

Borough, or Place respectively; and all Goods provided by Parish Officers for the Use of the Poor may in any such Information or Complaint, or the Proceedings thereon, be described as the Goods of the Churchwardens and Overseers of the Poor of the Parish, or of the Overseers of the Poor of the Township or Hamlet, or of the Guardians of the Poor of the Union to which the same belong, without

of the Property in Materials for Parish Roads;

naming any of them: and all Materials and Tools provided for the Repair of Highways at the Expense of Parishes or other Districts in which such Highways may be situate may be therein described as the Property of the Surveyor or Surveyors of such Highways respectively, without naming him or them;

of the Property in Materials for Turnpike Roads, &c.;

and all Materials or Tools provided for making or repairing any Turnpike Road, and Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, may be described as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them;

of the Property of Commissioners of Sewers.

and all Property of the Commissioners of Sewers of any District may be described as the Property of such Commissioners, without naming them.

Prosecution and Punishment of Aiders and Abettors in the Commission of Offences.

V. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or hereafter shall be punishable on summary Conviction shall be liable to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is or shall be by Law liable, and may be proceeded against and convicted either in the County, Riding, Division, Liberty, City, Borough, or Place where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Provisions of 11 & 12 Vict. c. 42. as to Justices in one County, &c. acting for another to extend to this Act.

VI. And be it enacted, That such of the Provisions and Enactments in the Act aforesaid made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to Persons charged with indictable Offences*, whereby a Justice of the Peace for one County, Riding, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Riding, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Riding, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby being a County of itself or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of this Act, in as full and ample a Manner as if the said Provisions and Enactments were here repeated and made Parts of this Act.

Power to Justice to summon Witnesses to attend and give Evidence;

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence in behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the hearing of such Information or Complaint, such Justice may and is hereby required to issue his Summons (G. 1.) to such Person under his Hand and Seal, requiring him to be and appear at a Time and

Place

Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Matter of the said Information or Complaint; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and that a reasonable Sum was paid or tendered to him for his Costs and Expenses in that Behalf,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (G. 2.) under his or their Hands and Seals to bring and have such Person, at a Time and Place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation, that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (G. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (G. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

If Summons be not obeyed, Justices may issue Warrant;

In certain Cases may issue Warrant in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

VIII. And be it enacted, That in all Cases of Complaints upon which a Justice or Justices of the Peace may make an Order for the Payment of Money or otherwise it shall not be necessary that such Complaint shall be in Writing, unless it shall be required to be so by some particular Act of Parliament upon which such Complaint shall be framed.

Complaints for an Order need not be in Writing.

IX. And be it declared and enacted, That in all Cases of Informations for any Offences or Acts punishable upon summary Conviction any Variance between such Information and the Evidence adduced in support thereof as to the Time at which such Offence or Act shall be alleged to have been committed shall not be deemed material, if it be proved that such Information was in fact laid within the Time limited by Law for laying the same; and any Variance between such Information and the Evidence adduced in Support thereof as to the Parish or Township in which the Offence or Act shall be alleged to have been committed shall not be deemed material, provided that the Offence or Act be proved to have been committed within the Jurisdiction of the Justice or Justices by whom such Information shall be heard and determined; and if any such Variance, or any Variance in any other respect between such Information and the Evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the Hearing to be such that the Party charged by such Information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

As to Proceedings upon Informations for Offences punishable on summary Convictions.

The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

X. And be it declared and enacted, That every such Complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by Law to make an Order, and that every Information for any Offence or Act punishable upon summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any Oath or Affirmation being made of the Truth thereof; except in Cases of Informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the Defendant as aforesaid, and in every such Case where the Justice or Justices shall issue his or their Warrant in the first instance the Matter of such Information shall be substantiated by the Oath or Affirmation of the Informant, or by some Witness or Witnesses on his Behalf, before any such Warrant shall be issued; and every such Complaint shall be for One Matter of Complaint only, and not for Two or more Matters of Complaint;

Manner of making Complaint or laying Information.

When Warrant issued in the first instance, Information to be upon Oath, &c.

and every such Information shall be for One Offence only, and not for Two or more Offences; and every such Complaint or Information may be laid or made by the Complainant or Informant in Person, or by his Counsel or Attorney or other Person authorized in that Behalf.

Time limited for such Complaint or Information.

XI. And be it enacted, That in all Cases where no Time is already or shall hereafter be specially limited for making any such Complaint or laying any such Information in the Act or Acts of Parliament relating to each particular Case, such Complaint shall be made and such Information shall be laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose.

As to the Hearing of Complaints and Informations.

XII. And be it enacted, That every such Complaint and Information shall be heard, tried, determined, and adjudged by One or Two or more Justice or Justices of the Peace, as shall be directed by the Act of Parliament upon which such Complaint or Information shall be framed, or such other Act or Acts of Parliament as there may be in that Behalf; and if there be no such Direction in any such Act of Parliament, then such Complaint or Information may be heard, tried, determined, and adjudged by any One Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where the Matter of such Information shall have arisen; and the Room or Place in which such Justice or Justices shall sit to hear and try any such Complaint or Information shall be deemed an open and public Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Party against whom such Complaint is made or Information laid shall be admitted to make his full Answer and Defence thereto, and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and every Complainant or Informant in any such Case shall be at liberty to conduct such Complaint or Information respectively and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf.

Places in which Justices shall sit to hear Complaints, &c. to be deemed an open Court.

Parties may plead by Counsel or Attorney.

If Defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the Hearing till Defendant is apprehended.

XIII. And be it enacted, That if at the Day and Place appointed in and by the Summons aforesaid for hearing and determining such Complaint or Information, the Defendant against whom the same shall have been made or laid shall not appear when called, the Constable or other Person who shall have served him with the Summons in that Behalf shall then declare upon Oath in what Manner he served the said Summons; and if it appear to the Satisfaction of any Justice or Justices that he duly served the said Summons, in that Case such Justice or Justices may proceed to hear and determine the Case in the Absence of such Defendant, or the said Justice or Justices, upon the Nonappearance of such Defendant as aforesaid, may, if he or they think fit, issue his or their Warrant in manner herein-before directed, and shall adjourn the Hearing of the said Complaint or Information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same County, Riding, Division, Liberty, City, Borough, or Place, who shall thereupon, either by his or their Warrant (H.), commit such Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or, if he or they think fit, verbally to the Custody of the Constable or other Person who shall have apprehended him, or to such other safe Custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain Time and Place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due Notice; or if upon the Day and at the Place so appointed as aforesaid such Defendant shall attend voluntarily in obedience to the Summons in that Behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the Complainant or Informant, having had such Notice as aforesaid, do not appear, by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such Complaint or Information, unless for some Reason he or they shall think proper to adjourn the Hearing of the same unto some other Day, upon such Terms as he or they shall think fit, in which Case such Justice or Justices may commit (D.) the Defendant in the meantime to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant; but if both Parties appear, either personally or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such Complaint or Information, then the said Justice or Justices shall proceed to hear and determine the same.

If Defendant appear, and Complainant, &c. does not, Justice may dismiss the Complaint, &c. or adjourn Hearing and commit or discharge Defendant upon Recognizances; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both Parties appear, Justice to hear and determine the Case.

Proceedings on the hearing of Complaints and Informations.

XIV. And be it enacted, That where such Defendant shall be present at such Hearing the Substance of the Information or Complaint shall be stated to him, and he shall be asked if he have any Cause to show why he should not be convicted, or why an Order should not be made against him, as the Case may be, and if he thereupon admit the Truth of such Information or Complaint, and show no Cause or no sufficient Cause why he should not be convicted, or why an Order should not be made against him, as the Case may be, then the Justice or Justices present at the said Hearing shall convict him or make an Order against him accordingly; but if he do not admit the Truth of such Information

or Complainant as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine and such other Evidence as he may adduce, in support of his Information or Complaint respectively, and also to hear the Defendant and such Witnesses as he may examine and such other Evidence as he may adduce in his Defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any Evidence other than as to his the Defendant's general Character; but the Prosecutor or Complainant shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant be entitled to make any Observations in reply upon the Evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each Party shall have to say as aforesaid, and the Witnesses and Evidence so adduced, shall consider the whole Matter, and determine the same, and shall convict or make an Order upon the Defendant, or dismiss the Information or Complaint, as the Case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no Fee shall be paid, and the Conviction (I. 1–3.) or Order (K. 1–3.) shall afterwards be drawn up by the said Justice or Justices in proper Form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace, to be by him filed among the Records of the General Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such Information or Complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an Order of Dismissal of the same (L.), and shall give the Defendant in that Behalf a Certificate thereof (M.), which said Certificate afterwards, upon being produced, without further Proof, shall be a Bar to any subsequent Information or Complaint for the same Matters respectively against the same Party: Provided always, that if the Information or Complaint in any such Case shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that Behalf to prove such Negative, but the Defendant may prove the Affirmative thereof in his Defence, if he would have Advantage of the same. Proviso.

Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c.

XV. And be it enacted, That every Prosecutor of any such Information, not having any pecuniary Interest in the Result of the same, and every Complainant in any such Complaint as aforesaid, whatever his Interest may be in the Result of the same, shall be a competent Witness to support such Information or Complaint respectively; and every Witness at any such Hearing as aforesaid shall be examined upon Oath or Affirmation, and the Justice or Justices before whom any such Witness shall appear for the Purpose of being so examined shall have full Power and Authority to administer to every such Witness the usual Oath or Affirmation.

Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance;

XVI. And be it enacted, That before or during such Hearing of any such Information or Complaint it shall be lawful for any One Justice, or for the Justices present, in their Discretion, to adjourn the Hearing of the same to a certain Time and Place to be then appointed and stated in the Presence and Hearing of the Party or Parties, or their respective Attornies or Agents then present, and in the meantime the said Justice or Justices may suffer the Defendant to go at large, or may commit (D.) him to the Common Gaol or House of Correction or other Prison, Lock-up House, or Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall be then acting, or to such other safe Custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned; and if at the Time or Place to which such Hearing or further Hearing shall be so adjourned either or both of the Parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such Hearing or further Hearing as if such Party or Parties were present; or if the Prosecutor or Complainant shall not appear, the said Justice or Justices may dismiss such Information or Complaint, with or without Costs, as to such Justices shall seem fit: Provided always, that in all Cases where a Defendant shall be discharged on Recognizance as aforesaid, and shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Non-appearance of the said Defendant. but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Form of Convictions and Orders.

XVII. And be it enacted, That in all Cases of Conviction where no particular Form of such Conviction is or shall be given by the Statute creating the Offence or regulating the Prosecution for the same, and in all Cases of Conviction upon Statutes hitherto passed, whether any particular Form of Conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their Conviction on Parchment or on Paper in such one of the Forms of Conviction (I. 1–3.) in the Schedule to this Act contained as shall be applicable to such Case, or to the like Effect; and where an Order shall be made, and no particular Form of Order is or shall be given by the Statute giving Authority to make such Order, and in all Cases of Orders to be made under the Authority of any Statutes hitherto

hitherto passed, whether any particular Form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made to draw up the same in such one of the Forms of Orders (K. 1–3.) in the Schedule to this Act contained as may be applicable to such Case, or to the like Effect; and in all Cases where by any Act of Parliament Authority is given to commit a Person to Prison, or to levy any Sum upon his Goods or Chattels by Distress, for not obeying any Order of a Justice or Justices, the Defendant shall be served with a Copy of the Minute of such Order before any Warrant of Commitment or of Distress shall issue in that Behalf, and such Order or Minute shall not form any Part of such Warrant of Commitment or of Distress.

Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress.

XVIII. And be it enacted, That in all Cases of summary Conviction or of Orders made by a Justice or Justices of the Peace it shall be lawful for the Justice or Justices making the same, in his or their Discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such Costs as to such Justice or Justices shall seem just and reasonable in that Behalf; and in Cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the Information or Complaint, it shall be lawful for him or them, in his or their Discretion, in and by his or their Order of Dismissal to award and order that the Prosecutor or Complainant respectively shall pay to the Defendant such Costs as to such Justice or Justices shall seem just and reasonable, and the Sums so allowed for Costs shall in all Cases be specified in such Conviction or Order or Order of Dismissal aforesaid, and the same shall be recoverable in the same Manner and under the same Warrants as any Penalty or Sum of Money adjudged to be paid in and by such Conviction or Order is to be recoverable; and in Cases where there is no such Penalty or Sum to be thereby recovered then such Costs shall be recoverable by Distress and Sale of the Goods and Chattels of the Party, and in default of such Distress by Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month unless such Costs shall be sooner paid.

Power to Justice to issue Warrant of Distress.

XIX. And be it enacted, That where a Conviction adjudges a pecuniary Penalty or Compensation to be paid, or where an Order requires the Payment of a Sum of Money, and by the Statute authorizing such Conviction or Order, such Penalty, Compensation, or Sum of Money is to be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof, and also in Cases where by the Statute in that Behalf no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing the Payment of the same, is stated or provided, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Distress (N. 1. 2.) for the Purpose of levying the same, which said Warrant of Distress shall be in Writing under the Hand and Seal of the Justice

How Warrant to be backed.

making the same; and if after Delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed sufficient Distress shall not be found within the Limits of the Jurisdiction of the Justice granting such Warrant, then, upon Proof alone being made on Oath of the Handwriting of the Justice granting such Warrant before any Justice of any other County or Place, such Justice of such other County or Place shall thereupon make an Indorsement (N. 3.) on such Warrant, signed with his Hand, authorizing the Execution of such Warrant within the Limits of his Jurisdiction, by virtue of which said Warrant and Indorsement the Penalty or Sum aforesaid, and Costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the Person bringing such Warrant, or by the Person or Persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last-mentioned County or Place, by Distress and Sale of the Goods and Chattels of the Defendant in such other County or Place: Provided always, that

Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison.

whenever it shall appear to any Justice of the Peace to whom Application shall be made for any such Warrant of Distress as aforesaid that the issuing thereof would be ruinous to the Defendant and his Family, or wherever it shall appear to such Justice, by the Confession of the Defendant or otherwise, that he hath no Goods or Chattels whereon to levy such Distress, then and in every such Case it shall be lawful for such Justice, if he shall deem it fit, instead of issuing such Warrant of Distress, to commit such Defendant to the House of Correction, or if there be no House of Correction within his Jurisdiction then to the Common Gaol, there to be imprisoned, with or without hard Labour, for such Time and in such Manner as by Law such Defendant might be so committed in case such Warrant of Distress had issued, and no Goods or Chattels could be found whereon to levy such Penalty or Sum and Costs aforesaid.

Justice, after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, until Return be made, unless he gives Security by Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance

XX. And be it enacted, That in all Cases where a Justice of the Peace shall issue any such Warrant of Distress it shall be lawful for him to suffer the Defendant to go at large, or verbally or by a written Warrant in that Behalf, to order the Defendant to be kept and detained in safe Custody until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient Security, by Recognizance or otherwise, to the Satisfaction of such Justice, for his Appearance before him at the Time and Place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same County, Riding, Division, Liberty, City, Borough, or Place as may then be there: Provided always, that in all Cases where a Defendant shall give Security by Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like

Manner

Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant. to the Clerk of the Peace.

XXI. And be it enacted, That if at the Time and Place appointed for the Return of any such Warrant of Distress the Constable who shall have had the Execution of the same shall return (N. 4.) that he could find no Goods or Chattels or no sufficient Goods or Chattels whereon he could levy the Sum or Sums therein mentioned, together with the Costs of or occasioned by the levying of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned to issue his Warrant of Commitment (N. 5.) under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress, and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or if there be no House of Correction then to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, in such Manner and for such Time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid. In default of Sufficiency of Distress, Justice may commit Defendant to Prison.

XXII. 'And whereas by some Acts of Parliament Justices of the Peace are authorized to issue 'Warrants of Distress to levy Penalties or other Sums recovered before them by Distress and Sale of the 'Offender's Goods, but no further Remedy is thereby provided in case no sufficient Distress be found 'whereon to levy such Penalties:' Be it therefore enacted, That in all such Cases, and in all Cases of Convictions or Orders where the Statute on which the same are respectively founded provides no Remedy in case it shall be returned to a Warrant of Distress thereon that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice to whom such Return is made, or to any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, if he or they shall think fit, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol as aforesaid for any Term not exceeding Three Calendar Months, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison (the Amount thereof being ascertained and stated in such Commitment) shall be sooner paid. In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison.

XXIII. And be it enacted, That in all Cases where the Statute by virtue of which a Conviction for a Penalty or Compensation, or an Order for the Payment of Money, is made, makes no Provision for such Penalty or Compensation or Sum being levied by Distress, but directs that if the same be *not* paid forthwith or within a certain Time therein mentioned or to be mentioned in such Conviction or Order, the Defendant shall be imprisoned, or imprisoned and kept to hard Labour, for a certain Time, unless such Penalty, Compensation, or Sum shall be sooner paid, in every such Case such Penalty, Compensation, or Sum shall not be levied by Distress; but if the Defendant do not pay the same, together with Costs, if awarded, forthwith, or at the Time specified in such Conviction or Order for the Payment of the same, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (O. 1. 2.) under his or their Hand and Seal, or Hands and Seals, requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the County, Riding, Division, Liberty, City, Borough, or Place aforesaid, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct, unless the Sum or Sums adjudged to be paid, and also the Costs and Charges of taking and conveying the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid. Power to Justices to order Commitment in the first instance for Non-payment of a Penalty or of a Sum ordered to be paid.

XXIV. And be it enacted, That where a Conviction does not order the Payment of any Penalty, but that the Defendant be imprisoned, or imprisoned and kept to hard Labour, for his Offence, or where an Order is not for the Payment of Money, but for the doing of some other Act, and directs that in case of the Defendant's Neglect or Refusal to do such Act he shall be imprisoned or imprisoned and kept to hard Labour, and the Defendant neglects or refuses to do such Act, in every such Case it shall be lawful for such Justice or Justices making such Conviction or Order or for some other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place to issue his or their Warrant of Commitment (P. 1. 2.) under his or their Hand and Seal or Hands and Seals, and requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the same County, Riding, Division, Liberty, City, Borough, or Place, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct; and in all such Cases, where by such Conviction or Order any Sum for Power to Justices to order Commitment where the Conviction is not for a Penalty, nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c.

Costs may be levied by Dis-

tress, and in default Defendant may be committed for a further Term.

for Costs shall be adjudged to be paid by the Defendant to the Prosecutor or Complainant, such Sum may, if the Justice or Justices shall think fit, be levied by Warrant of Distress (P. 3. 4.) in manner aforesaid, and in default of Distress the Defendant may, if such Justice or Justices shall think fit, be committed (P. 5.) to the same House of Correction or Common Gaol in manner aforesaid, there to be imprisoned for any Time not exceeding One Calendar Month, to commence at the Termination of the Imprisonment he shall then be undergoing, unless such Sum for Costs, and all Costs and Charges of the said Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Imprisonment for a subsequent Offence to commence at Expiration of that for previous Offence.

XXV. And be it enacted, That where a Justice or Justices of the Peace shall upon any such Information or Complaint as aforesaid adjudge the Defendant to be imprisoned, and such Defendant shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, the Warrant of Commitment for such subsequent Offence shall in every such Case be forthwith delivered to the Gaoler to whom the same shall be directed; and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby that the Imprisonment for such subsequent Offence shall commence at the Expiration of the Imprisonment to which such Defendant shall have been previously adjudged or sentenced.

If Information be dismissed Costs may be recovered by Distress upon Prosecutor, &c. who in default may be committed.

XXVI. And be it enacted, That where any Information or Complaint shall be dismissed with Costs as aforesaid, the Sum which shall be awarded for Costs in the Order for Dismissal may be levied by Distress (Q. 1.) on the Goods and Chattels of the Prosecutor or Complainant in manner aforesaid; and in default of Distress or Payment such Prosecutor or Complainant may be committed (Q. 2.) to the House of Correction or Common Gaol in manner aforesaid, for any Time not exceeding One Calendar Month, unless such Sum and all Costs and Charges of the Distress, and of the Commitment and conveying of such Prosecutor or Complainant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

After Appeal against Conviction or Order Justice may issue Warrants of Distress for Execution of the same.

Costs of Appeal, how recovered.

XXVII. And be it enacted, That after an Appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favour of the Respondents, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace of the same County, Riding, Division, Liberty, City, Borough, or Place, may issue such Warrant of Distress or Commitment as aforesaid for Execution of the same, as if no such Appeal had been brought; and if upon any such Appeal the Court of Quarter Sessions shall order either Party to pay Costs, such Order shall direct such Costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the Party entitled to the same, and shall state within what Time such Costs shall be paid; and if the same shall not be paid within the Time so limited, and the Party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such Costs, such Clerk of the Peace or his Deputy, upon Application of the Party entitled to such Costs, or of any Person on his Behalf and on Payment of a Fee of One Shilling, shall grant to the Party so applying a Certificate (R.) that such Costs have not been paid; and upon Production of such Certificate to any Justice or Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, it shall be lawful for him or them to enforce the Payment of such Costs by Warrant of Distress (S. 1.) in manner aforesaid, and in default of Distress he or they may commit (S. 2.) the Party against whom such Warrant shall have issued in manner herein-before mentioned for any Time not exceeding Three Calendar Months, unless the Amount of such Costs, and all Costs and Charges of the Distress and also the Costs of the Commitment and conveying of the said Party to Prison, if such Justice or Justices shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged.

XXVIII. And be it enacted, That in all Cases where any Person against whom a Warrant of Distress shall issue as aforesaid shall pay or tender to the Constable having the Execution of the same the Sum or Sums in such Warrant mentioned, together with the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Constable shall cease to execute the same; and in all Cases in which any Person shall be imprisoned as aforesaid for Nonpayment of any Penalty or other Sum he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned the Sum in the Warrant of Commitment mentioned, together with the Amount of the Costs, Charges, and Expenses, (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such Person, if he be in his Custody for no other Matter.

In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c. and after Conviction or Order may issue Warrant of Distress, &c.

XXIX. And be it enacted, That in all Cases of summary Proceedings before a Justice or Justices of the Peace out of Sessions upon any Information or Complaint as aforesaid it shall be lawful for One Justice to receive such Information or Complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the Attendance of any Witnesses, and to do all other necessary Acts and Matters preliminary to the hearing, even in Cases where by the Statute in that Behalf such Information or Complaint must be heard and determined by Two or more Justices; and after the Case shall have been so heard and determined One Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such hearing shall be the Justice or One of the Justices by whom the said Case shall be heard and determined: Provided always, that in all Cases where by Statute it is or shall be required that any such Information or Complaint shall be heard and determined by Two or more Justices, or that a Conviction or Order shall be made by Two or more Justices, such Justices must be present and acting together during the whole of the hearing and Determination of the Case.

XXX. And

Regulations as to the Payment of Clerks Fees.

XXX. And be it enacted, That the Fees to which any Clerk of the Peace, Clerk of the Special Sessions, or Clerk of the Petty Sessions, or Clerk to any Justice or Justices out of Sessions, shall be entitled shall be ascertained, appointed, and regulated in manner following; (that is to say,) the Justices of the Peace at their Quarter Sessions for the several Counties, Ridings, Divisions of Counties, and Liberties throughout *England* and *Wales*, and the Council or other governing Body of every Borough in *England* and *Wales*, shall, from Time to Time as they shall see fit respectively, make Tables of the Fees which in their Opinion should be paid to the Clerks of the Peace, to the Clerks of Special and Petty Sessions, and to the Clerks of the Justices of the Peace within their several Jurisdictions, and which said Tables respectively, being signed by the Chairman of every such Court of Quarter Sessions, or by the Mayor or other head Officer of any such Borough respectively, shall be laid before Her Majesty's Principal Secretary of State; and it shall be lawful for such Secretary of State, if he thinks fit, to alter such Table or Tables of Fees, and to subscribe a Certificate or Declaration that such Fees are proper to be demanded and received by the several Clerks of the Peace, Clerks of Special Sessions and Petty Sessions, and the Clerks to the several Justices of the Peace throughout *England* and *Wales*; and such Secretary of State shall cause Copies of such Table or Set of Tables of Fees to be transmitted to the several Clerks of the Peace throughout *England* and *Wales*, to be by them distributed to the several Clerks of Special Sessions and Petty Sessions and to the Clerks to the Justices within their several Districts respectively; and if after such Copy shall be received by such Clerks or Clerk he or they shall demand or receive any other or greater Fee or Gratuity for any Business or Act transacted or done by him as such Clerk than such as is set down in such Table or Set of Tables, he shall forfeit for every such Demand or Receipt the Sum of Twenty Pounds, to be recovered by Action of Debt in any of the Superior Courts of Law at *Westminster*, by any Person who will sue for the same: Provided always, that until such Table or Set of Tables shall be framed and confirmed and distributed as aforesaid it shall be lawful for such Clerk or Clerks to demand and receive such Fees as they are now by any Rule or Regulation of a Court of Quarter Sessions or otherwise authorized to demand and receive.

Regulations as to whom Penalties, &c. to be paid.

XXXI. And be it enacted, That in every Warrant of Distress to be issued as aforesaid the Constable or other Person to whom the same shall be directed shall be thereby ordered to pay the Amount of the Sum to be levied thereunder unto the Clerk of the Division in which the Justice or Justices issuing such Warrant shall usually act; and if any Person convicted of any Penalty, or ordered by a Justice or Justices of the Peace to pay any Sum of Money, shall pay the same to any Constable or other Person, such Constable or other Person shall forthwith pay the same to such Clerk; and if any Person committed to Prison upon any Conviction or Order as aforesaid for Nonpayment of any Penalty, or of any Sum thereby ordered to be paid, shall desire to pay the same and Costs before the Expiration of the Time for which he shall be so ordered to be imprisoned by the Warrant for his Commitment, he shall pay the same to the Gaoler or Keeper of the Prison in which he shall be so imprisoned, and such Gaoler or Keeper shall forthwith pay the same to the said Clerk; and all Sums so received by the said Clerk shall forthwith be paid by him to the Party or Parties to whom the same respectively are to be paid, according to the Directions of the Statute on which the Information or Complaint in that Behalf shall have been framed; and if such Statute shall contain no such Directions for the Payment thereof to any Person or Persons, then such Clerk shall pay the same to the Treasurer of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall have acted, and for which such Treasurer shall give him a Receipt without Stamp; and every such Clerk, and every such Gaoler or Keeper of a Prison, shall keep a true and exact Account of all such Monies received by him, of whom and when received, and to whom and when paid, in the Form (T.) in the Schedule to this Act annexed, or to the like Effect, and shall once in every Month render a fair Copy of every such Account unto the Justices who shall be assembled at the Petty Sessions for the Division in which such Justice or Justices aforesaid shall usually act, to be holden on or next after the First Day of every Month, under the Penalty of Forty Shillings, to be recovered by Distress in manner aforesaid; and the said Clerk shall send or deliver every Return so made by him as aforesaid to the Clerk of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place within which such Division shall be situate, at such Times as the Court of Quarter Sessions for the same shall order in that Behalf.

Clerks to keep Accounts of all Monies received, &c., in the Form in Schedule to this Act, and render the same to the Justices at Sessions.

Forms in Schedule valid.

XXXII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law.

Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone.

XXXIII. And be it enacted, That any One of the Magistrates appointed or hereafter to be appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the Metropolitan Police District, and every Stipendiary Magistrate appointed or to be appointed for any other City, Town, Liberty, Borough, or Place, and sitting at a Police Court or other Place appointed in that Behalf, shall have full Power to do alone whatsoever is authorized by this Act to be done by any One or more Justice or Justices of the Peace; and that the several Forms herein-after mentioned may be varied, so far as it may be necessary to render them applicable to the Police Courts aforesaid, or to the Court or other Place of sitting of such Stipendiary Magistrate; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, or in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, or in an Act passed in the same Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, or in an Act passed in the Fourth Year of the Reign of Her present

Nothing to affect Powers, &c. contained in 10 G. 4. c. 44., 2 & 3 Vict. cc. 47. 71., and 3 & 4 Vict. c. 84.

Majesty, intituled *An Act for better defining the Powers of Justices within the Metropolitan Police District.*

The Lord Mayor, or any Alderman of London, may act alone.

XXXIV. And be it enacted, That it shall be lawful for the Lord Mayor of the City of *London*, or for any Alderman of the said City, for the Time being, sitting at the Mansion House or Guildhall Justice Rooms in the said City, to do alone any Act, at either of the said Justice Rooms, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice; and that nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police in the City of* London.

Nothing to affect Powers, &c. contained in 2 & 3 Vict. c. 94.

To what this Act shall not extend.

XXXV. And be it enacted, That nothing in this Act shall extend or be construed to extend to any Warrant or Order for the Removal of any poor Person who is or shall become chargeable to any Parish, Township, or Place; nor to any Complaints or Orders made with respect to Lunatics, or the Expenses incurred for the Lodging, Maintenance, Medicine, Clothing, or Care of any Lunatic or insane Person; nor to any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office; nor shall anything in this Act extend or be construed to extend to any Complaints, Orders, or Warrants in Matters of Bastardy made against the putative Father of any Bastard Child, save and except such of the Provisions aforesaid as relate to the backing of Warrants for compelling the Appearance of such putative Father or Warrants of Distress, or to the levying of Sums ordered to be paid, or to the Imprisonment of a Defendant for Nonpayment of the same; nor shall anything in this Act extend to any Proceedings under the Acts of Parliament regulating or otherwise relating to the Labour of Children and young Persons in Mills or Factories.

After Commencement of this Act the following Statutes and Parts of Statutes repealed:
18 Eliz. c. 5. s. 1. in part.
31 Eliz. c. 5. s. 5. in part.
27 G. 2. c. 20. ss. 1, 2.
18 G. 3. c. 19. ss. 1, 2, 3. 5.
33 G. 3. c. 55. s. 3.
3 G. 4. c. 23.
5 G. 4. c. 18.
6 & 7 W. 4. c. 114. s. 2.

XXXVI. And be it enacted, That the following Statutes and Parts of Statutes shall from and after the Day on which this Act shall commence and take effect, be and the same are hereby repealed; (that is to say,) so much of a certain Act of Parliament made and passed in the Eighteenth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act to redress Disorders in Common Informers*, as relates to exhibiting an Information and pursuing the same in Person, and not by any Attorney or Deputy; and so much of a certain other Act made and passed in the Thirty-first Year of the Reign of Her said Majesty Queen *Elizabeth*, intituled *An Act concerning Informers*, as relates to the Time limited for exhibiting an Information for a Forfeiture upon any Penal Statute; and so much of a certain other Act made and passed in the Twenty-seventh Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more easy and effectual proceeding upon Distresses to be made by Warrants of Justices of the Peace*, as relates to such Distresses; and so much of an Act made and passed in the Eighteenth Year of His late Majesty King *George* the Third, intituled *An Act for the Payment of Costs to Parties on Complaints determined before Justices of the Peace out of Sessions, for the Payment of the Charges of Constables in certain Cases, and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny or other Felony*, as relates to such Costs on the said Complaints; and so much of a certain other Act made and passed in the Thirty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers for Neglect of Duty, and on Masters of Apprentices for ill Usage of such their Apprentices, and also to make Provision for the Execution of Warrants of Distress granted by Magistrates*, as relates to the Executions of such Warrants of Distress; and a certain other Act made and passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*; and a certain other Act made and passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*; and so much of a certain Act made and passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Persons accused, in Cases of summary Convictions, to make their Defence, and to have all Witnesses examined and cross-examined, by Counsel or Attorney; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

Act to extend to Berwick-upon-Tweed, but not to Scotland, &c., except as to backing of Warrants under 11 & 12 Vict. c. 42.

XXXVII. And be it enacted, That the Town of *Berwick-upon-Tweed* shall be deemed to be within *England* for all the Purposes of this Act; but that nothing in this Act shall extend or be construed to extend to *Scotland* or *Ireland*, or to the Isles of *Man, Jersey, Guernsey, Alderney*, or *Sark*, save and except the several Provisions respecting the backing of Warrants contained in an Act of Parliament passed in this present Session, intituled *An Act to facilitate the Performance of the Duties of Justices of Sessions within* England *and* Wales *with respect to Persons charged with indictable Offences*, and incorporated into this Act, as aforesaid.

Commencement of Act.

XXXVIII. And be it enacted, That this Act shall commence and take effect from the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight.

Act may be amended, &c.

XXXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE.

(A.)

Summons to the Defendant upon an Information or Complaint.

To *A.B.* of *Labourer.*

WHEREAS Information hath this Day been laid [*or* Complaint hath this Day been made] before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you [*here state shortly the Matter of the Information or Complaint*]: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said County as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(B.)

Warrant where the Summons is disobeyed.

To the Constable of and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that *A.B.* [*&c., as in the Summons*]: And whereas I then issued my Summons unto the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said County as might then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath now been proved to me upon Oath that the said Summons hath been duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said County, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(C.)

Warrant in the first instance.

To the Constable of and to all other Peace Officers in the said [*County*] of .

WHEREAS Information hath this Day been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*here state shortly the Matter of the Information*]; and Oath being now made before me substantiating the Matter of such Information, These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.* and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said County, to answer to the said Information, and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(D.)

Warrant of Committal for safe Custody during an Adjournment of the Hearing.

To *W.T.*, Constable of and to the Keeper of the [*House of Correction*] at .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas the Hearing of the same is adjourned to the Day of instant at o'Clock in the Forenoon at and it is necessary that the said *A.B.* should in the meantime be kept in safe Custody: These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at , and there deliver him into the Custody of the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and there safely keep him until the Day of instant, when you are hereby required to convey and have him the said *A.B.*, at the Time and Place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said [*County*] as

may then be there, to answer further to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(E.)

Recognizance for the Appearance of the Defendant where the Case is adjourned, or not at once proceeded with.

BE it remembered, That on *A.B.* of *Labourer*, and *L.M.* of *Grocer*, personally came before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* the Sum of of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me, *J.S.*

The Condition of the within-written Recognizance is such, that if the said *A.B.* shall personally appear on the Day of instant at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the Information [*or* Complaint] of *C.D.* exhibited against the said *A.B.*, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

Notice of such Recognizance to be given to the Defendant and his Surety.

TAKE notice, That you *A.B.* are bound in the Sum of and you *L.M.* in the Sum of that you *A.B.* appear personally on at o'Clock in the Forenoon at before such Justices of the Peace for the said County as shall then be there, to answer further to a certain Information [*or* Complaint] of *C.D.*, the further hearing of which was adjourned to the said Time and Place, and unless you appear accordingly the Recognizance entered into by you *A.B.*, and by *L.M.* as your Surety, will forthwith be levied on you and him.

Dated this Day of 184 .

J.S.

(F.)

Certificate of Nonappearance to be endorsed on the Defendant's Recognizance.

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the said Condition mentioned, but therein hath made default, by reason whereof the within-written Recognizance is forfeited.

J.S.

(G. 1.)

Summons of a Witness.

To *E.F.* of in the said [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it hath been made to appear to me upon [*Oath*] that you are likely to give material Evidence on behalf of the [Prosecutor, *or* Complainant, *or* Defendant] in this Behalf: These are therefore to require you to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said County as may then be there, to testify what you shall know concerning the Matter of the said Information [*or* Complaint].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(G. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*];

Summons]; and it having been made to appear to me upon Oath that *E.F.* of in the said County, *Labourer*, was likely to give material Evidence on behalf of the [*Prosecutor*], I did duly issue my Summons to the said *E.F.*, requiring him to be and appear on at o'Clock in the Forenoon of the same Day at before such Justices of the Peace for the said County as might then be there, to testify what he should know concerning the said *A.B.*, or the Matter of the said Information [*or* Complaint]: And whereas Proof hath this Day been made before me upon Oath of such Summons having been duly served upon the said *E.F.*, and of a reasonable Sum having been paid [*or* tendered] to him for his Costs and Expenses in that Behalf: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse hath been offered for such Neglect: These are therefore to command you to take the said *E.F.*, and to bring and have him on at o'Clock in the Forenoon at before such Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(G. 3.)

Warrant for a Witness in the first instance.

To the Constable of and to all other Peace Officers in the [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it being made to appear before me upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence on behalf of the [*Prosecutor*] in this Matter, and it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E.F.* before me on at o'Clock in the Forenoon at or before such other Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(G. 4.)

Commitment of a Witness for refusing to be sworn or to give Evidence.

To *W.T.*, Constable of in the said [*County*] of and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and one *E.F.* now appearing before me such Justice as aforesaid on at and being required by me to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or* being now here duly sworn as a Witness in the Matter of the said Information or Complaint, doth refuse to answer certain Questions concerning the Premises which are now here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said *E.F.*, and him safely convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and there imprison him for such his Contempt for the Space of Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

H.

Warrant to remand a Defendant when apprehended.

To *W.T.*, Constable of and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., as in the Summons or Warrant*]: And whereas the said *A.B.* hath been apprehended under and by virtue of a Warrant upon such Information [*or* Complaint], and is now brought before me as such Justice as aforesaid:

aforesaid: These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at and there to deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until next the Day of instant, when you are hereby commanded to convey and have him at at o'Clock in the Forenoon of the same Day, before such Justices of the Peace of the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(I. 1.)

Conviction for a Penalty to be levied by Distress, and in default of sufficient Distress Imprisonment.

} BE it remembered, That on the Day of in the Year of our Lord
to wit. } at in the said [*County*], *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where committed*]; and I adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and also the Compensation, if any,*] to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] * I order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*, and in default of sufficient Distress * I adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said County [*there to be kept to hard Labour*] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, [*and of the Commitment and conveying of the said A.B. to the said House of Correction*] shall be sooner paid.

Given under my Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)

* *Or, where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to me [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or,* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], I adjudge," *&c., as above, to the End.*

(I. 2.)

Conviction for a Penalty, and in default of Payment Imprisonment.

} BE it remembered, That on the Day of in the Year of our Lord
to wit. } at in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where it was committed*]; and I adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and the Compensation, if any*], to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] I adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [*and there to be kept to hard Labour*] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said House of Correction,] shall be sooner paid.

Given under my Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)

(I. 3.)

Conviction when the Punishment is by Imprisonment, &c.

} BE it remembered, That on the Day of in the Year of our Lord
to wit. } in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where committed*]; and I adjudge the said *A.B.* for his said Offence to be imprisoned in the [*House of Correction*] at in the said [*County*] [*and there kept to hard Labour*] for the Space of and I also adjudge the said *A.B.* to pay the said *C.D.* the Sum of

of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next] then * I order that the said Sum be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf * I adjudge the said *A.B.* to be imprisoned in the said House of Correction [*and there kept to hard Labour*] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid.

Given under my Hand and Seal, the Day and Year first above mentioned, at in the County aforesaid.

J.S. (L.S.)

Or, where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then instead of the Words between the Asterisks, say,* "inasmuch as it hath now been made to appear to me [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sum for Costs by Distress], I adjudge," *&c.*

(K. 1.)

Order for Payment of Money to be levied by Distress, and in default of Distress Imprisonment.

} BE it remembered, That on Complaint was made before the undersigned, [*One*]
to wit. } of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties aforesaid appear before me the said Justice, [*or* the said *C.D.* appears before me the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to be and appear here at this Day before such Justices of the Peace for this said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, I do adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of forthwith, *or*, on or before next, *or as the Statute may require*], and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] * I hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf * I adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [*and there kept to hard Labour*] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress [*and of the Commitment and conveying of the said A.B. to the said House of Correction*], shall be sooner paid.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks, say,* "then, inasmuch as it hath now been made to appear to me [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], I adjudge," *&c.*

(K. 2.)

Order for Payment of Money, and in default of Payment, Imprisonment.

} BE it remembered, That on Complaint was made before the undersigned, [*One*]
to wit. } of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties aforesaid appear before me the said Justice [*or* the said *C.D.* appears before me the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to be and appear here on this Day before such Justices of the Peace for the said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, I do adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next], I adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said County [*there to be kept*

kept to hard Labour] for the Space of unless the said several Sums [*and the Costs and Charges of conveying the said A.B. to the said House of Correction*] shall be sooner paid.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(K. 3.)

Order for any other Matter where the disobeying of it is punishable with Imprisonment.

BE it remembered, That on Complaint was made before the undersigned, [*One*] to wit. of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*], and now at this Day, to wit, on at the Parties aforesaid appear before me, the said Justice, [*or* the said *C.D.* appears before me, the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon Oath that the said *A.B.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day, before such Justices of the Peace for the said County as should now be here, to answer to the said Complaint, and to be further dealt with according to Law,] and now, having heard the Matter of the said Complaint, I do therefore adjudge the said *A.B.* to [*here state the Matter required to be done*], and if upon a Copy of a Minute of this Order being served upon the said *A.B.* either personally or by leaving the same for him at his last or most usual Place of Abode, he shall neglect or refuse to obey the same, in that Case I adjudge the said *A.B.* for such his Disobedience to be imprisoned in the [*House of Correction*] at in the said County [*there to be kept to hard Labour*] for the Space of [unless the said Order be sooner obeyed, *if the Statute authorize this*]; and I do also adjudge the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next], I order the same to be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*, [and in default of sufficient Distress in that Behalf, I adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [*and there kept to hard Labour*] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L.)

Order of Dismissal of an Information or Complaint.

BE it remembered, That on Information was laid [*or* Complaint was made] to wit. before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Defendant*], and now at this Day, to wit, on at both the said Parties appear before me in order that I should hear and determine the said Information [*or* Complaint], [*or* the said *A.B.* appeareth before me, but the said *C.D.*, although duly called, doth not appear]; whereupon the Matter of the said Information [*or* Complaint] being by me duly considered, [it manifestly appears to me that the said Information [*or* Complaint] is not proved, and*] I do therefore dismiss the same, [and do adjudge that the said *C.D.* do pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before], I order that the same be levied by Distress and Sale of the Goods and Chattels of the said *C.D.*, and in default of sufficient Distress in that Behalf I adjudge the said *C.D.* to be imprisoned in the [*House of Correction*] at in the said County [*and there kept to hard Labour*] for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress [*and of the Commitment and conveying of the said C.D. to the said House of Correction*], shall be sooner paid.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

* *If the Informant or Complainant do not appear these Words may be omitted.*

(M.)

Certificate of Dismissal.

I HEREBY certify, That an Information [*or* Complaint] preferred by *C.D.* against *A.B.*, for that [*&c., as in the Summons*], was this Day considered by me, One of Her Majesty's Justices of the Peace in and for the [*County*] of and was by me dismissed [*with Costs*].

Dated this Day of 184 .

J.S.

(N. 1.)

Warrant of Distress upon a Conviction for a Penalty.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day [*or* on last past] duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* should for such his Offence forfeit and pay [*&c., as in the Conviction*], and should also pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said several Sums should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was thereby also adjudged that in default of sufficient Distress the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said County [*and there kept to hard Labour*] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House of Correction*], should be sooner paid: And whereas the said *A.B.* being so convicted as aforesaid, and being [*now*] required to pay the said Sums of and hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days next after the making of such Distress the said Sums, together with the reasonable Charges of taking and keeping the Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising by such Sale unto the Clerk of the Justices of the Peace for the Division of in the said [*County*] that he may pay and apply the same as by Law is directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto me, to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(N. 2.)

Warrant of Distress upon an Order for the Payment of Money.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS on last past, a Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before me [*or as in the Order*], and thereupon having considered the Matter of the said Complaint, I adjudged the said *A.B.* to [*pay to the said C.D. the Sum of on or before the then next*], and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and I thereby ordered that if the said several Sums should not be paid on or before the said then next, the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was adjudged that in default of sufficient Distress in that Behalf, the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said County [*and there kept to hard Labour*] for the Space of unless the said several Sums, and all Costs and Charges of the Distress, [*and of the Commitment and conveying of the said A.B. to the said House of Correction,*] should be sooner paid: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said *C.D.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale unto the Clerk of the Justices of the Peace for the Division of in the said [*County*] that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(N. 3.)

Endorsement in backing a Warrant of Distress.

to wit: WHEREAS Proof upon Oath hath this Day been made before me, One of Her Majesty's Justices of the Peace in and for the said County of that the Name of *J.S.* to the within Warrant

Warrant subscribed is of the Handwriting of the Justice of the Peace within mentioned: I do therefore authorize *W.T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said County of

Given under my Hand, this Day of 184

J.B.

(N. 4.)

Constable's Return to a Warrant of Distress.

I, *W.T.*, Constable of in the [*County*] of do hereby certify to *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the said County, that by virtue of this Warrant I have made diligent Search for the Goods and Chattels of the within-mentioned *A.B.*, and that I can find no sufficient Goods or Chattels of the said *A.B.* whereon to levy the Sums within mentioned.

Witness my Hand, this Day of 184 .

W.T.

(N. 5.)

Warrant of Commitment for Want of Distress.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in either of the foregoing Distress Warrants*, N. 1, 2, *to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, I, the said Justice, issued a Warrant to the Constable of commanding him to levy the said Sums of and by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the Sums above mentioned could be found: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [*and keep him to hard Labour*] for the Space of unless the said several Sums, and all the Costs and Charges of the said Distress [*and of the Commitment and conveying of the said A.B. to the said House of Correction*] amounting to the further Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(O. 1.)

Warrant of Commitment upon a Conviction for a Penalty in the first instance.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should forfeit and pay the Sum of [*&c., as in the Conviction*], and should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby further adjudged that if the said several Sums should not be paid [*forthwith*], the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said [*County*] [*and there kept to hard Labour*] for the Space of unless the said several Sums [*and the Costs and Charges of conveying the said A.B. to the said House of Correction*] should be sooner paid: And whereas the Time in and by the said Conviction appointed for the Payment of the said several Sums hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [*and keep him to hard Labour*] for the Space of unless the said several Sums [*and the Costs and Charges*

Charges of conveying him to the said [House of Correction] amounting to the further Sum of]
shall be sooner paid; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(O. 2.)

Warrant of Commitment on an Order in the first instance.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the Parties appeared before [*me*] the said Justice [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint I adjudged the said *A.B.* to pay to the said *C.D.* the Sum of on or before the Day of then next, and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and I also thereby adjudged that if the said several Sums should not be paid on or before the Day of then next, the said *A.B.* should be imprisoned in the *House of Correction* at in the said County [*and there kept to hard Labour*] for the Space of unless the said several Sums [*and the Costs and Charges of conveying the said A.B. to the said House of Correction*] should be sooner paid: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of Money hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely convey to the said *House of Correction* at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said *House of Correction* to receive the said *A.B.* into your Custody in the said *House of Correction*, there to imprison him [*and keep him to hard Labour*] for the Space of unless the said several Sums [*and the Costs and Charges of conveying him to the said House of Correction, amounting to the further Sum of* ,] shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 1.)

Warrant of Commitment on a Conviction where the Punishment is by Imprisonment.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was this Day duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the *House of Correction* at in the said County [*and there kept to hard Labour*] for the Space of : These are therefore to command you the said Constable of to take the said *A.B.*, and him safely convey to the *House of Correction* at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said *House of Correction* to receive the said *A.B.* into your Custody in the said *House of Correction*, there to imprison him [*and keep him to hard Labour*] for the Space of ; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 2.)

Warrant of Commitment on an Order where the disobeying of it is punishable by Imprisonment.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before me [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint I adjudged the said *A.B.* to [*&c., as in the Order*], and that if, upon a Copy of the Minute of that Order being duly served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Place of Abode, he should neglect or refuse to obey the same, it was adjudged that in such Case the said *A.B.* for

such his Disobedience should be imprisoned in the [*House of Correction*] at in the said County [*and there kept to hard Labour*] for the Space of [*unless the said Order should be sooner obeyed*]: And whereas it is now proved to me that after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but he then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Order: These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [*and keep him to hard Labour*] for the Space of , and for so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 3.)

Warrant of Distress for Costs upon a Conviction where the Offence is punishable by Imprisonment.

To the Constable of and to all other Peace Officers in the said [*County*] of .

WHEREAS *A.B.* of *Labourer*, was on last past duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County, for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the *House of Correction* at in the said County [*and there kept to hard Labour*] for the Space of ; and it was also thereby adjudged that the said *A.B.* should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said Sum of for Costs should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; [and it was adjudged that in default of sufficient Distress in that Behalf the said *A.B.* should be imprisoned in the said *House of Correction* [*and there kept to hard Labour*] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*, should be sooner paid:] And whereas the said *A.B.*, being so convicted as aforesaid, and being required to pay the said Sum of for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the Division of in the said [*County*], that he may pay the same as by Law directed, and may render the Surplus (if any), on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 4.)

Warrant of Distress for Costs upon an Order where the disobeying of the Order is punishable with Imprisonment.

To the Constable of and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at , the said Parties appeared before me, as such Justice as aforesaid [*or as it may be in the Order*], and thereupon, having considered the Matter of the said Complaint, I adjudged the said *A.B.* to [*&c., as in the Order*]; and that if upon a Copy of the Minute of that Order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Abode, he should neglect or refuse to obey the same, I adjudged that in such Case the said *A.B.* for such his Disobedience should be imprisoned in the *House of Correction* at in the said *County* [*and there kept to hard Labour*] for the Space of [*unless the said Order should be sooner obeyed*]; and I thereby also adjudged the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and I ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *A.B.*; [and in default of sufficient Distress in that Behalf I thereby adjudged that the said *A.B.* should be imprisoned in the said *House of Correction* [*and there kept to hard Labour*] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said *House*

House of Correction, should be sooner paid]: And whereas after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but the said *A.B.* did not then pay, nor hath he paid, the said Sum of for Costs or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the Division of in the said [*County*], that he may pay the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 5.)

Warrant of Commitment for Want of Distress in either of the last Two Cases.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Two Forms respectively to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, I the said *J.S.* issued a Warrant to the Constable of commanding him to levy the said Sum of for Costs, by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said *House of Correction*, to receive the said *A.B.* into your Custody in the said *House of Correction*, there to imprison him [*and keep him to hard Labour*] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [*and of the Commitment and conveying of the said A.B. to the said House of Correction,*] amounting to the further Sum of , shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant of Distress for Costs upon an Order for Dismissal of an Information or Complaint.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said *County*, for that [*&c., as in the Order of Dismissal*]; and afterwards, to wit, on at both Parties appearing before me in order that I should hear and determine the same, and the several Proofs adduced to me in that Behalf being by me duly heard and considered, and it manifestly appearing to me that the said Information [*or* Complaint] was not proved, I therefore dismissed the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in that Behalf; and I ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *C.D.*; [and I adjudged that in default of sufficient Distress in that Behalf the said *C.D.* should be imprisoned in the *House of Correction* at in the said County, *and there kept to hard Labour*, for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*, should be sooner paid]: (*) And whereas the said *C.D.*, being now required to pay unto the said *A.B.* the said Sum for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.D.*; and if, within the Space of Days next after the making of such Distress, the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the Division of in the said [*County*], that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand,

to

to the said *C.D.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under *my* Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, I the said Justice issued a Warrant to the Constable of commanding him to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said *C.D.*: And whereas it appears to me as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *C.D.*, but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constable of to take the said *C.D.*, and him safely convey to the *House of Correction* at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said *House of Correction* to receive the said *C.D.* into your Custody in the said *House of Correction*, there to imprison him [*and keep him to hard Labour*] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [*and of the Commitment and conveying of the said C.D. to the said House of Correction,*] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(R.)

Certificate of Clerk of the Peace that the Costs of an Appeal are not paid.

Office of the Clerk of the Peace for the [*County*] of

(*Title of the Appeal.*)

I HEREBY certify that at a Court of General Quarter Sessions of the Peace holden at in and for the said [*County*] on last past, an Appeal by *A.B.* against a Conviction [*or* Order] of *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the said [*County*], came on to be tried, and was then heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, and which Sum was thereby ordered to be paid to the Clerk of the Peace of the said County on or before the Day of instant, to be by him handed over to the said [*Respondent*]; and I further certify that the said Sum for Costs has not, nor has any Part thereof, been paid in obedience to the said Order. Dated the Day of *1849*.

G.H.
[*Deputy*] Clerk of the Peace.

(S. 1.)

Warrant of Distress for Costs of an Appeal against a Conviction or Order.

To the Constable of and to all other Peace Officers in the said [*County*] of

WHEREAS [*&c., as in the Warrants of Distress, N. 1, 2, ante, to the End of the Statement of the Conviction or Order, and then thus*]: And whereas the said *A.B.* appealed to the Court of General Quarter Sessions of the Peace for the said County against the said Conviction [*or* Order] in which Appeal the said *A.B.* was the Appellant, and the said *C.D.* [*or J.S.*, Esquire, the Justice of the Peace who made the said Conviction *or* Order] was the Respondent, and which said Appeal came on to be tried, and was heard and determined, at the last General Quarter Sessions of the Peace for the said County holden at on , and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, which said Sum was to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of *1849*, to be by him handed over to the said [*C.D.*]: And whereas the [*Deputy*] Clerk of the Peace of the said [*County*] hath, on the Day of instant,

instant, duly certified that the said Sum for Costs had not then been paid: (*) These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said [*A.B.*], and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the Division of in the said [*County*], that he may pay and apply the same as by Law directed, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.N. (L.S.)

(S. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, I the undersigned issued a Warrant to the Constable of commanding him to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said [*A.B.*], but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [*and keep him to hard Labour*] for the Space of unless the said Sum, and all Costs and Charges of the said Distress [*and of the Commitment and conveying of the said A.B. to the said House of Correction*], amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord in the [*County*] aforesaid.

J.N. (L.S.)

(T.)

Account of Clerk of the Justices at Petty Sessions, and of the Keeper of the Gaol or House of Correction.

MONTHLY RETURN to Her Majesty's Justices of the Peace at the Petty Sessions of the Peace for the Division of in the County of assembled on the Day of *1849*, of Fines, Penalties, and Sums of Money received by the Clerk of the said Court [*or* by the Keeper of the Gaol *or* House of Correction at], and how applied, from the Day of 18 to the Day of 18 .

Name of Party convicted.	Date.	Offence.	Costs.	Amount thereof paid.	Fine.	Amount thereof paid.	Amount of Fine received for County Rate.	Amount of Fine otherwise applied.	Punishment when Fine not paid.	Names of convicting Magistrates.	Reasons of Nonpayment, or other Observations.

(Signed)

Clerk to the said Court, *or* Keeper of the above Gaol *or* House of Correction.

CAP. XLIV.

An Act to protect Justices of the Peace from vexatious Actions for Acts done by them in execution of their Office. [14th *August* 1848.]

For an Act by a Justice within his Jurisdiction the Action shall be on the Case, and it shall be alleged to have been done maliciously, and without probable Cause.

WHEREAS it is expedient to protect Justices of the Peace in the Execution of their Duty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Action hereafter to be brought against any Justice of the Peace for any Act done by him in the Execution of his Duty as such Justice, with respect to any Matter within his Jurisdiction as such Justice, shall be an Action on the Case as for a Tort; and in the Declaration it shall be expressly alleged that such Act was done maliciously, and without reasonable and probable Cause; and if at the Trial of any such Action, upon the General Issue being pleaded, the Plaintiff shall fail to prove such Allegation, he shall be nonsuit, or a Verdict shall be given for the Defendant.

For an Act without or exceeding his Jurisdiction, Action may lie without such Allegation; but not under a Conviction or Order, until they have been quashed; nor under a Warrant to compel Appearance, if a Summons were previously served, and not obeyed.

II. And be it enacted, That for any Act done by a Justice of the Peace in a Matter of which by Law he has not Jurisdiction, or in which he shall have exceeded his Jurisdiction, any Person injured thereby, or by any Act done under any Conviction or Order made or Warrant issued by such Justice in any such Matter, may maintain an Action against such Justice in the same Form and in the same Case as he might have done before the passing of this Act, without making any Allegation in his Declaration that the Act complained of was done maliciously, and without reasonable and probable Cause: Provided nevertheless, that no such Action shall be brought for anything done under such Conviction or Order until after such Conviction shall have been quashed, either upon Appeal or upon Application to Her Majesty's Court of Queen's Bench; nor shall any such Action be brought for anything done under any such Warrant which shall have been issued by such Justice to procure the Appearance of such Party, and which shall have been followed by a Conviction or Order in the same Matter, until after such Conviction or Order shall have been so quashed as aforesaid; or if such last-mentioned Warrant shall not have been followed by any such Conviction or Order, or if it be a Warrant upon an Information for an alleged indictable Offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and he did not appear according to the Exigency of such Summons, in such Case no such Action shall be maintained against such Justice for anything done under such Warrant.

Action to be brought against the Justice making the Conviction.

III. And be it enacted, That where a Conviction or Order shall be made by One or more Justice or Justices of the Peace, and a Warrant of Distress or of Commitment shall be granted thereon by some other Justice of the Peace *bonâ fide* and without Collusion, no Action shall be brought against the Justice who so granted such Warrant by reason of any Defect in such Conviction or Order, or for any Want of Jurisdiction in the Justice or Justices who made the same, but the Action (if any) shall be brought against the Justice or Justices who made such Conviction or Order.

No Action for issuing a Distress Warrant irregularly.

IV. And be it enacted, That where any Poor Rate shall be made, allowed, and published, and a Warrant of Distress shall issue against any Person named and rated therein, no Action shall be brought against the Justice or Justices who shall have granted such Warrant by reason of any Irregularity or Defect in the said Rate, or by reason of such Person not being liable to be rated therein; and that in all Cases where a discretionary Power shall be given to a Justice of the Peace by any Act or Acts of Parliament, no Action shall be brought against such Justice for or by reason of the Manner in which he shall have exercised his Discretion in the Execution of any such Power.

No Action in the Exercise of discretionary Power.

If a Justice refuse to do an Act, the Court of Queen's Bench may by Rule order him to do it, and no Action shall be brought against him for doing it.

V. 'And whereas it would conduce to the Advancement of Justice, and render more effective and 'certain the Performance of the Duties of Justices, and give them Protection in the Performance of the 'same, if some simple Means, not attended with much Expense, were devised by which the Legality of 'any Act to be done by such Justices might be considered and adjudged by a Court of competent Juris-'diction, and such Justice enabled and directed to perform it without Risk of any Action or other 'Proceeding being brought or had against him:' Be it therefore enacted, That in all Cases where a Justice or Justices of the Peace shall refuse to do any Act relating to the Duties of his or their Office as such Justice or Justices, it shall be lawful for the Party requiring such Act to be done to apply to Her Majesty's Court of Queen's Bench, upon an Affidavit of the Facts, for a Rule calling upon such Justice or Justices, and also the Party to be affected by such Act to show Cause why such Act should not be done; and if after due Service of such Rule good Cause shall not be shown against it, the said Court may make the same absolute, with or without or upon Payment of Costs, as to them shall seem meet; and the said Justice or Justices upon being served with such Rule absolute shall obey the same, and shall do the Act required; and no Action or Proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices for having obeyed such Rule, and done such Act so thereby required as aforesaid.

After Conviction or Order confirmed on Appeal, no Action to be brought.

VI. And be it enacted, That in all Cases where a Warrant of Distress or Warrant of Commitment shall be granted by a Justice of the Peace upon any Conviction or Order which, either before or after the granting of such Warrant, shall have been or shall be confirmed upon Appeal, no Action shall be brought against such Justice who so granted such Warrant for anything which may have been done under the same by reason of any Defect in such Conviction or Order.

Actions may be set aside where

VII. And be it enacted, That in all Cases where by this Act it is enacted that no Action shall be brought under particular Circumstances, if any such Action shall be brought it shall be lawful for a

Judge

Judge of the Court in which the same shall be brought, upon Application of the Defendant, and upon an Affidavit of Facts, to set aside the Proceedings in such Action, with or without Costs, as to him shall seem meet. by this Act prohibited.

VIII. And be it enacted, That no Action shall be brought against any Justice of the Peace for anything done by him in the Execution of his Office, unless the same be commenced within Six Calendar Months next after the Act complained of shall have been committed. Limitation of Action.

IX. And be it enacted, That no such Action shall be commenced against any such Justice of the Peace until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to him, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney or Agent, in which said Notice the Cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the Back thereof shall be endorsed the Name and Place of Abode of the Party so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney or Agent, if such Notice have been served by such Attorney or Agent. Notice of Action.

X. And be it enacted, That in every such Action the Venue shall be laid in the County where the Act complained of was committed, or in Actions in the County Court the Action must be brought in the Court within the District of which the Act complained of was committed; and the Defendant shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action: Provided always, that no Action shall be brought in any such County Court against a Justice of the Peace for anything done by him in the Execution of his Office if such Justice shall object thereto; and if within Six Days after being served with a Summons in any such Action such Justice, or his Attorney or Agent, shall give a written Notice to the Plaintiff in such Action that he objects to being sued in such County Court for such Cause of Action, all Proceedings afterwards had in such County Court in any such Action shall be null and void. Venue. Defendant may plead the General Issue, any special Matter, &c., in Evidence.

XI. And be it enacted, That in every such Case after Notice of Action shall be so given as aforesaid, and before such Action shall be commenced, such Justice to whom such Notice shall be given may tender to the Party complaining, or to his Attorney or Agent, such Sum of Money as he may think fit as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made such Tender, or in addition to such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit, and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if the Jury at the Trial shall be of opinion that the Plaintiff is not entitled to Damages beyond the Sum so tendered or paid into Court, or beyond the Sums so tendered and paid into Court, then they shall give a Verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs to be taxed, and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause. Tender, and Payment of Money into Court.

XII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the County or Place laid as Venue in the Margin of the Declaration, or (when such Plaintiff shall sue in the County Court) within the District for which such Court is holden, then and in every such Case such Plaintiff shall be nonsuit, or the Jury shall give a Verdict for the Defendant. In what Cases nonsuit, or Verdict for Defendant.

XIII. And be it enacted, That in all Cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or Payment of any Penalty or Sum of Money under any Conviction or Order as Parcel of the Damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover Damages for any such Imprisonment, he shall not be entitled to recover the Amount of such Penalty or Sum so levied or paid, or any Sum beyond the Sum of Two-pence as Damages for such Imprisonment, or any Costs of Suit whatsoever, if it shall be proved that he was actually guilty of the Offence of which he was so convicted, or that he was liable by Law to pay the Sum he was so ordered to pay, and (with respect to such Imprisonment) that he had undergone no greater Punishment than that assigned by Law for the Offence of which he was so convicted, or for Nonpayment of the Sum he was so ordered to pay. Damages.

XIV. And be it enacted, That if the Plaintiff in any such Action shall recover a Verdict, or the Defendant shall allow Judgment to pass against him by Default, such Plaintiff shall be entitled to Costs in such Manner as if this Act had not been passed; or if in such Case it be stated in the Declaration, or in the Summons and Particulars in the County Court if he sue in that Court, that the Act complained of was done maliciously and without reasonable and probable Cause, the Plaintiff, if he recover a Verdict for any Damages, or if the Defendant allow Judgment to pass against him by Default, shall be entitled to his full Costs of Suit, to be taxed as between Attorney and Client; and in every Action against a Justice of the Peace for anything done by him in the Execution of his Office the Defendant, if he Costs.

obtain Judgment upon Verdict or otherwise, shall in all Cases be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client.

Extent of Act.

XV. And be it enacted, That this Act shall extend only to *England* and *Wales* and the Town of *Berwick-upon-Tweed*.

Commencement of Act.

XVI. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-eight.

After Commencement of this Act the following Statutes or Parts of Statutes repealed.

XVII. And be it enacted, That from and after the Time this Act shall so commence and take effect as aforesaid the following Statutes and Parts of Statutes, except so far as they may repeal other Statutes, shall be and shall be deemed and taken to be repealed; that is to say, so much of an Act of Parliament made and passed in the Seventh Year of the Reign of His Majesty King *James* the First, intituled *An Act for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office*, as relates to Actions against Justices of the Peace; and so much of an Act made and passed in the Twenty-first Year of the Reign of His said Majesty King *James* the First, intituled *An Act to enlarge and make perpetual the Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful Execution of their Office, made in the Seventh Year of His Majesty's most happy Reign*, as relates to Actions against Justices of the Peace; and so much of an Act made and passed in the Twenty-fourth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*, as relates to Actions against Justices of the Peace; and a certain other Act made and passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to render Justices of the Peace more safe in the Execution of their Duty;* and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable.

7 Jac. 1. c. 5.
21 Jac. 1. c. 12. s. 5.
24 G. 2. c. 44. ss. 1, 2, and Part of s. 8.
43 G. 3. c. 141.

Act to apply to Persons protected by the repealed Statutes.

XVIII. And be it enacted, That this Act shall apply for the Protection of all Persons for any thing done in the Execution of their Office, in all Cases in which, by the Provisions of any Act or Acts of Parliament, the several Statutes or Parts of Statutes herein-before mentioned and by this Act repealed would have been applicable if this Act had not passed.

Act may be amended, &c.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XLV.

An Act to amend the Acts for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements; and also to facilitate the Dissolution and Winding-up of Joint Stock Companies and other Partnerships. [14th *August* 1848.]

7&8 Vict. c. 111.
8&9 Vict. c. 98.
9&10 Vict. c. 28.

'WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty, intituled *An Act for facilitating the winding up of the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements:* And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act for facilitating the winding up the Affairs of Joint Stock Companies in* Ireland *unable to meet their pecuniary Engagements:* And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act to facilitate the Dissolution of certain Railway Companies*, whereby it was enacted, as therein mentioned, amongst other things, that it should be lawful for such Meeting as therein mentioned of the Shareholders of any Company in the said Act mentioned to determine that any such Company should be dissolved; and it was thereby further enacted, that, in addition to the Question of Dissolution, it should be imperative on the Meeting to decide whether such Dissolution should or should not be an Act of Bankruptcy, for the Purpose of having the Affairs of the Company wound up, under the Provisions of the Act therein-after mentioned, but that such Provision should not extend to the Case of Railways to be made in *Scotland;* and it was thereby further enacted, that it should be lawful for any Three of those who were on the Committee (as therein defined) of any Company so dissolved, at any Time after the Dissolution thereof should have been resolved, or for any Creditor or Creditors of such Company to such Amount as was then by Law requisite to support a Fiat in Bankruptcy in *England* and *Ireland* or a Sequestration in *Scotland*, within Three Months after the Dissolution thereof should have been resolved, to petition that a Fiat in Bankruptcy might issue against such Company if in *England* or *Ireland*, or that the Estates of the Company might be sequestrated if in *Scotland;* and it was thereby further enacted, that upon the Production of a Copy of the *London Gazette* containing the Resolution of any such Meeting as theretofore mentioned, whereby it should be resolved that the Dissolution of the Company should be an Act of Bankruptcy, or upon the Petition of any Three of the Committee as aforesaid, or of any Creditor under the last therein preceding (and herein-before recited) Clause, a Fiat in Bankruptcy should issue against such Company by the registered Name or Style of such Company, and the Company should thereupon be deemed to be within the Provisions of the said Act for facilitating the Winding-up of Joint Stock Companies unable to meet their pecuniary Engagements, and of the said Act for facilitating the Winding-up of Joint Stock Companies in

'*Ireland*

'*Ireland* unable to meet their pecuniary Engagements, in all respects as if a Fiat had issued against it 'under the said Act before its Dissolution, but such last Provision was not to extend to *Scotland:* 'And whereas it is expedient that the said Two first-mentioned Acts should be amended, and that 'further Facilities should be given for the Dissolution and Winding-up of Joint Stock Companies and 'other Partnerships:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall apply to all Companies, corporate or unincorporate, within the Provisions of either of the Two Acts first herein-before mentioned, (including all Companies existing on the First Day of *November* One thousand eight hundred and forty-four, and which shall have obtained or shall obtain a Certificate of Registration under an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies,*) and to all Companies which would have been within the Provisions of either of the said Two Acts if they had not been dissolved or had not ceased to trade at the Time of the passing thereof respectively, and to all Banking Companies which would have been within the Provisions thereof if they had not been specially excepted from the Provisions of an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies,* and to all Companies which under the Provisions of the said Act to facilitate the Dissolution of certain Railway Companies shall before the First Day of *March* One thousand eight hundred and forty-eight have become bankrupt, and to all Companies, Associations, and Partnerships to be formed after the passing of this Act whereof the Capital or the Profits is or are divided or to be divided into Shares and such Shares transferable without the express Consent of all the Copartners.

I. *Preliminaries.*

To what Companies Act is to apply.

7 & 8 Vict. c. 110.

7 & 8 Vict. c. 110.

II. And be it enacted, That all Associations or Companies formed for the Purposes of working Mines or Minerals, and all Benefit Building Societies other than such as are duly certified and enrolled under the Statutes in force respecting such Societies, shall be liable to the Operation of this Act: Provided nevertheless, that nothing herein contained shall affect the Jurisdiction of the Court of Stannaries in *Cornwall.*

Act to apply to Mining Companies and certain Building Societies.

III. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say,)

Interpretation:

The Words "Lord Chancellor" shall include the Lord Keeper and the Lords Commissioners of the Great Seal: "Lord Chancellor:"

The Word "Company" shall mean any Partnership, Association, or Company, corporate or unincorporate, to which this Act applies: "Company:"

The Word "Member" shall mean any Person entitled to a Share of the Assets or accruing Profits of any such Company at the Time of presenting the Petition for dissolving the same or winding up the Affairs thereof under this Act: "Member:"

The Expression "Constitution of a Company" shall mean every Deed of Partnership or Settlement, Charter, Act of Parliament, Regulations, or other Instrument whatsoever, including any Bye Laws, by or under which the Business of the same is or was, or is or was intended to be carried on: "Constitution of a Company:"

The Word "Contributory" shall include every Member of a Company, and also every other Person liable to contribute to the Payment of any of the Debts, Liabilities, or Losses thereof, whether as Heir, Devisee, Executor, or Administrator of a deceased Member, or as a former Member of the same, or as Heir, Devisee, Executor, or Administrator of a former Member of the same, deceased, or otherwise howsoever: "Contributory:"

The Word "Call" shall mean a Demand or Requisition upon Contributories of a Company made or to be made for a contributory Payment towards the Funds or Assets thereof, or for or towards the Payment or Discharge of any of the Debts, Liabilities, or Losses of such Company or otherwise: "Call:"

The Word "Creditor" shall include every Person having any Debt or Demand enforceable against any Company in any Court of Law or Equity, or for Nonpayment or Nonsatisfaction of which Damages could be recovered: "Creditor:"

The Word "Person" shall include Corporations: "Person:"

The Words "the Court" shall mean Her Majesty's High Court of Chancery in *England* or *Ireland* (as the Case may be) before which any Proceeding under this Act shall take place: "The Court:"

The Word "Master" shall mean the Master in Ordinary of the Court for the Time being acting in any Matter under this Act: "Master:"

The Word "Fiat" shall extend to and shall include any Commission of Bankruptcy which shall be issued in *Ireland,* and the Words "Court of Bankruptcy" shall extend to and shall include any Commissioner acting in the Prosecution of any such Commission of Bankrupt in *Ireland,* and the Lord Chancellor of *Ireland* sitting in Bankruptcy: "Fiat" and "Court of Bankruptcy:"

The Words "Order absolute" shall mean the Order absolute for the Dissolution and Winding-up, or for the Winding-up, as the Case may be, of any Company under this Act: "Order absolute:"

And every Word importing the Singular Number only shall extend to several Persons or Things as well as to One Person or Thing, and every Word importing the Plural Number only shall extend to One Person or Thing as well as to several Persons or Things, and every Word importing the Masculine Gender only shall extend to a Female as well as to a Male. Number and Gender.

Short Title of Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Act, 1848."

2. *The Petition, and Proceedings thereon.*

V. And be it enacted, That it shall be lawful for any Person who shall be or claim to be a Contributory of a Company to present a Petition to the Lord Chancellor or to the Master of the Rolls in a summary Way for the Dissolution and Winding-up or for the Winding-up of the Affairs of such Company, in any of the following Cases: (that is to say,)

Who may petition:

Act of Bankruptcy:

1. If any Company shall have committed, done, or suffered any Act which according to the Provisions of the said recited Acts or of any of them would be deemed to be an Act of Bankruptcy on the Part of such Company:

Declaration of Insolvency:

2. If any Company shall, by virtue of a Resolution to be passed in that Behalf at a Meeting of such Company, or of the Directors of such Company, summoned in that Behalf, have filed or caused to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing that the said Company is unable to meet its Engagements:

Judgment against the Company:

3. If any Person shall have recovered Judgment in any Action Personal for the Recovery of any Debt or Demand in any of Her Majesty's Courts of Record against any such Company, or against any Person authorized to be sued as the nominal Defendant on behalf of such Company, or against any One or more of the Members or Contributories of such Company acting or sued in the Name or on the Behalf of the other Members or Contributories thereof, and shall be in a Situation to sue out Execution upon such Judgment, and such Execution shall not be restrained or suspended by any Rule, Order, or Proceeding of any Court of Justice, and there shall be nothing due from the Plaintiff by way of Set-off, or which may be legally set off against such Judgment, and if within Ten Days after Notice in Writing served upon the said Company by Service of the same upon a Chief Clerk or Secretary or Registrar of the said Company, or if there be no Officer of such Denomination, then either on any Director of the said Company personally or by the same having been left at the Head or only Office for the Time being of such Company, requiring immediate Payment or Discharge of such Judgment Debt, such Company shall not have paid, secured, or compounded for the same:

Decree or Order against the Company:

4. If any Decree or Order shall have been pronounced in any Cause depending in any Court of Equity, or any Order made in any Matter of Bankruptcy or Lunacy, against any such Company, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company, or against any One or more of the Members or Contributories of such Company acting or sued in the Name or on the Behalf of the other Members or Contributories thereof, ordering any Sum of Money to be paid by such Company, and such Company shall not have paid the same at the Time when the same ought, according to the Exigency of such Decree or Order, to be paid:

Action against a Member for Company's Debt:

5. If any Action shall have been brought in any of Her Majesty's Courts of Record against any Contributory of a Company for any Debt or Demand which shall be due or claimed to be due from or by such Company, and such Company shall not, within Ten Days after Notice in Writing by such Contributory of such Action shall have been served upon the Company in manner herein-before directed with respect to any Judgment Debt, have paid, secured, or compounded for such Debt or Demand, or have otherwise procured such Action to be stayed, or shall not have indemnified the Defendant to his Satisfaction against such Action, and all Costs, Damages, and Expenses to be incurred by him by reason of the same:

Creditor's Affidavit of Debt and Writ of Summons:

6. If any Creditor of a Company to such Amount as is now by Law requisite to support a Fiat shall have filed an Affidavit in any of Her Majesty's Superior Courts of Law at *Westminster* or *Dublin*, that such Debt is justly due to him from the said Company, and shall have sued out of the same Court a Writ of Summons or other Writ against such Company, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company, or against any One or more of the Members or Contributories of such Company in the Name or on behalf of the other Members or Contributories thereof, and shall have given Notice of the same in manner herein-before directed with respect to any Judgment Debt, and such Company shall not within Three Weeks after Service of such Notice have paid, secured, or compounded for such Debt to the Satisfaction of such Creditor, or have made it appear to the Satisfaction of One of the Judges of the Court out of which such Writ shall have issued that it is the Intention of such Company to defend the Action upon the Merits, and shall not within Three Weeks next after Service of such Notice have caused an Appearance to be entered to such Action in the proper Court in which the same shall have been brought:

Dissolution or ceasing to carry on Business:

7. If any Company shall have been dissolved, or shall have ceased to carry on Business, or shall be carrying on Business only for the Purpose of winding up its Affairs, and the same shall not be completely wound up:

Other Ground for Dissolution.

8. Or if any other Matter or Thing shall be shown which in the Opinion of the Court shall render it just and equitable that the Company should be dissolved.

No Petition after Fiat but under Direction of Court of Bankruptcy.

VI. And be it enacted, That in case any Fiat shall have been issued against any Company under the Provisions of the said recited Acts or any of them, no Petition shall be presented for the Dissolution and Winding-up or for the Winding-up of such Company under this Act by any other Person than by the Creditors Assignees of the Estate and Effects of any such Company, who shall have Power by the Order

Order and Direction of the Court of Bankruptcy (but not otherwise), to present a Petition to the Lord Chancellor or to the Master of the Rolls in *England* or *Ireland*, as the Case may be, for the winding up of such Company under this Act, and it shall be a sufficient Ground for such Petition that such Order has been made by the Court of Bankruptcy; and that upon an Order for the winding up of such Company being pronounced by the Court of Chancery the Court of Bankruptcy shall cause to be made upon the Proceedings under the Fiat a Memorandum of such Order as aforesaid of the Court of Bankruptcy, and shall order that the said Proceedings shall be and the same shall accordingly be deposited with the Master to whom the Matter shall be referred by the Court of Chancery under this Act: Provided nevertheless, that it shall be lawful for the Master to dispense with such Deposit, and to make Order concerning the Custody and Production of such Proceedings.

The Petition, and Proceedings thereon.

VII. And be it enacted, That all Proceedings had, Accounts taken, and other Matters done in the Prosecution of any Fiat, before any Order absolute under this Act, shall, for the Purposes of any winding up under this Act, be as valid and conclusive as the same would have been valid and conclusive under the said Fiat, and any pending Proceedings, Accounts, and Matters under any such Fiat may be proceeded with and concluded under this Act.

Proceedings in Bankruptcy to be conclusive.

VIII. And be it enacted, That every Petition and Proceeding under this Act shall be intituled "In the Matter of the Joint Stock Companies Winding-up Act, 1848," and in the Matter of the Company to which such Petition or Proceeding shall relate, describing such Company by its most usual Style or Firm, until any Order absolute under this Act, and after any such Order then by the Style or Firm by which such Company shall have been designated in such Order absolute.

Heading of Petition and subsequent Proceedings.

IX. And be it enacted, That no Order absolute, nor any Order or Proceeding under this Act, shall be impeached by reason of the Petitioner or any of the Petitioners being afterwards discovered not to have been duly qualified to present the Petition on which the Order absolute shall have been made; provided that a Petition may be presented under this Act by some Person duly qualified, praying to have the Benefit of the former Proceedings, and to be allowed to carry on and prosecute the same, and upon such Petition being presented, and coming on to be heard, such Order shall be made as to the Court shall seem necessary and proper, empowering and directing that the former Proceedings shall be carried on and prosecuted by the Petitioner.

Proceedings not to be impeached by reason of the Petitioner not having been duly qualified.

X. And be it enacted, That every Petition for Dissolution and Winding-up or for Winding-up the Affairs of any Company under this Act shall be advertised once in the *London Gazette*, and shall be served, at the Head or only Office of the Company, upon any Member, Officer, or Servant of the Company there, or in case no such Member, Officer, or Servant can be found there, then by being left at such Office, or in case no Office of the Company can be found, then upon any Member, Officer, or Servant of the Company: Provided always, that no such Petition presented by the Direction of the Court of Bankruptcy, nor any Order thereon, shall require Advertisement under this Act; provided also, that in case no Office of the Company, nor any Member, Officer, or Servant thereof, can be found, the Court may proceed to hear and to make any Order on any Petition for Dissolution and Winding-up or for Winding-up, on Production of the Number of the *London Gazette* containing such Advertisement (if any) as aforesaid, and without Proof that such Petition has been served in manner aforesaid.

Petition to be advertised in London Gazette, and served.

XI. And be it enacted, That it shall be lawful for the Court at the hearing to direct any such Petition, whether the same shall have been served as aforesaid or not, to stand over, and to direct such Service or such further Service of the Petition as to the Court shall seem meet.

Court may order Petition to stand over, &c.

XII. And be it enacted, That on the hearing of any such Petition it shall be lawful for the Court, if it shall not think fit in the first instance to make an Order absolute, to require any Parties to show Cause, within such Time as the Court shall think fit, why the Company should not be dissolved and wound up or wound up under this Act, or to make an Order for the Dissolution and Winding-up or for the Winding-up of such Company, conditional on the Non-fulfilment of such Terms and by such Parties as the Court shall think fit, or to refer it to the Master to make preliminary Inquiries as to the Necessity or Expediency of the Dissolution and Winding-up or of the Winding-up of such Company; and it shall be lawful for the Court, in case no sufficient Cause be shown, or in case the Terms of any such conditional Order be not fulfilled, or in case it shall appear from the Master's Report, upon such Reference as aforesaid, that the Dissolution and Winding-up or the Winding-up of any such Company under this Act is necessary or expedient, to make such Order absolute as hereafter mentioned.

Court may make Order Nisi or Reference to Master.

XIII. And be it enacted, That it shall be lawful for the Court, if it shall think it practicable and expedient, before or in making any Order absolute, to direct the Application or Performance, either wholly or in part, and by such Parties as it shall think proper, of any Provisions contained in or supplied by the Constitution of the Company towards the Purposes of such Dissolution or Winding-up, or towards considering or ascertaining the Necessity or Expediency of such Dissolution or Winding-up.

Court may apply the Provisions of the Constitution of the Company.

3.

The Order absolute, and Proceedings thereon.

XIV. And be it enacted, That it shall be lawful for the Court, on the hearing of any Petition for Dissolution and Winding-up, or for Winding-up, either originally or subsequently, or on further Directions, to dismiss such Petition, with or without Costs, or to make an Order absolute for the Dissolution and Winding-up or for the Winding-up of the Company, under the Provisions of this Act, with or without such special Directions as the Court shall think fit, and by such Order it shall be referred to One of the Masters of the Court to wind up the Affairs of the Company accordingly under the Provisions of this Act.

Court may make Order absolute.

XV. And be it enacted, That the Date, Title, and ordering Part of every Order of the Court made upon any such Petition, previously to and including the Order absolute, shall, within Twelve Days after the

Every Order, until Order

absolute, to be advertised.

the Date thereof, be advertised once in the *London Gazette*, and shall be served in such Manner and upon such Persons as the Court shall direct.

When Companies are to be dissolved.

XVI. And be it enacted, That from the Date of any Order absolute for Dissolution, or from any Date to be therein fixed for that Purpose, the Company therein specified shall be absolutely dissolved.

Petitioner to carry in Order absolute before Master within Ten Days.

XVII. And be it enacted, That the Petitioner on whose Petition an Order absolute shall be obtained shall without Delay carry in the same before the Master; and in default of his so doing by the Space of Ten Days next after the Date of such Order it shall be lawful for any Person being or claiming to be a Contributory to present his Petition to the Court in the same Matter, praying to have the Carriage and Prosecution of the said Order absolute, and thereupon such Order shall be made and Directions given, as well with respect to the Costs of the Application or otherwise, as to the Court shall appear just; and it shall be sufficient to serve such last-mentioned Petition in the usual Manner, either upon the Petitioner who obtained the Order absolute, or upon his Solicitor by whom such Order was obtained.

On Dissolution in Suit Court may order Winding-up under this Act.

XVIII. And be it enacted, That it shall be lawful for the Court, in any Decree or Order for the Dissolution of a Company, or of any other Association or Partnership (whether included in the Definition herein contained of a Company or not), to be made in any Suit now pending or hereafter to be instituted, and also by any Order to be made after a Decree for the Dissolution of a Company, Association, or Partnership in any such Suit, to order that the Affairs of such Company, Association, or Partnership, shall be wound up under the Provisions of this Act, and that the Costs of winding up the same shall be paid and recovered according to the Provisions of this Act, and for that Purpose to give such Directions as the Court shall deem necessary or expedient in that Behalf; and any Decree or Order so to be made shall, if the Court shall so direct, be deemed an Order absolute under this Act.

After Order absolute Assets not to be disposed of.

XIX. And be it enacted, That from and after the Date of any Order absolute it shall not be lawful for the Directors, Members, or Officers of the Company in respect of which such Order absolute shall have been made to convey, assign, pay, or otherwise dispose of any of the Property, Monies, or other Effects of the Company, otherwise than by the Direction of the Master.

Master may appoint Interim Manager.

XX. And be it enacted, That in the meantime and until an Official Manager shall be appointed as herein-after mentioned, and from Time to Time when there shall be no Official Manager, it shall be lawful for the Master, in any Case in which he shall deem it necessary or expedient so to do, immediately upon the Order absolute being brought in before him, to appoint by Writing under his Hand some Person to be the Interim or Provisional Manager of the Property, Assets, and Effects of the Company to which such Order absolute shall relate, or of such Part or Parts thereof as the Master shall think fit; and the Person to be so appointed shall thereupon have and exercise all such and the like Powers and Authorities as are usually given to and are had and exercised by Receivers appointed by the Court in a Suit duly instituted, together with all such Powers and Authorities as might be had and exercised by any Official Manager to be appointed under this Act, except so far as the Master shall otherwise direct in any particular Case; and the Person so to be appointed Interim or Provisional Manager shall act in all things under the Direction of the Master, in collecting and receiving and afterwards disposing of the Property, Estate, and Effects of such Company, or such Parts thereof as in order to the Preservation and Security thereof shall require to be so collected and received; and it shall be lawful for such Interim or Provisional Manager acting in that Behalf under the Direction of the Master, to be signified by Writing under his Hand, to pay and apply any Part of the Monies, Assets, and Effects to be collected, received, or got in by him in or towards the Discharge or Satisfaction of any Judgment Debt which shall have been recovered against such Company; and it shall be lawful for the Master to fix the Amount and Nature of the Security to be given and entered into by such Interim or Provisional Manager, and also (if the Master shall think fit) to appoint any Person to be Interim or Provisional Manager without giving or entering into any Security, and the Security, if any, to be so fixed by the Master, shall accordingly be given and entered into by such Interim or Provisional Manager: Provided nevertheless, that upon the Appointment of an Official Manager of such Company under this Act all the Powers and Authorities of such Interim or Provisional Manager shall cease, and the Person who shall have been such Interim or Provisional Manager shall thereupon deliver up and pay to the Official Manager all the Goods, Monies, Property, and Effects of such Company which shall have come to his Hands as such Interim or Provisional Manager as aforesaid, together with all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto, or to the Affairs of such Company; and it shall be lawful for the Master to make an Order, if Need be, directing such Delivery and Payment accordingly, and for vacating any Recognizance entered into by such Interim or Provisional Manager and his Surety or Sureties (if any): Provided also, that no Action, Suit, or other Proceeding shall be instituted or prosecuted by or against any Interim or Provisional Manager to be appointed as herein mentioned, as representing the Company, otherwise than by the Style and Designation of the Official Manager of the Company; and that every such Action, Suit, or other Proceeding shall be instituted and prosecuted in the same Manner and with the same Effect, to all Intents and Purposes, as if an Official Manager of the Company had been already appointed, and were a Party to such Action, Suit, or other Proceeding, in the Place of such Interim or Provisional Manager, nor shall the same abate by reason of the Appointment of an Official Manager, but the same shall be carried on by or against him, as the Case may be.

4. *The Appointment of Official Manager, his Estate, Powers, Duties, &c.*

XXI. And be it enacted, That upon any Order absolute being carried in before the Master, or upon the Death, Removal, or Resignation of any Official Manager to be appointed as herein mentioned, the Master shall forthwith direct that an Advertisement be inserted, by the Party having the Prosecution or Carriage of the Order, in Two successive Numbers of the *London Gazette*, and also in such Two or more Newspapers

Newspapers as the Master shall appoint, giving Notice that the Master will proceed, at a Day, Hour, and Place to be stated in such Advertisement, such Day to be within Fourteen Days from the Publication of the first Advertisement, to appoint an Official Manager or Managers of the Company under this Act, either originally or in the Room of any Official Manager who shall have died or resigned or shall have been removed; and previously to the making out and settling of such List of Contributories as hereinafter mentioned all Persons being or claiming to be Contributories of such Company, and after the making out and settling of such List of Contributories all Persons appearing on such List as Contributories of such Company, shall be entitled to attend at such Time and Place, and to offer Proposals or Objections as to any such Appointment; and it shall be lawful for the Master, if he shall think fit, to adjourn the Appointment of any Official Manager to another Time and Place, to be stated and made known to the Parties present at the Time and Place originally fixed for making such Appointment: Provided always, that it shall not be requisite to give Notice of any such Adjournment by Advertisement.

Notice of Appointment of Official Managers by the Master.

XXII. And be it enacted, That at the Time and Place to be fixed in such Advertisement, or at any other Time or Place to which the Appointment of an Official Manager shall have been adjourned, the Master shall, by Writing under his Hand, appoint a Person or Persons to be the Official Manager or Managers of the Company, either originally or in the Stead of any Official Manager who shall be removed, or die, or resign his Office; and the Master shall have Power from Time to Time, at his Discretion, but subject to any special Direction of the Court, to remove, by Writing under his Hand, any such Official Manager, and upon such Removal, and also upon the Death or Resignation of any Official Manager, to appoint in manner aforesaid any other Person to be Official Manager in the Stead of any such Manager who shall be removed, or die, or resign his Office; and such Official Manager may be either any Contributory of any Company, or the Assignee in Bankruptcy of any Company, being bankrupt, or of any bankrupt Member or Contributory of the same.

Master to appoint Official Manager.

XXIII. And be it enacted, That in making the first or any subsequent Appointment of an Official Manager it shall be lawful for the Master to adopt the Proposal of any of the Parties attending him in the Matter of such Appointment; and in making such Appointment the Proposal of any of the Parties who shall have appeared before the Court shall not be entitled on that Account to any Preference; and it shall also be lawful for the Master, if he shall think fit, to act independently of any Proposal, and to appoint any Person whom he shall think proper to nominate as Official Manager, although such Person shall not have been proposed by any of the Parties.

In appointing Official Manager, Master may either adopt or reject Proposals.

XXIV. And be it enacted, That upon the Appointment of any Official Manager, or within such subsequent Period as the Master may from Time to Time or at any Time direct, the Person who shall have been so appointed Official Manager, and Two or more Persons as his Sureties, to be approved of by the Master, shall enter into a Recognizance or Recognizances in such Form as in the Schedule hereto is set forth, or otherwise as the Court by any general Order in that Behalf, or by any special Order in the Matter, shall direct, and in such Sum as the Master shall direct (but not to exceed by more than One thousand Pounds the greatest Sum or Value which in the Judgment of the Master the Official Manager shall have or shall be likely to have at any One Time in his Hands), for the duly accounting by the Official Manager for all Monies, Estate, and Effects which shall come to his Hands in the winding up of the Company of which he shall be so appointed Official Manager; and the Recognizance of the Official Manager shall be for the whole Amount of the Sum to be so fixed by the Master, and the Recognizances of the Sureties of any Official Manager shall be either joint or several for the whole or any Portion of the Sum in which the Official Manager shall have become bound, but so as that the total Amount of the Recognizances of all such Sureties shall not be less than the Sum in which the Official Manager shall have become bound; and upon the Death, Bankruptcy, or Insolvency of any Surety it shall be lawful for the Master to require Recognizances to be entered into by any new Surety in the Place of the Surety so deceased or become bankrupt or insolvent; and it shall be lawful for the Master from Time to Time to require additional Recognizances to be entered into by the Official Manager and his Sureties, or by any new Sureties, in such further Sum or Sums as the Master shall think fit; and upon the Breach or Non-fulfilment of the Condition or Defeazance of any such Recognizances as aforesaid, the same shall or may, under an Order of the Master, be put in force by the Official Manager, or by any Contributory of the Company, in like Manner as the Recognizances of Receivers of the Court of Chancery appointed in a Suit duly instituted are in the like Cases put in force; and it shall be lawful for the Master, after any Person shall have ceased to be Official Manager, and his final Account shall have been passed, and any Balance due thereon paid, to order the Recognizance entered into by such Official Manager and his Sureties to be vacated.

Recognizances of Official Manager and of his Sureties.

XXV. And be it enacted, That, notwithstanding any thing herein-before contained, in case Default shall be made by the Official Manager at any Time in accounting for what he shall receive as such Official Manager, or in paying the same as the Master shall direct, it shall be lawful for the Master, by Order to be made by him, to order and require the Official Manager and his Sureties, or any of them, to pay to such Person, and within such Time as the Master shall appoint, the whole or any Portion of the Sum in which the Official Manager and his Sureties respectively shall have become bound by Recognizance: Provided always, that nothing herein contained shall be construed to extend the Liability of any Surety beyond the Sum in which such Surety became individually bound on his Recognizance.

Master may order Official Manager and his Sureties to pay on their Recognizances.

XXVI. Provided always, and be it enacted, That, notwithstanding any thing herein-before contained, it shall be lawful for the Master, if he shall think fit, to accept the Security of any Guarantee Society established

Master may take Security of Guarantee Society.

established by Charter or Act of Parliament in any Part of *Great Britain*, in lieu of the Security of such Two or more Sureties as aforesaid, or of any of them.

Appointments, &c. to be valid without Confirmation, and to be advertised.

XXVII. And be it enacted, That every Appointment and every Removal of an Official Manager shall be valid and effectual to all Intents without Confirmation by the Court, unless it shall be otherwise ordered by the Court in the particular Matter; and every such Appointment, and also every Removal of an Official Manager, shall be advertised in the *London Gazette*, and in such Newspapers as the Master shall from Time to Time think proper.

Manager to have Custody of Books, &c.

XXVIII. And be it enacted, That immediately after the Appointment of an Official Manager the Master shall, by Order, direct that all the Books of Account, Deeds, Instruments, Cash, Bills, Notes, Papers, and Writings of and belonging to the Company shall, within a Time to be limited in that Behalf, be delivered up, and the same shall accordingly be delivered up, by every Person in whose Custody, Possession, or Power the same may be, to the Official Manager, and shall be kept by him, and upon and immediately after the Appointment of any new Official Manager all the same Matters shall be in like Manner ordered to be and shall accordingly be delivered over to him: Provided nevertheless, that it shall be lawful for the Master from Time to Time and at any Time to make such Order as he shall think fit relative to the Custody or Deposit, either absolutely or only for a Time, of such Books of Account, Deeds, Instruments, Bills, Notes, Papers, and Writings, or any of them.

On Appointment, all Estate, Effects, and Credits of the Company, and all Powers, &c., to vest in Official Manager.

Registration of Orders absolute and Appointments of Official Manager.

XXIX. And be it enacted, That on every such Appointment of an Official Manager all the Estate, Effects, and Credits, and Rights of Action of the Company, and all Powers in and about the same which by this Act or otherwise might be exercised by an Official Manager, shall, except so far as the Master shall, by Writing under his Hand, direct to the contrary, become by virtue of the Appointment absolutely vested in the Official Manager so appointed, either solely, or jointly with any other Official Manager for the Time being as Joint Tenants; and when, according to any Laws now in force, any Conveyance or Assignment of any Real or Personal Property which may become vested in any Official Manager under this Act would require to be registered, enrolled, or recorded in any Registry Office, Court, or Place in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or Place in *Scotland*, or any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then the Order absolute, together with the First Appointment of an Official Manager, shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of any such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable Consideration, or of any Mortgagee thereof without Fraud, who shall have duly registered, enrolled, or recorded his Purchase or Mortgage Deed previously to the Registry hereby directed, shall not be invalidated by reason of such Order absolute or Appointment: Provided always, that if the Master shall, by Writing under his Hand, direct that any of the said Estate, Effects, Credits, or Rights of Action shall not vest in the Official Manager by virtue of the Appointment, it shall be lawful for the Court or the Master at any Time afterwards by Order to revoke, discharge, or vary any such Direction, and thereupon the Estate, Effects, Credits, or Rights of Action comprised in such Direction shall, either wholly or to the Extent to which the same shall be so discharged or varied, become and be vested in the Official Manager for the Time being.

When Order made on Petition by Direction of Court, all Estate, &c. of Assignees to vest in Official Manager.

XXX. And be it enacted, That when any Order shall have been made as herein-before mentioned on Petition, by Direction of the Court of Bankruptcy, for winding up under this Act the Affairs of any Company, all such Estate and Effects, Rights and Credits of the bankrupt Company as shall for the Time being be vested in the Assignees in Bankruptcy shall, upon and by virtue of the Appointment of an Official Manager under this Act, unless otherwise provided by the Order absolute, become absolutely vested in such Official Manager, together with all such Powers in and about the same as an Official Manager might exercise in any Matter originally instituted under this Act in which the Company had not become bankrupt.

Until Court shall regulate by general Orders all Matters relating to Official Manager, Practice as to Receivers to be followed.

XXXI. And be it enacted, That until the issuing of any such general Rules or Orders as are by this Act authorized to be made the Practice of the Court with respect to Receivers and Managers of Partnership Estates shall, so far as practicable, and subject to the Provisions of this Act, and to any special Orders or Directions relative to the Official Manager, and his Acts, Duties, and Proceedings, to be made or given by the Court or the Master with respect to any particular Company, (and which Order or Directions the Court and the Master are hereby respectively authorized to make and give,) apply to every Official Manager under this Act, and to his Duties and Proceedings.

Court may allow Salary to Official Manager.

XXXII. And be it enacted, That it shall be lawful for the Court to allow such Salary or Remuneration, by way of Per-centage or otherwise, as it shall think proper, to the Official Manager, and also to any Receiver to be appointed as herein-before provided, and to increase or diminish such Salary or Remuneration from Time to Time, and that whether the Official Manager or the Receiver shall or shall not be a Member of the dissolved Company.

Official Manager may employ Solicitor.

XXXIII. And be it enacted, That it shall be lawful for the Official Manager, with the Approbation of the Master, to employ and from Time to Time dismiss an Attorney or Solicitor.

Duties of Official Manager.

XXXIV. And be it enacted, That the Official Manager shall proceed with all convenient Speed, under the Directions of the Master, in the making up, continuing, completing, and rectifying the Books of Account of the Company, and in providing and keeping such other Books of Account (if any) as shall be necessary for the showing the Debts and Credits of the Company, including a Ledger, which shall contain

contain the separate Accounts of the Contributories (and in which every Contributory shall be debited from Time to Time with the Amount payable by him in respect of any Call to be made as hereby provided), and in balancing all such Books and the Accounts of the respective Contributors of such Company, in getting in, selling, and converting the Estate and Assets and winding up the Business and Affairs of the same Company, in paying the Debts as herein provided, and in dividing and distributing the surplus Assets of the Company (whether existing at the Time of the Dissolution, or arising from subsequent Calls or Contributions, or otherwise,) amongst the Parties entitled, and in bringing before the Master for Determination and Settlement all Questions necessary to be determined and settled in order to the winding up of the Affairs of the Company; and the Official Manager, with or without Notice to any Contributory, shall, without the Necessity of any Proposal in Writing, take the Directions of the Master from Time to Time with reference to all Proceedings necessary to be done or taken in order to the complete and effectual winding up of the Affairs of the Company; and it shall be lawful for the Master to give such Directions accordingly.

The Appointment of Official Manager, his Estate, Powers, Duties, &c.

XXXV. And be it enacted, That the Accounts of the Official Manager and Receiver, if any, shall from Time to Time be passed before the Master, and vouched in such Manner as he shall direct; and that the Contributories shall only be at liberty to surcharge and falsify such Accounts.

As to passing Accounts of Official Manager.

XXXVI. And be it enacted, That the Official Manager shall make, in Books to be from Time to Time provided by him for that Purpose, true and faithful Entries or Minutes of all Matters, Acts, and Proceedings done and taken, as well before the Master as otherwise, in and about the winding up of the Affairs of the Company; and such Books shall be kept in the Custody of the Official Manager, and shall on all Occasions on which the Master is required to proceed in the Matter of such Company be produced before the Master.

Official Manager to keep Books of Proceedings, which shall be certified by the Master.

5. General Course of Proceeding under winding up.

XXXVII. And be it enacted, That upon any Order absolute being brought before the Master for his Consideration he shall, immediately after directing the Insertion of the Advertisement herein-before directed relative to the intended Appointment of an Official Manager, and afterwards from Time to Time, determine what Parties shall attend him in the Proceedings to be had before him under such Order absolute, or upon or with reference to any particular Part of such Proceedings; and it shall be lawful for the Master, at any subsequent Stage of the Proceedings, to direct any other Parties, being Contributories, to attend him in the further Prosecution of the Matter, or on such of the further Proceedings therein as he shall direct; and in particular it shall be lawful for the Master from Time to Time, with the Consent of the Majority, both as to Number and Extent of Interest, of the Persons to be represented in any particular Case, such Consent to be signified by some Writing under the Hands of the Parties or their Solicitors, to appoint and again remove any One or more Contributories to attend and watch the Proceedings of the Liquidation before him, or any particular Part of such Proceedings, as Representatives on behalf of the Contributories in general, or of such Contributories or Classes of Contributories as the Master shall from Time to Time be of opinion ought to be so represented; and all Parties who shall be determined to be the proper Parties to attend the Master as aforesaid shall in manner herein-after mentioned be served with Notice of all Proceedings before the Master, or with Notice of such of them as such Parties respectively shall be directed to attend or watch; and the Costs and Charges to be thereby properly incurred by all such Parties respectively, except so far as the Master shall otherwise direct, shall be deemed to be Part of the general Costs of winding up the Company under this Act.

Master to determine what Parties are to attend Proceedings before him; and may appoint Representatives of Contributories or Classes of Contributories.

XXXVIII. And be it enacted, That all Persons whose Names shall stand in the List of Contributories shall be entitled to require, and, at their own Expense, to receive Notice, as the Master shall direct, of all or any of the Proceedings in the Matter of the dissolved Company, and also shall be entitled, at their own Expense, either personally or by Solicitor or Agent, to attend the Proceedings; and it shall be lawful for any such Contributory, at his own Expense, to submit any Proposal before the Master, in Writing, or otherwise as the Master may direct, in relation to the Affairs of such Company and the winding up the same.

All Contributories on the List may appear, submit Proposals, &c.

XXXIX. And be it enacted, That if any Contributory shall be an Idiot or Lunatic, such Idiot or Lunatic shall be entitled to attend, and in all Proceedings under this Act shall be sufficiently represented by his Committee; and if any Contributory shall be a Minor, such Minor shall be entitled to attend, and in all Proceedings under this Act shall be sufficiently represented by his Father or Guardian, or if he shall have no Father or Guardian, by his Mother, or otherwise by a next Friend to be appointed by the Master: Provided always, that it shall be lawful for the Master, in any Case in which he shall think fit so to do, by any Order under his Hand, to appoint any Person to be the Guardian of any Contributory being a Minor, or to be the Representative of any Contributory being a Lunatic, but not found so by Commission, for the Purposes of any Winding-up under this Act.

Lunatics to be represented by their Committees, and Minors by their Guardians.

XL. And be it enacted, That every Party who shall attend the Proceedings or any of the Proceedings before the Master under this Act shall cause to be stated to the Master whether he intends to appear in Person or by Solicitor, and if in Person he shall cause to be stated his own Name and Address, and if by Solicitor the Name and Address of his Solicitor, and also upon any Change of Solicitor the Name and Address of the new Solicitor, and such Name and Address of the Party or Solicitor, as the Case may be, shall be entered in the Master's Book of Proceedings; and Notice of all Proceedings before the Master or before the Court, to Notice of which the Party respectively is entitled, shall be sufficiently given by Service thereof upon the Party or upon his Solicitor, as the Case may be.

Parties to name Solicitors on whom Notices to be served.

XLI. And be it enacted, That if the Proceedings before the Master under any Order absolute, not being Proceedings proper to be taken by the Official Manager, shall not be prosecuted by the Petitioner under

In default of due Diligence, Prosecution of

Proceedings may be given to other Parties.

under this Act, or other the Person having the Prosecution thereof, with due Diligence, or if for any other Reason it shall appear advisable, it shall be lawful for the Master, upon the Application in that Behalf of any Contributory, to commit to him the further Prosecution thereof; and if any Official Manager, as to Matters and Proceedings which ought to be prosecuted by the Official Manager, shall not prosecute the same with due Diligence, it shall be lawful for any Contributory to apply to the Master concerning the same, and thereupon the Master shall give such Directions as he shall deem necessary, and shall remove, if he shall think fit, such Official Manager.

Death of Petitioner, &c. not to abate Proceedings.

XLII. And be it enacted, That after any Order shall have been made on any Petition under this Act, the Death of the Petitioner or Party, or of any or all of the Petitioners or Parties, if more than One, for the Time being acting in any Proceeding under this Act, shall not abate the Proceeding; but in any such Case it shall be lawful for the Court, and also for the Master, after an Order absolute shall have been brought in before him, subject to any special Order of the Court, upon the Application of any Party interested (such Application to be supported by Evidence, and if made to the Court to be made by way of Motion), to order and direct that the further Prosecution of the Proceedings, or of the particular Proceeding, or the Defence thereto, as the Case may be, shall be committed to the Party making such Application, or to such other Party interested as the Master shall think proper; and the Costs of all such Applications, and also the Costs of the deceased Petitioner or Party, shall, if the Court or the Master shall so direct, be deemed to be Part of the general Costs of winding up the Company under this Act.

Proceedings to be by Proposal, and not by State of Facts and Proposal.

XLIII. And be it enacted, That all Proceedings before the Master under this Act shall be commenced and proceeded in, not by State of Facts and Proposal, but by Proposal or counter Proposal in Writing, or in such Way as the Master shall direct, to be supported, if Need be, by Evidence: Provided nevertheless, that where, owing to the Nature of the Subject, the Master shall deem it expedient to direct the Parties before him to proceed by a State of Facts in Writing, it shall be lawful for him to give such Direction by Writing under his Hand.

Master may dispense with Warrants.

XLIV. And be it enacted, That it shall be lawful for the Master in any Matter referred to him under this Act, to dispense with any Warrants to consider the Order of Reference to him under this Act, and such other Warrants in the Course of proceeding under such Order as he shall see fit, and also to direct from Time to Time any Warrants to be taken out and prosecuted before him by the Official Manager or any other Person attending the Proceedings before him, and also to fix the Time at which any Warrant shall be returnable before him, or at which any Proceeding necessary to be taken shall be taken, and also to proceed *de Die in Diem.*

Adjournment of Proceedings.

XLV. And be it enacted, That the Master shall have Power from Time to Time, with or without further Notice to any Party, to adjourn any Proceedings before him under this Act, although by this Act, or otherwise directed to be taken at any specified Time or Place, either *de Die in Diem*, or to any other Time and Place to be then and there fixed by the Master in that Behalf, and so from Time to Time, and that all Matters done at any such adjourned Time and Place shall be of the same Force and Effect as if the same had been done at the Time and Place (if any) originally specified.

Master may order other Advertisements or Services.

XLVI. And be it enacted, That it shall be lawful for the Master, at his Discretion, to order the Advertisement in the *London Gazette* or otherwise, or the Service on any Person, in such Manner as he shall think fit, of any Order or Proceeding in and about the winding up of the Affairs of any Company under this Act.

Master to give Certificates of Entries, &c.

XLVII. And be it enacted, That the Master shall, on Request of any Party interested, give Certificates under his Hand of any Decisions, Entries, or other Matters which shall be made, done, or transacted in and about the winding up of any Company under this Act.

Contributories may inspect Books.

XLVIII. And be it enacted, That, subject to the Control of the Master, all Contributories shall be entitled, without Fee or Reward, to inspect all or any of the Books of the Company, or of the Official Manager or Receiver, if any, and to take Copies or Abstracts of or Extracts from all or any of such Books or any Part thereof.

Books of Partnership and OfficialManager to be Evidence.

XLIX. And be it enacted, That as between the Contributories the Books, Accounts, and Documents of the Company, until the Order absolute, and of the Official Manager or any such Receiver as aforesaid after such Order, shall be *primâ facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein recorded.

6. *Actions and Suits by and against the Company and its Contributories.*

Dissolved Companies to sue and be sued in the Name of "the Official Manager" of the particular Company.

L. And be it enacted, That after the Appointment of any Official Manager under this Act all Actions, Suits, and other Proceedings, at Law or in Equity, which might have been commenced, instituted, or prosecuted by or on behalf of the Company with respect to which such Appointment shall be made, against any Persons, whether Contributories of the Company or not, shall be commenced or instituted and prosecuted by the Official Manager by the Style and Designation of "the Official Manager" of such Company (describing it under the Style or Firm by which it is described in the Order absolute), as the nominal Plaintiff or Petitioner, for and on behalf of such Company, and that whether there be One or more Official Manager or Managers, and that all Debts which might have been proved by or on behalf of the Company against the Estate of any Bankrupt or Insolvent Debtor to the Company shall and may be proved against such Estate by the Official Manager of such Company by the Style and Designation aforesaid, and that all Actions, Suits, and Proceedings, at Law or in Equity, to be commenced or instituted by any Persons, whether Contributories of such Company or otherwise, against such Company, or any Person duly authorized to be sued as the nominal Defendant on behalf of the same, shall and lawfully may be commenced, instituted, and prosecuted against the Official Manager of such Company (by such

such Style and Designation as aforesaid), as the nominal Defendant for and on behalf of such Company, and that whether there be One or more such Official Manager or Managers.

Criminal Proceedings on behalf of the Company to be prosecuted by the Official Manager.

LI. And be it enacted, That all Indictments, Informations, and Prosecutions by or on behalf of such Company, for any stealing or Embezzlement of any Money, Goods, Effects, Bills, Notes, Securities, or other Property of or belonging to such Company, or for any Fraud, Forgery, Crime, or Offence committed against or with Intent to injure or defraud such Company or the Property thereof, whether such Stealing or Embezzlement, Fraud, Forgery, Crime, or Offence, shall have taken place before or after the first Appointment of the Official Manager under this Act, shall and lawfully may be had, preferred, and carried on by the Official Manager of such Company by the Style and Designation aforesaid; and that in all such Indictments and Informations to be had or preferred by or on behalf of such Company by the Official Manager as aforesaid, against any Person whomsoever, notwithstanding such Person may be a Contributory of such Company, it shall be lawful and sufficient to state the Money, Goods, Effects, Bills, Notes, Securities, or other Property of such Company to be the Money, Goods, Effects, Bills, Notes, Securities, or other Property of the Official Manager of such Company, by such Style and Designation as aforesaid; and that any Forgery, Fraud, Crime, or other Offence committed against or with Intent to injure or defraud any such Company shall in such Indictment, notwithstanding as aforesaid, be laid or stated to have been committed against or with Intent to injure or defraud the Official Manager of such Company (by such Style and Designation as aforesaid), whether there be One or more Official Manager or Managers for the Time being; and any Offender may thereupon be lawfully convicted for any such Forgery, Fraud, Crime, or Offence; and that in all other Allegations, Indictments, Informations, or other Proceedings of any Kind whatsoever, in which it otherwise might have been necessary to state the Names of the Persons composing such Company, it shall be sufficient to state the Style and Designation of the Official Manager of such Company.

Pending Actions, &c. against the Company may be prosecuted against the Official Manager.

LII. And be it enacted, That where any Action, Suit, or other Proceeding shall be pending against the Company in respect of which such Official Manager shall have been appointed, or against any Person authorized to be sued as the nominal Defendant on behalf of such Company, it shall be lawful for the Plaintiff in such Action, Suit, or other Proceeding to substitute the Official Manager of such Company, by such Style or Designation as herein-before mentioned, as the Defendant in such Action, Suit, or other Proceeding, by entering a Suggestion on the Roll to that Effect in such Action, and by obtaining an Order to that Effect in such Suit, such Order to be obtained on Motion or Petition, without Notice, and that it shall be lawful for the Plaintiff in such Action, Suit, or other Proceeding to prosecute the same thenceforward against the Official Manager, in the same Manner, and with the same Effect, to all Intents and Purposes, and to have the same Benefit of any Order, Decree, Judgment, or other Proceeding previously made, obtained, and had, as if such Action, Suit, or Proceeding had been commenced against the Official Manager as Defendant under the Provisions of this Act.

Pending Actions, &c. on behalf of the Company may be prosecuted in the Name of the Official Manager.

LIII. And be it enacted, That where any Action, Suit, or other Proceeding shall have been brought or instituted and shall be pending by or on behalf of the Company in respect of which such Official Manager shall have been appointed, or by any Person duly authorized to sue as the nominal Plaintiff on behalf of such Company, or by any One or more of the Members or Contributories of such Company acting or suing in the Name or on the Behalf of himself and the other Members or Contributories thereof, as the Plaintiff or Plaintiffs, against any Person, it shall be lawful for such Plaintiffs to substitute the Official Manager of the Company, by such Style or Designation as herein-before mentioned, as the Plaintiff in such Action, Suit, or other Proceeding, by entering a Suggestion on the Roll to that Effect in such Action, and by obtaining an Order to that Effect in such Suit, such Order to be obtained on Motion or Petition without Notice, and that it shall be lawful for the Official Manager thenceforward to prosecute such Action, Suit, or other Proceeding in the same Manner, and with the same Effect, to all Intents and Purposes, as if such Action, Suit, or Proceeding had been commenced by the Official Manager as Plaintiff under the Provisions of this Act.

Death of Official Manager not to abate Action, &c.

LIV. And be it enacted, That the Death, Resignation, or Removal of the Official Manager of any Company shall not abate or prejudice any Action, Suit, Indictment, Prosecution, or other Proceeding commenced or prosecuted under this Act.

Official Manager, with Approbation of the Master, may compromise.

LV. And be it enacted, That it shall be lawful for the Official Manager, under the Direction of the Master, to compound or compromise any Right or Title, Claim or Demand, which the Company may have or be entitled to against any Person whomsoever, and also any Claim or Demand to which the Company may be subject or liable, and also to compromise any Action or Suit which may be brought or prosecuted by or against the Official Manager on behalf of the Company, and also to submit to Arbitration any Dispute or Difference affecting the Estate, Rights, Debts, Credits, or Liabilities of the Company, and upon any Award made to perform, execute, and give effect to the same.

Orders and Decrees of a Court of Equity against the Official Manager to take effect against the Company.

LVI. And be it enacted, That all Orders and Decrees made or pronounced in any Suit or Proceeding in any Court of Equity against the Official Manager of any Company shall have the like Effect and Operation upon and against the Property of such Company, and upon and against the Persons and Property of every Contributory thereof, as if the same had been made and pronounced against the Company, or any Person duly authorized to be sued as the nominal Defendant on behalf of the same, or (as the Case may be) as if every Contributory of such Company were actually before the Court as a Party to such Suit or Proceeding; and it shall be lawful for the Court by which any such Decree or Order shall have been made or pronounced to direct, by the same or any subsequent Order, subject nevertheless to such Terms, if any, as the Court shall think fit to impose, that any such Decree or

Actions and Suits by and against the Company and its Contributories.

Order made or pronounced against any such Official Manager as aforesaid be enforced against every Contributory of such Company, or against any particular Class or Classes of Contributories, to the Extent of their legal or equitable Liabilities, and thereupon, and upon an Order for that Purpose to be obtained upon Motion to be made *ex parte*, but in open Court, such Decree or Order shall, after Seven Days Notice to the particular Person or Persons sought to be charged, be enforced and executed accordingly.

Judgments against Official Manager to take effect against the Company.

LVII. And be it enacted, That all Judgments which shall be entered up in any Action at Law against the Official Manager of any such Company shall have the like Effect and Operation upon and against the Property of such Company, and upon and against the Persons and Property of the Contributories thereof, and shall be enforced in like Manner, as if such Judgments had been entered up against such Company, or against any Person duly authorized to be sued on behalf of the same.

Act not to affect Rights of Creditors nor existing Contracts.

LVIII. Provided always, and be it enacted, That, except as is by this Act expressly provided, nothing in this Act contained, nor any Petition or Order under the same for the Dissolution and Winding-up or for the winding up of any Company, shall extend or enlarge, diminish, prejudice, or in anywise alter or affect the Rights or Remedies of Creditors, or other Persons not being Contributories of the Company, or the Rights or Remedies of Creditors being also Contributories, but being Creditors of the Company upon a distinct and independent Account, whether against the Company or against any of the Contributories of the same, nor the Rights or Remedies of the Company against any Contributories or other Persons, nor shall alter or affect any Contracts or Engagements entered into by or with the Company, or any Person acting on behalf of the same, previously to any such Petition, nor any Actions, Suits, or other Proceedings pending at the Date of such Petition.

Official Manager to be indemnified.

LIX. And be it enacted, That no Judgment, Decree, or Order to be obtained or entered up against the Official Manager of any Company, as representing the same, shall affect or be executed against the Person or Property of the Party who may for the Time being be such Official Manager, otherwise than as a Contributory, and that every Official Manager shall always be fully reimbursed and indemnified, out of the Assets of the Company or out of the Credits thereof, and, if necessary, by Calls to be made on the Contributories, for all Losses, Costs, Charges, Damages, and Expenses, without Deduction, save and except such, if any, Losses, Costs, Charges, Damages, and Expenses as shall have been unduly or improperly sustained or incurred by any such Official Manager.

No Action or Suit to be instituted or proceeded with by Official Manager but by Leave of the Master.

LX. And be it enacted, That no Action, Suit, or other Proceeding in any of Her Majesty's Superior Courts at *Westminster* or *Dublin* shall be instituted or brought or proceeded with by the Official Manager, whether against a Contributory of the Company or any Debtor or other Stranger thereto, but with the Leave or according to the general Direction of the Master, to be obtained in that Behalf by the Official Manager, who shall accordingly apply for the same; and that no such Action, Suit, or other Proceeding shall be proceeded with if the Master shall, by Writing under his Hand, direct that the same shall be stayed or discontinued: Provided always, that the Want of such Leave as aforesaid shall not be set up as or in anywise constitute a Defence to any such Action, Suit, or other Proceeding.

No Claim of any Contributory in respect of his Share to be set off against any Demand of the Official Manager of a dissolved Company against such Contributory.

LXI. And be it enacted, That no Claim or Demand which any Contributory of the Company may have in respect of his Share, or in respect of the Share of any deceased or former Contributory of the Company in right of whom he claims, of the Capital or Joint Stock thereof, or of any Dividends, Interest, Profit, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off, either at Law or in Equity, against any Demand which the Official Manager of such Company may have against such Contributory, upon a distinct or independent Account, Contract, or Dealing between the Person being such Contributory and the Company: Provided nevertheless, that if a Balance shall appear to be and shall be justly due from any Contributory on his Account with the Company as Contributory as entered in the Books thereof, and such Contributory shall, upon a distinct and independent Account, Contract, or Dealing, be a Creditor of such Company, the Official Manager shall set off the Amount of such Balance against the Demand which such Contributory shall have or be entitled to as such Creditor as aforesaid.

Official Manager, with Leave of Master, may defend Actions or Suits against individual Contributories.

LXII. And be it enacted, That it shall be lawful for the Official Manager, with the Leave of the Master, to be signified by Writing under his Hand, to defend, either by his official Style and Designation, or in the Name of the original Defendant, any Action or Suit brought against any individual Contributory of the Company; but that in such Case any Judgment or Decree to be obtained by the Plaintiff shall have the same Effect, but no further or otherwise, than if the same had been obtained against the original Defendant in such Action or Suit.

7. *Ascertaining and getting in the Estate.*

The Master may summon any Person, whether a Member of the Company or not, to give Evidence as to the Affairs, &c.

LXIII. And be it enacted, That it shall be lawful for the Master, as well before as after the Order absolute, to summon before him any Person, whether a Contributory of such Company or not, who shall be or shall be deemed to be capable of giving Information concerning such Company, or the Estate, Dealings, or Affairs thereof, and also to require such Person so summoned to produce, and if a Contributory to leave with the Master or the Official Manager, any Books, Papers, Deeds, Writings, or other Documents in the Custody, Possession, or Power of such Person, which may appear to the Master to be necessary or expedient to be produced or left as aforesaid; and it shall be lawful for the Master to examine every such Person upon Oath, by Word of Mouth or upon Interrogatories in Writing, concerning such Company, or the Estate, Dealings, or Affairs thereof; and every Person so summoned who shall not come before the Master, or shall refuse to be sworn and examined, or shall not fully answer to the Satisfaction of the Master, or shall refuse to sign or subscribe his Examination, or shall refuse to produce or shall not produce any such Book, Paper, Deed, Writing, or Document, shall be liable to be committed to the

the Queen's Prison: Provided always, that every such Default or Refusal shall be certified by the Master, and thereupon such Order shall be made by the Court, upon Motion for that Purpose, of which Notice shall be given to the Person sought to be affected, as the Court shall see fit. *Ascertaining and getting in the Estate.*

LXIV. And be it enacted, That every Person summoned before the Master as a Witness shall be entitled to such Costs and Charges as are by Law allowed to Witnesses; but that where any Person who at the Time of the Order absolute was a Contributory of such Company shall be summoned as aforesaid, every such Person shall have such Costs and Charges only, if any, as the Master in his Discretion shall think fit; but in all such Cases the Master may suspend the Payment of such Costs until such Time as he shall think reasonable. Costs of Witnesses.

LXV. And be it enacted, That if any Person who at the Date of the Order absolute was a Contributory of such Company shall wilfully conceal or withhold any Real or Personal Estate or Effects of such Company, and shall not within Thirty Days after the Order absolute discover such concealed or withheld Estate or Effects to the Master or to the Official Manager, every such Person shall forfeit the Sum of One hundred Pounds, and double the Value of the Estate so concealed or withheld, to be recovered in Action of Debt by the Official Manager in any of Her Majesty's Courts of Record, for the Use of the Company; and the Certificate of the Master, signed by him, of such wilful Concealment or Withholding, shall be Evidence in such Action of Debt of such wilful Concealment or Withholding. Penalty on Contributories, &c. concealing the Estate of Company, 100*l.*, and double the Value of the Estate concealed.

LXVI. And be it enacted, That after the Appointment of the Official Manager of the Company the Master shall from Time to Time, by Order to be made upon the Application of the Official Manager or of any Contributory, order and require any Contributory, Trustee, Receiver, Banker, or Agent to pay, deliver, or transfer forthwith, or within such Time as the Master shall direct, into the Hands of the Official Manager, any Sum or Balance, Books, Papers, Estate, or Effects which shall happen to be in his Hands for the Time being, and to which the Company is *primâ facie* entitled, or which, in the Case of a Contributory, shall appear to the Debit of his Account as Contributory with the Company, as entered in the Books of the Company, anything in the present Practice of Courts of Equity to the contrary notwithstanding: Provided nevertheless, that it shall be lawful for the Person upon whom any such Order shall be made to apply to the Master to discharge or vary any such Order, or to enlarge the Time thereby fixed for such Payment. Pending the winding up, Master may require Payment of Balances.

LXVII. And be it enacted, That when any Order shall have been made under this Act, by the Master or by the Court, for the Payment of any Monies, or for the Delivery of any Effects, Books, or Documents to the Master or the Official Manager, and Default shall have been made by any Person in obeying such Order, the same may be enforced against such Person upon Affidavit by the Official Manager of such Default, and without any previous Demand by the Official Manager or any other Person. Orders may be enforced upon Affidavit of Default, and without previous Demand.

LXVIII. And be it enacted, That the Conveyance or Assignment by the Official Manager of any Company of all Real Estate, of whatever Tenure, and Chattels Real, by this Act vested in such Official Manager, shall be by Deed of Grant; and that every such Deed of Grant shall be approved by the Master, and such Approbation certified in the usual Way; and being so approved and certified, shall be effectual to grant all the Interest for the Time being vested in the Official Manager, or which by such Deed shall be expressed to be granted, of and in the Real Estate or Chattels Real intended to be granted, to the Uses, Intents, and Purposes, or upon the Trusts, or subject to the Powers, Provisoes, Agreements, and Declarations, which may be contained and declared in the same, according to the Nature and Tenure of the Subject of the Grant, without any Confirmation by Order of Court or otherwise; and that the Signature of the Official Manager to any Deed so certified, wherein any Money shall be expressed to be received by him, shall effectually discharge all Persons by whom the same shall be expressed to be paid from seeing to or being accountable for the Application of the Money therein acknowledged to be received by the Official Manager: Provided always, that in the Case of any Copyhold or Customaryhold Hereditaments such Deed of Grant shall be entered upon the Court Rolls of the Manor of which the same are holden, and when so entered shall be effectual without any Surrender or Admittance of the Grantee, subject nevertheless to the Rents, Fines, Heriots, Suits, and Services due and of Right accustomed for the said Lands. Conveyances or Assignments of Real Estate or Chattels Real by Official Manager, how to be made and certified.

LXIX. And be it enacted, That where any Part of the Assets of any Company respecting which an Order absolute shall have been made shall consist of any Government Stock, Funds, or Annuities, or of the Stock of any public Company in *England*, *Scotland*, or *Ireland*, not standing in the Name of the Company, it shall be lawful for the Master, by Writing under his Hand, to direct such Person as the Master shall think proper to appoint for that Purpose in the Place of the Person in whose Name or Names such Stock, Funds, or Annuities shall be standing, (but subject nevertheless to any Distringas, Stop Order, or other Process which may affect the same for the Time being,) to transfer the same into the Name of "The Official Manager of" the Company (described as aforesaid); and the Governor and Company of the Bank of *England*, and all other Companies and Societies, and their Officers and Servants, are hereby required to allow such Transfer to be made, and they are hereby respectively indemnified for all things done or permitted pursuant to such Direction. As to Stock in the Funds, &c.

LXX. And be it enacted, That all Monies which shall be received, recovered, collected, and got in under this Act by the Official Manager, and which shall be derived by the Sale or Conversion of any of the Assets or Estate of the Company of which he shall be appointed Official Manager, shall be paid by such Official Manager into the Bank of *England* or into the Bank of *Ireland* (as the Case may be), or any Branch Bank thereof respectively, to the Credit of an Account to be intituled "The Account of the Official Manager" of the particular Company in respect of which such Monies shall have been received, Payment of Money into the Bank.

Ascertaining and getting in the Estate.

received, recovered, collected, got in, and derived as aforesaid; and no Money which shall be standing to such Account shall be paid out by the Bank except upon Cheques signed by the Official Manager, and countersigned by the Master: Provided always, that it shall be lawful for the Official Manager to retain in his Hands for current Purposes such a Sum of Money as the Master shall from Time to Time direct.

8. *Proof of Debts, &c.*

List of Debts to be made out by the Official Manager.

LXXI. And be it enacted, That the Official Manager shall with all convenient Speed after his Appointment make out from the Books of Accounts and Papers of the Company a List of all Debts and Demands due or which may be claimed from the Company, and shall make such Observations with reference to such Debts and Demands, or any of them, and as to the Amount thereof respectively, as he shall think proper to be made thereon, in order to assist the Master in forming a Judgment thereon, when any Debt shall be claimed to be proved before the Master in pursuance of the Advertisement in that Behalf herein-after mentioned; and when any of such Debts shall have been proved or claimed before the Master as herein-after mentioned the same shall be entered in a new List to be made by the Official Manager, so that the Debts and Demands allowed by the Master shall be distinguishable from such of them as shall be disallowed, or shall be allowed only as Claims; and in case any Debts or Demands which shall be disallowed, or allowed only as Claims, shall be afterwards allowed by the Master as having been duly proved, or shall be duly established by legal Proceedings or otherwise, such Changes and Variations shall be made by the Official Manager in such List or Lists of Debts as shall be required to be made in order that such List or Lists may correctly represent the State and Condition of the Affairs of the Company in regard to the Debts and Demands due or claimed from or against them; and in such List or Lists the Official Manager, in Cases where it shall be necessary or convenient for the Purposes of the winding up, shall enter the Dates or Times at which such Debts or Demands, or any of them respectively, were contracted or became due, and shall enter all Sums of Money which shall have been paid in discharge or on account of such Debts and Demands, or any of them; and such Lists respectively, and all Changes and Variations therein, shall be entered by the Official Manager in a Book to be provided and kept by him; and such Book shall from Time to Time as Occasion shall require be inspected by the Master.

Master to advertise Commencement of winding up.

LXXII. And be it enacted, That within Ten Days after the Order absolute shall have been brought in before him the Master shall cause to be advertised in the *London Gazette* that he is acting in the winding up of the Company, and thereby requiring Creditors to come in before him, and to prove their Debts and Demands.

No Action or Suit to be instituted or proceeded with against the Company but after Proof of Debt.

LXXIII. And be it enacted, That after the first Appointment of an Official Manager no Creditor or other Person shall, except so far as the Master shall permit, have Power to commence or to proceed with any Action against the Official Manager or against the Company, or any other Person representing the same, or who is sued as a Contributory thereof, until after Proof, or exhibiting or making such Proof as he may be able, of his Debt or Demand before the Master, as herein-after mentioned; and it shall be lawful for any Judge of the Court in which such Action shall be pending, upon Summons taken out before him for that Purpose, to order that all further Proceedings in such Action shall be stayed until after such Proof shall have been made or exhibited before the Master.

Proof of Debts to be made as in Bankruptcy, or otherwise as Master shall direct.

LXXIV. And be it enacted, That the Creditors of the Company making Proof of their respective Debts or Demands before the Master shall make Proof thereof by Deposition or Affidavit in the same Manner in all respects as Debts are now allowed to be proved in Bankruptcy: Provided nevertheless, that it shall be lawful for the Master to allow or direct the Proof of such Debts or Demands, or any of them, to be made by the Official Manager or by the Creditors in such other Form and in such other Manner as he shall think fit.

Master to allow or disallow Debts.

LXXV. And be it enacted, That the Master shall, upon Proof made or offered and exhibited before him of the Debts and Demands due or claimed from or against the Company, or any of them, either allow or disallow, or allow as Claims only, such Debts and Demands respectively, according to the Nature of the Case and of the Proofs adduced or exhibited before him, and shall, by Writing under his Hand, declare such Allowance and Disallowance, or such Allowance as Claims only.

9. *The List of Contributories, and their mutual Rights.*

Official Manager to make out List of Contributories.

LXXVI. And be it enacted, That the Official Manager shall make out a List of the Members and other Contributories of such Company, together with their respective Addresses, and the Number of Shares or Extent of Interest to be attributed to each, and such List shall as far as practicable distinguish the several Classes of Contributories, and such Variations and Additions shall afterwards be from Time to Time made therein and thereto as that the same shall, as far as may be, be a true and accurate List of such Members and other Contributories; and in case any of the Contributories shall after the making of the Order absolute assign or dispose of any Share, Right, Title, or Interest in the Company, or the Capital or Profits thereof, it shall be lawful for the Master, upon the Application of the Contributory making such Assignment, or of the Person in whose Favour the same shall have been made, or of any Contributory of the Company, or of the Official Manager, to introduce into the List of Contributories the Name of the Person to whom such Assignment shall have been made, either by way of Substitution for the Name of the Contributory making such Assignment or conjunctively therewith: Provided nevertheless, that no such Assignment or Disposal shall release or exonerate the Party making the same from any Liability as a Contributory further or otherwise than he would be released or exonerated if the Affairs of the Company were not wound up under this Act.

List to be settled by Master, and Notice

LXXVII. And be it enacted, That the List of Contributories so made out by the Official Manager shall be settled by the Master, and previous Notice of his being about to settle the same shall be given in the *London Gazette*, and otherwise as the Master shall direct; and such List, and all Variations therein

therein and Additions thereto, when respectively settled by the Master, shall be entered by the Official Manager in a Book which shall be from Time to Time inspected by the Master, and certified by him by Writing under his Hand to be entered therein.

Days given of his beginning to settle.

LXXVIII. And be it enacted, That Notice in Writing shall be given to every Person included in or proposed to be specially excluded from the List of Contributories, or in any Variation therein or Addition thereto, as aforesaid, before the same shall be settled by the Master, thereby notifying that such Person is included in or excluded from the List, and if included then in what Character, and for what Number of Shares, and of what Amount, or for what other Interest such Person is so included; and that, if no Cause shall be shown to the contrary to the Satisfaction of the Master, by a Day to be fixed by the Master, and to be specified in such Notice, the List shall not as to every Person failing or neglecting to show Cause within the Time to be so fixed, be afterwards disputed, without Leave of the Court first obtained.

Notice to be given to Parties included in or excluded from the List.

LXXIX. And be it enacted, That so far as the Master shall have settled such List of Contributories, or any Variation therein or Addition thereto, every Person included in such List, or in any Addition thereto or Variation therein, or specially excluded therefrom, shall, unless Cause be duly shown by him to the contrary to the Satisfaction of the Master, be fully bound and concluded by the List so settled, or by any Exclusion therefrom, and shall not be entitled to contest the same, without Leave of the Court first obtained for that Purpose.

List to be conclusive when settled, unless Cause shown to the contrary.

LXXX. And be it enacted, That after the Master shall have commenced to settle the List of Contributories no Person shall be entitled to appear before him as a Contributory of the Company unless his Name shall be on the List: Provided always, that any Person, except such Person as may have been previously specially excluded from such List, shall be at liberty from Time to Time to claim, by way of Proposal before the Master, that his Name shall be inserted upon the List; and the Master shall, upon Consideration thereof, either admit or reject such Claim, by Writing under his Hand.

No Person entitled to appear as Contributory, unless Name on List.

LXXXI. And be it enacted, That it shall be lawful for any Person whose Name shall stand upon the List of Contributories to summon any other Person whose Name shall not be upon such List, and who shall not have been previously specially excluded therefrom, to appear before the Master, at a Day and Time to be therein specified, to show Cause why his Name should not be included in or specially excluded from the List; and upon the Return of such Summons, or at any future Time to be fixed by the Master, he shall consider the Liability or alleged Liability or Right of the Party so summoned to be inserted in such List, and shall by Writing under his Hand declare whether such Party shall or shall not be included in or excluded from the List.

Contributories may summon other Persons to show Cause why they should not be inserted on or excluded from the List.

10. *Payment of Debts, Calls, and Distribution of Funds.*

LXXXII. And be it enacted, That the Monies and Assets of the Company, or such of them as shall for the Time being be got in and realized, or any Part thereof, shall with all convenient Speed be paid and applied by the Official Manager, under the Direction of the Master, to be from Time to Time given under his Hand, in or towards the Satisfaction of the Debts or of any of the Debts of the Company, in such Manner, whether by way of Dividend or otherwise, as the Master shall direct.

Master to direct Payment of Debts.

LXXXIII. And be it enacted, That at any Time before the whole of the Assets of such Company shall have been collected or converted, and if the Assets remaining to be collected or converted shall not be capable of being immediately realized, although such Assets may not appear to be insufficient, and also after the Assets of the Company shall have been wholly exhausted, it shall be lawful for the Master from Time to Time to make Calls on the Contributories, or on such individual Contributories or Classes of Contributories as he may think proper, (but so far only as such Contributories respectively shall be liable at Law or in Equity to pay the same,) as well for raising such Amount as may be necessary to pay the Debts or Liabilities or any of the Debts or Liabilities of such Company, or any Part thereof, or the Costs, Charges, and Expenses of winding up the same, as also for the Purpose of adjusting and settling the respective Claims of Contributories upon each other, or upon the Company, whether such Claims shall have arisen since or before the Date of the Petition for Dissolution and Winding-up or for Winding-up, as the Case may be; and the Amount to be raised by means of such Calls, and also the Residue of the Assets and Estate of the Company after the Payment of all Debts and Liabilities, Costs, Charges, and Expenses, shall be paid and distributed by the Official Manager, under the Directions of the Master, so and in such Manner as shall (as far as possible) satisfy all such Claims, and shall finally wind up and settle the Affairs of the Company.

Although Assets not insufficient until collected, Master may make Calls.

LXXXIV. And be it enacted, That after the Master shall have determined the Amount necessary to be raised by means of a Call he shall apportion the same among the several Contributories of the Company appearing from Time to Time upon the List, so far as then settled by the Master, or such of them as ought to contribute thereto, according to their respective Liabilities, and that such Apportionment may be made against such Parties as he has already determined to be Contributories, although it may then be under Consideration or uncertain whether other Parties ought or ought not to be included in the List of Contributories.

Master to apportion Amount of Calls.

LXXXV. And be it enacted, That previously to the making of any Call the Master shall, in such Manner as the Court, by any General Order or any Special Order in the Matter, shall from Time to Time direct, and in default of and subject to any such Direction then by Advertisement in Two successive Numbers of the *London Gazette*, and otherwise as he shall think proper, give Notice of a Day, Hour, and Place at which he will make such Call, and of the proposed Amount thereof; and all Parties interested shall be entitled to attend at such Day, Hour, and Place, and to offer Objections to or relating to any such Call.

Notice of Intention to make Calls to be given by Advertisement.

LXXXVI. And

Unless Cause shown to the contrary, Order to be made for Payment of Calls.

LXXXVI. And be it enacted, That, unless Cause shall be shown to the contrary, to the Satisfaction of the Master, at the Time and Place appointed for making such Call, the Master shall then make an Order for such Call, and for the Payment to the Official Manager of the Balance which shall be due from the respective Contributories, after debiting them with the Amount of such Call, on or before a Day and at a Place to be therein fixed, such Day not being earlier than Three Weeks from the Date of the peremptory Order.

Order to be advertised and served.

LXXXVII. And be it enacted, That every such Order shall be advertised once or oftener in the *London Gazette*, and a Copy of such Order shall be served on the respective Contributories, and every Contributory shall also be furnished with a Statement of the Balance of his Account, after debiting the same with the Amount chargeable against him in respect of such Call: Provided nevertheless, that the Advertisement or the first Advertisement (if more than One) of such Order shall not take place at a less Period than Ten Days after the Date thereof, or in case any Appeal shall be made to the Court against such Order, then such Advertisement or first Advertisement shall not take place until after such Appeal shall have been disposed of.

Official Manager may, with Approbation of Master, enforce Payment, give Time, &c.

LXXXVIII. And be it enacted, That it shall be lawful for the Official Manager, with the Approbation of the Master, from Time to Time to enforce Payment of, give Time, or compound or require or take any Security for any Balance or Claim as against any of the Contributories of the Company, and also to abandon any such Balance or Claim where the Contributory against whom the same is claimed shall die, or be found and adjudged bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, or dwell or escape beyond Seas, or be known to be insolvent or incapable of paying his Debts, or in such other Cases as the Master shall think fit; and it shall not be necessary to include in any subsequent Call any Contributory against whom any Balance or Claim shall have been abandoned, but the whole Amount of every subsequent Call shall be apportioned among the other Contributories: Provided always, that nothing herein contained shall extend to discharge the Estate of any such Contributory so left out of any Call from any Claim which may exist against the same on behalf of the Company or any other Contributory thereof, but that it shall be lawful for the Official Manager to prove for the Amount thereof in the Matter of such Bankruptcy or Insolvency (if any), and to receive Dividends thereon, or to proceed against such Contributory for the same, whenever it may appear expedient so to do; and any Monies so to be recovered shall be dealt with as Part of the Assets of the Company, or otherwise as the Master shall direct.

Master may direct Action or Suit where Assets of a deceased Contributory are not admitted.

LXXXIX. And be it enacted, That in case any Money shall be due from the Estate of a deceased Contributory whose Executor or Administrator shall not admit Assets, it shall be lawful for the Master to direct that any Suit or Action shall be brought or other Steps taken for compelling Payment of what shall be so due, and for obtaining, if necessary, an Administration of the Estate of such deceased Contributory in or towards Payment of his Debts; and that any such Suit or Action shall and may be brought by the Official Manager by the Style and Designation aforesaid; and the Production of the Order or an Office Copy of the Order for Payment of any Balance shall be sufficient Evidence of the Debt in respect of which such Action or Suit shall be brought as aforesaid.

Official Manager, by Direction of Master, to circulate Accounts, &c.

XC. And be it enacted, That as far as in the Judgment of the Master it shall be consistent with the Interest of the Company the Master shall cause the Official Manager to circulate and advertise in the *London Gazette*, or otherwise to give Notice as the Master shall direct, of all Accounts and Balance Sheets and Particulars, if any, of Proceedings in and about the Liquidation which it shall be expedient to make known to the Contributories or to the Creditors of the Company.

11. *Powers of Master.*

Power to Master to direct Issues, Special Cases, and Actions.

XCI. And be it enacted, That in order to facilitate the winding up of the Affairs of any Company, and to determine and resolve any Questions of Law or of Fact that may arise between such Company and any of the Contributories or Creditors thereof, or between any Two or more of the Contributories, or between any Contributory and any Creditor, it shall be lawful for the Master to direct that such Parties as he shall in that Behalf appoint shall proceed to try, in such One of Her Majesty's Courts of Law at *Westminster* or *Dublin* as the Master shall think fit, any Issues of Fact, and to direct that any Actions at Law shall be brought and prosecuted, or shall proceed for the Purpose of trying any mixed Question of Law and Fact necessary or proper, in the Opinion of the Master, to be determined in order to the complete winding up of the Affairs of such Company; and the said Master shall settle all such Issues, and it shall be lawful for him to give such Directions as he shall think right or expedient with reference thereto, or to any such Actions as aforesaid; and such Issues shall be accordingly tried: Provided nevertheless, that no such Issue or Action shall be directed with reference to any Questions between the Company or any Contributory thereof and any Creditor thereof, without the Consent of such Creditor.

Master to adjudicate on Matters of internal Contest.

XCII. And be it enacted, That the Master shall, subject to such Appeal as herein provided, adjudicate upon and determine any Matter in contest between Contributories or Classes of Contributories, or between the Company and any individual Contributories or Classes of Contributories, which may be necessary or proper to be determined in order to the complete winding up of the Affairs of the Company.

Orders, &c. to be valid without Confirmation.

XCIII. And be it enacted, That no Orders, Reports, or Certificates of the Master under this Act shall require Confirmation, except any such Special Report as herein mentioned.

Orders, &c. to be filed.

XCIV. And be it enacted, That all Orders, Reports, Certificates, and other Acts and Proceedings done and taken by the Master in the Prosecution of any Matter referred to him under this Act, and all Affidavits, Interrogatories, Examinations, and Depositions shall be filed in the Master's Office as far as may be in one continuous File after the Manner used in Bankruptcy, and shall, together with all other

Documents

Documents relating to the same Matter, be kept by him as Part of the Proceedings therein, and the same shall from Time to Time be produced in Court or otherwise as Occasion shall require.

Orders of Master to have the Effect of Orders of Court.

XCV. And be it enacted, That all Orders of the Master under this Act shall be enforced in the same Manner and by the same or any such Process as Orders of the Court made in any Suit pending therein against any Party thereto.

Master to have all usual Powers.

XCVI. And be it enacted, That the Master, in addition to all Powers and Authorities vested in him by this Act, shall, in proceeding under any Reference to be made to him by any such Order absolute or otherwise under this Act, have and exercise all the Powers and Authorities, not being at variance with the Powers and Authorities vested in him by this Act, which he could in anywise have and exercise under the Practice of the Court in any Matter referred to him by a Decree or Order made and pronounced in a Suit.

In case of Illness, &c. of any Master, the Master acting to have all usual Powers.

XCVII. And be it enacted, That in case of the Illness or Absence of any Master to whom any Matter under this Act shall stand or be referred it shall be lawful for any other Master, without any special Direction or Appointment of the Court, to act in the Matter in the Place of the Master so for the Time being unwell or absent, and to have and exercise all and every the Powers and Authorities which such last-mentioned Master might have had or exercised in the Matter.

Master acting during Vacations to have all usual Powers.

XCVIII. And be it enacted, That it shall be lawful for any Master in attendance during any Vacation, without any special Direction or Appointment of the Court, to act in any Matter under this Act in the Place of the Master to whom any such Matter shall have been or shall stand referred, and to have and exercise all and every the Powers and Authorities which any Master to whom the Matter stood referred might have exercised; and when any Matter under this Act shall have been referred to the Master in attendance during any Vacation the Master who shall commence such Reference shall be considered as the Master to whom such Matter under this Act shall stand referred.

12. *Appeals and Special Reports.*

Appeals to Lord Chancellor, &c.

XCIX. And be it enacted, That an Appeal shall lie to the Lord Chancellor or Master of the Rolls upon Motion, without the Necessity of Objections or Exceptions from or against all Orders, Directions, Reports, or other Proceedings of or before the Master relating to the winding up of the Affairs of the Company, including Orders as to Costs, Entries or Omissions of Entries, or alleged Entries or Omissions of Entries in the Books of the Official Manager, or in any of the Lists to be settled by the Master as aforesaid, and any other Matters affecting Parties or any of the Parties to the winding up; and in all Cases in which the Question involved in any such Appeal shall be one relating to or affecting the Interests of the Company at large, the Notice of such Motion by way of Appeal shall be served on the Official Manager who shall appear on such Motion as representing the Company (unless the Court or the Master shall otherwise direct); and in all Cases in which the Question involved in any such Appeal shall be one affecting only individual Contributories or others, the Parties to be served with the Notice of such Motion shall be the Parties respectively in whose Favour or at whose Instance the Order or Proceeding appealed from was made, and who appeared thereon before the Master, and upon the hearing of such Appeal, and upon all Applications to the Court subsequent to the Order absolute, the Proceedings which shall have taken place before the Master in the Matter shall be produced in Court, and no further or other Evidence shall, without express Leave of the Court, be used in support of or against any such Appeal, except such Proceedings: Provided always, that, except on special Leave of the Court, to be obtained on Motion *ex parte*, or on Notice, if the Court shall so direct, no such Appeal shall be brought after the Expiration of Fourteen Days after the Order, Direction, Report, or other Proceeding complained of shall have been made or shall have taken place by or before the Master, or after Service of the same, in case the Party complaining shall not have been present.

Master may make Special Report as to Matters arising in winding up.

C. And be it enacted, That the Master shall have Power, if he shall think fit, to make a Special Report concerning any Matter or Thing arising in or about the winding up, in order that the Opinion of the Court may be taken therein or with respect thereto, and such Special Report shall be brought before the Court by such Parties as the Master shall direct by Motion praying that such Special Report may be confirmed, discharged, or varied by Order of the Court, or that any Directions may be given thereon; and on the hearing of such Motion the same shall be confirmed, discharged, or varied, as to the Court shall seem just, or such Directions shall be given as shall appear to be necessary or expedient in that Behalf.

Rehearing before the Lord Chancellor.

CI. And be it enacted, That every Order made by the Master of the Rolls in *England* or *Ireland*, or any of the Vice Chancellors in *England*, under this Act, may be reheard before the Lord Chancellor of *Great Britain* or *Ireland*, as the Case may be, and such Rehearing may be brought before the Lord Chancellor by way of Motion.

Appeal to the House of Lords.

CII. And be it enacted, That an Appeal shall lie to the House of Lords from all Orders to be made by the Court under this Act.

13. *Costs and Fees.*

Costs of proving Debts, &c. to be at the Discretion of Master.

CIII. And be it enacted, That the general Costs of winding up the Estate, and the Costs of proving Debts, and of trying Issues, and of all other Matters in which Creditors or any particular Contributories or Classes of Contributories or alleged Contributories of such Company shall be interested, shall be at the Discretion of the Master, and shall be paid either out of the general Estate of such Company, or out of any Portion of the general Estate, or shall be debited or credited to any individual Contributories or Classes of Contributories, or shall be subject to such Set-off as the Master shall from Time to Time direct.

Costs of Proceedings before the Court.

CIV. And be it enacted, That the Costs of all Proceedings which shall take place before the Court shall be in the Discretion of the Court.

Costs and Fees.

How Costs to be ascertained.

CV. And be it enacted, That all Costs shall be ascertained by the Master, or shall be taxed, settled, and adjusted by such Persons as he shall direct; and it shall be lawful for the Taxing Masters of the Court and they are hereby required to tax all such Costs as the Master shall direct to be taxed by them, and to make their Certificate of such Taxation in the usual Manner.

How recoverable.

CVI. And be it enacted, That all Costs ordered to be paid under this Act shall be recovered in the same Manner and by the same or any such Process as Costs ordered to be paid by any Party under any Order or Decree made in a Suit pending in the Court.

Lord Chancellor may fix Table of Fees.

CVII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls or of the Vice Chancellor, from Time to Time to fix, regulate, and vary a Table of Fees to be paid and charged in respect of all Proceedings, Orders, and other Matters under this Act.

14. *Service, Evidence, and Penalties.*

Notices may be served by being sent by Post.

CVIII. And be it enacted, That every Summons, Notice, Order, or other Document of which Service is required or in anywise authorized under this Act, unless specially directed by this Act, by the Court, or by the Master to be served otherwise, may be served by the same being sent by Post to the last known Address of the Party or Solicitor on whom the same shall be required to be served, within such Period as to admit of its being delivered within the Period prescribed (if any) for Notice to be given, and that although any such Party may be out of the Jurisdiction of the Court; and in proving such Service it shall be sufficient to prove that the Document was properly directed, and that it was put into the Post Office, and not returned, the Person to whom it is directed not being found, and it shall be deemed to have been served as of the Day when it should have been delivered in due Course of Delivery by the Post.

As to Advertisements in Ireland.

CIX. And be it enacted, That every Advertisement by this Act required or authorized to be made in the *London Gazette* shall in the Case of every Company whose principal or only Place of Business shall be in *Ireland*, or the winding up of which for the Time being shall proceed in the Court of Chancery in *Ireland*, be advertised in the *Dublin Gazette* instead of the *London Gazette*: Provided always, that it shall be lawful for the Court of Chancery in *Ireland* to direct any such Advertisement to be made in the *London Gazette* as well as in the *Dublin Gazette*, and *vice versâ*.

Advertisements in London and Dublin Gazettes to be Evidence.

CX. And be it enacted, That a Copy of the *London Gazette* and of the *Dublin Gazette* containing any such Advertisement as is hereby directed or in anywise authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is hereby directed or in anywise authorized to be given by such Advertisement; and that any Person who shall insert or cause to be inserted in the *London Gazette* or in the *Dublin Gazette* any Advertisement under this Act without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Courts to take judicial Notice of Signature of Master or Registrar and of Office Seals.

CXI. And be it enacted, That all Courts, Judges, Justices, Masters, Commissioners judicially acting, and other Officers, whether in *Great Britain* or *Ireland*, shall take judicial Notice of the Signature of any Master or Registrar or other Officer, and of the official Seal of the Report and other Offices of the Court of Chancery in *England* or *Ireland*, as the Case may be, subscribed, attached, or appended to any Order, Report, Certificate, or other judicial or official Document to be made or signed under the Provisions of this Act.

Forging any such Signature or Seal to be Felony.

CXII. And be it enacted, That if any Person shall forge the Signature of any such Master or Registrar or other Officer, or the official Seal of the Report or other Office of the Court of Chancery in *England* or *Ireland*, subscribed, attached, or appended to any such Order, Report, Certificate, or other judicial or official Document as aforesaid, or shall tender in Evidence any such Order, Report, Certificate, or other judicial or official Document with a false or counterfeit Signature of any such Master or Registrar or other Officer, or a false or counterfeit Seal of any such Office as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents*.

8 & 9 Vict. c. 113.

Punishment of Persons giving false Evidence, &c.

CXIII. And be it enacted, That any Person who shall, upon any Examination upon Oath or Affirmation authorized under this Act, or in any Affidavit, Deposition, or solemn Affirmation in or about the Dissolution or Winding-up of any Company under this Act, or otherwise in or about any Matter arising under this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Destroying Books, &c. with Knowledge of or in contemplation of Dissolution, &c. a Misdemeanor.

CXIV. And be it enacted, That if after the passing of this Act any Person, being a Contributory of any Company respecting which an Order absolute shall be made under this Act, shall, with Knowledge of an Act or Matter committed by such Company sufficient to ground an Order absolute, or, in contemplation of the Dissolution or Winding-up of such Company under this Act, destroy, alter, mutilate, or falsify, or be party or privy to the destroying, altering, mutilating, or falsifying, any of the Books, Papers, Writings, or Securities of such Company, or make or be party or privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud the Creditors or Contributories of such Company, or to defeat any of the Objects of this Act, every such Person shall be deemed to be guilty of a Misdemeanor, and on being convicted thereof shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Two Years.

15. *Questions of Jurisdiction and Practice.*

Enforcement in Ireland of

CXV. And be it enacted, That upon Production to the Registrar or other proper Officer of the Court of Chancery in *Ireland* of any Order or of the Office Copy of any Order of the Court of Chancery in *England*, or of the Master of such Court, made in any Matter arising under this Act, and upon Production to the Clerk of the Entries of the Report Office of the Court of Chancery in *England* of any Order

Order or of the Office Copy of any Order of the Court of Chancery in *Ireland*, or of the Master of such Court, made in any Matter arising under this Act, every such Order shall be entered in the Registrar's Book of the Court of Chancery of *Ireland* or *England* (as the Case may be) by the Officer to whom the same or an Office Copy of the same shall be produced, and such Entry shall be certified by the proper Officer at the Foot of such Order or Office Copy; and every Order so entered shall be of the same Force and Effect and shall be enforced in the same Manner in all respects as if it had been made by the Court or by the Master of the Court in the Registrar's Book or Master's Order Book whereof it shall be so entered.

Orders of the Court of Chancery in England, and vice versâ.

CXVI. And be it enacted, That on Production at the Office in *Edinburgh* kept for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session, of an Office Copy of any Order of the Court or of the Master made in any Proceeding under or by virtue of this Act, and of an Affidavit that Application has been duly made to the Person mentioned in such Order for Payment of the Sum thereby ordered to be paid by him, and that Default has been made in Payment thereof, then such Order shall thereupon be registerable in like Manner as a Bond executed according to the Law of *Scotland* with a Clause of Registration therein contained; and Decreet shall be interponed to such Order, upon which Execution shall pass, in like Manner as Execution passes upon a Decree interponed to such Bond, and shall have the like Effect upon and against the Person named in such Order as if he had executed such Bond.

Decrees, &c. under this Act may be registered in Scotland, and Execution may be had as upon a Decree interponed upon a Bond, &c.

CXVII. And be it enacted, That where the only registered Place of Business of any Company or the head or only Office of any Company which shall not have any registered Place of Business shall be situate in *England*, then the Petition for the Dissolution and Winding-up or for the Winding-up of such Company (as the Case may be) to be presented under this Act shall be presented to the Court of Chancery in *England*, and where the only registered Place of Business or the head or only Office (as the Case may be) of any Company shall be situate in *Ireland*, then the Petition for the Dissolution and Winding-up or for the Winding-up of such Company (as the Case may be) to be presented under this Act shall be presented to the Court of Chancery in *Ireland*, and such respective Courts shall thereupon have and exercise in the Matter all Jurisdiction, Powers, and Authorities given by this Act: Provided always, that where any Company shall have a registered Place of Business or an Office or shall transact Business both in *England* and *Ireland* a Petition for the Dissolution and Winding-up or for the Winding-up of such Company (as the Case may be) may be presented under this Act either to the Court of Chancery in *England* or to the Court of Chancery in *Ireland*, and thereupon, except so far as the Court to which such Petition shall be first presented shall otherwise direct, the said Court shall exclusively have and exercise in the Matter all the Jurisdiction, Powers, Authorities, and Discretion given by this Act, and all Provisions in this Act contained shall be applicable in like Manner as if the only registered Place of Business or the head or only Office of such Company had been situate within the Jurisdiction of the same Court.

Where the Company shall be wound up in England and where in Ireland.

CXVIII. And be it enacted, That in all Proceedings under this Act the Court, in addition to all Powers and Authorities specially given and provided by this Act, shall have and exercise the like Jurisdiction, Powers, Authorities, and Discretion, so far as the same are applicable, as would have been exercisable in a Suit duly instituted and duly constituted according to the Rules and Practice of the Court, and to which all proper Persons were Parties, for the Dissolution and Winding-up or for the Winding-up of the Affairs of the Company in the Matter of which the Petition is presented; and the general Practice of the Courts of Chancery in *England* and *Ireland* in Suits pending in the same Courts respectively, so far as the same shall be applicable, and so far as the same is not or shall not be inconsistent with this Act, or with any Rules or Orders to be made under this Act, shall apply to all Proceedings under or by virtue of this Act.

Court to have such Jurisdiction as upon a Suit duly instituted.

General Practice of Courts to be followed where not varied under this Act.

CXIX. And be it enacted, That it shall be in the Discretion of the Court, on Application made to it in that Behalf by any Party interested in the Matter of the Winding-up, to stay Proceedings on any Report or Order of the Master.

Court may stay Proceedings on any Report or Order.

CXX. And be it enacted, That if any Matter shall arise in or about the Dissolution or Winding-up of any Company under this Act which shall appear to the Master not to be sufficiently provided for by this Act, or by any Rules or Orders for the Time being in force, it shall be lawful for the Master, on the Application of the Official Manager, or of any Party to the Winding-up, or at his Discretion, to report the same to the Court, who may make thereon such Special Order or such General Order, in manner by this Act directed, as may be necessary or expedient under the Circumstances.

Matters not provided for to be reported to the Court.

CXXI. Provided always, and be it enacted, That, notwithstanding anything herein-before contained, it shall be lawful for the Lord Chancellor from Time to Time to appoint any Number of Persons to act as Official Managers under this Act, and by any general Order, or by any special Order with reference to any particular Company to be made in that Behalf, to direct that the Official Managers of any Company to be dissolved or wound up under this Act shall be chosen exclusively, or at the Discretion of the Master, from the List of Persons to be so appointed as from a Date to be fixed by any such Order, and also to direct that such Official Managers shall be named or selected in rotation or otherwise, and also to determine whether any and what Security shall be given by any Official Managers so to be appointed, and whether they shall exercise all or any of the Powers, Authorities, and Discretions by this Act given to the Official Manager, and in all respects to fix and regulate the Conduct and Duties of the Official Managers so to be appointed; and in default of and subject to any such Order, all the Provisions in this Act contained with reference to the Official Manager, his Duties, Powers, Authorities, and Discretions, shall apply in all respects to any Official Manager to be appointed under this present Clause.

Power to Lord Chancellor to appoint Official Managers.

16. *Miscellaneous.*

Lord Chancellor, with the Advice and Consent of Master of Rolls and Vice Chancellor, to make General Rules and Orders.

CXXII. And be it enacted, That it shall be lawful for the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls and any One of the Vice Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice Chancellors, from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders concerning the Form and Mode of proceeding to be had for settling and enforcing the Contribution to be paid by any Contributory for the Time being of any Company, and the Practice to be observed by the Court in or relating to such Proceeding, or any Matters relating thereto, and the Form and Mode of proceeding to be had and taken before the Master primarily, or by reference from the Court, in any Matter relating to Contribution, as shall from Time to Time seem necessary or proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and getting in the Assets, and for ascertaining and discharging the Liabilities of such Company, and requiring the Creditors thereof to claim their Debts, and finally winding up the Affairs thereof with as little Delay, Expense, and Uncertainty as possible, and afterwards to vary, discharge, or alter such Rules or Orders, or any of them, by any other Rules or Orders, although such Rules and Orders respectively, or any of them, may repeal or vary the Provisions as to Procedure contained in this Act or any of them, or may prescribe others in lieu of the same or any of them: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

District Commissioners of Bankruptcy and Judges of County Courts to be Masters Extraordinary in Chancery, and Matters may be referred to them.

CXXIII. And be it enacted, That the District Commissioners of the Court of Bankruptcy and the Judges of the County Courts shall be and they are hereby appointed to be Masters Extraordinary of the Court of Chancery for the Purposes of this Act; and that it shall be lawful for the said Lord Chancellor or the Master of the Rolls, on Petition to be presented to him in any Matter depending under this Act in the Court of Chancery in *England*, by any Party interested therein, to refer or to direct or allow the Master to refer all or any Part of the said Matter to any such District Commissioners of the Court of Bankruptcy or Judges of the County Court, and by the same or any other Order to direct that such District Commissioners or Judges shall have and exercise in and about the Matters referred to him or them all or any of the Powers and Authorities by this Act given to the Master; and that the Provisions in this Act contained for the making and laying before Parliament General Rules and Orders for the Purposes of this Act by the Lord Chancellor of *Great Britain*, with such Advice and Assistance as herein mentioned, shall in all respects apply to any Rules or Orders to be made for the regulating the Jurisdiction, Powers, Authorities, and Discretion to be had and exercised by any such District Commissioners and Judges in any Proceedings under this Act, or otherwise for carrying into effect the Objects of this present Provision.

Provisions as to General Rules, &c. to apply to such District Commissioners and Judges.

Provision as to General Orders to apply to Ireland.

CXXIV. And be it enacted, That the Provision in this Act contained for the making and laying before Parliament General Orders and Rules for the Purposes of this Act by the Lord Chancellor of *Great Britain*, with such Advice and Assistance as herein-before mentioned, shall in all respects apply to any Rules and Orders to be made by the Lord Chancellor of *Ireland*, with the Advice and Assistance of the Master of the Rolls in *Ireland*, for the Purposes of this Act in *Ireland*, such Rules and Orders to be laid before Parliament in like Manner as any Rules and Orders by the Lord Chancellor of *Great Britain*.

Petition for Dissolution, &c. to be a Lis pendens. 2 & 3 Vict. c. 11.

CXXV. And be it enacted, That any Petition for Dissolution and Winding-up or for Winding-up under this Act shall constitute a Lis pendens within the Terms of an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, provided the same be duly registered in manner required by such Act concerning Suits in Equity.

Forms in Schedule may be used.

CXXVI. And be it enacted, That the Forms contained in the Schedule to this Act annexed, with such Variations therein or Additions thereto as may be expedient in any particular Case, may be lawfully and effectually used in any Proceedings under this Act, to which the same shall respectively be applicable, in whole or in part.

Act not to apply to Scotland.

CXXVII. And be it enacted, That this Act shall not apply to *Scotland*, except so far as is by this Act specially provided.

Act may be altered, &c.

CXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE to which the foregoing Act refers.

1. *Advertisement of Petition for Dissolution, or Dissolution and Winding-up.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

A Petition for the Dissolution and Winding-up [*or* for the Winding-up, *as the Case may be*,] of the above-named Company was presented to [the Lord Chancellor, Master of the Rolls, *&c. as the Case may be, specifying whether in England or Ireland*,] by [*Names of the Petitioner or Petitioners*] the Day of 18 .

2. *Mandatory*

2. *Mandatory Part of Order absolute.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

His Lordship [*or* his Honour] doth order, That the Company be absolutely dissolved as from this Day [*or* from the Day of] and wound up [*or* be absolutely wound up] under the Provisions of the Joint Stock Companies Winding-up Act, 1848 [*here insert special Directions, if any*]. And it is ordered, that it be referred to the Master of this Court in rotation [*or* to such Master as may be named in the Order] to wind up the Affairs of the said Company under the Provisions of the said Act.

3. *Advertisement of Intention to appoint Official Manager.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [*X.Y.*], the Master of the High Court of Chancery charged with the Winding-up of this Company, hereby give notice, That I shall, at my Chambers in Southampton Buildings, Chancery Lane, London, on the Day of at o'Clock in the Forenoon, or at such other adjourned Time or Place as I may then or afterwards fix, appoint an Official Manager [*or* Official Managers] of this Company; and I give Notice that all Parties interested are entitled to attend at such Time and Place, and to offer Proposals or Objections as to any such Appointment.

4. *Proposal of Official Manager* [*and Sureties*].

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

We hereby propose [*A.B.*] to be Official Manager of this Company [and *C.D.*, *E.F.*, *&c.* to be his Sureties].

[*A.B.*]
[*W.*], Solicitor for [*C.D.*]

5. *Order appointing Official Manager and Sureties, and Advertisement.*

Wednesday the Day of .

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I do order and appoint [*M.N.*] of to be Official Manager of this Company, and I direct that within Days from the Date hereof he do enter into his own Recognizance to the Amount of Nine thousand Pounds [*or such Amount as the Master shall fix*]. And I do approve of the under-mentioned Persons to be Sureties of the said [*M.N.*] for the respective Amounts set opposite their respective Names in the Schedule hereto:—

SCHEDULE.

[*Sir O.P.*] of [*&c., Bart.*]	[£5,000]
[*Q.R.*] of [*&c.*]	[£2,000]
[*S.T.*] of [*&c.*]	[£1,000]
[*V.W.*] of [*&c.*]	[£750]
[*X.Z.*] of [*&c.*]	[£250]

Advertisement.

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

[*X.Y.*], the Master of the High Court of Chancery charged with the winding up of this Company, has this Day appointed [*M.N.*] of Official Manager of this Company.

Dated 184 .

[*X.Y.*], Master.

6. *Recognizance of Official Manager and Sureties.*

[*M.N.*] of in the County of [*Gentleman*], [*Sir O.P.*] of [*Baronet*], [*Q.R.*] of in the said County , [*S.T.*] of [*&c.*], [*V.W.*] of [*&c.*], and [*X.Z.*] of [*&c.*], before our Sovereign Lady the Queen appearing, have acknowledged themselves, and every of them hath acknowledged himself, to owe to [*X.Y.*] [*the Master charged with the winding up*], Master of the High Court of Chancery, the respective Sums of Sterling Money of the United Kingdom of Great Britain and Ireland set opposite to their respective Names in the Schedule hereto, to be paid to the said [*X.Y.*], his Executors and Administrators, and in default of Payment of the said Sums the said [*M.N.*, *O.P.*, *Q.R.*, *S.T.*, *V.W.*, and *X.Z.*] are willing and do agree, and every of them is willing and doth agree, for himself, his Heirs, Executors, and Administrators, by these Presents, that the said Sums shall be levied, recovered, and received of them and every of them, and of and from all and singular the Manors, Messuages, Lands, Tenements, Hereditaments, Goods, and Chattels of them and every of them, wheresoever the same shall be found. Witness our Sovereign

[*Lady*

[*Lady Victoria*], by the Grace of God of the United Kingdom of Great Britain and Ireland [*Queen*], Defender of the Faith, at Westminster, the Day of in the Year of [*Her*] Reign, and Anno Domini 18 .

Whereas in the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company, [*X.Y.*] One of the Masters of the High Court of Chancery, charged with the winding up of the said Company, has, by Order dated appointed the said [*M.N.*] Official Manager of the said Company, and has approved of the said [*Sir O.P., Baronet, Q.R., S.T., V.W.*, and *X.Z.*] to be his Sureties in the Amounts set opposite to their respective Names in the Schedule hereto: Now the Condition of the above-written Recognizance is such, that if the said [*M.N.*], his Executors or Administrators, or any of them, do and shall duly account for what he shall receive as Official Manager of the said Company, at such Periods and in such Manner as the said Master shall appoint, and pay the same as the said Master hath already directed or shall hereafter direct, then the said Recognizance to be void, otherwise to remain in full force and virtue.

SCHEDULE.

[*Same as that to Order appointing Manager and Sureties, with the Addition of the Name of the Official Manager, and of the Amount of his Recognizance.*]

7. *Summons for Party or Witness to attend before Master.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

These are to will and require you and every of you to whom this Summons is directed personally to be and appear before me [*X.Y.*], the Master of the High Court of Chancery charged with the winding-up of the said Company, on the Day of next, at o'Clock in the Forenoon, at my Chambers in Southampton Buildings, Chancery Lane, London, then and there to be examined before me, pursuant to the Statute in that Case made and provided: [And also that you bring with you, and produce at the Time and Place aforesaid, a certain Indenture [*describe Documents*], and all other Books, Papers, Deeds, and Writings, and other Documents, in your Custody, Possession, or Power, in anywise relating to or other the Affairs of the said Company]: And hereof fail not at your Peril. Given under my Hand, this Day of 18 .

To [*X.Y.*]

8. *Master's Warrant.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I appoint next, at o'Clock in the noon, at my Chambers in Southampton Buildings, Chancery Lane, London, to consider [the under-mentioned Application], at which Time and Place all Parties concerned are to attend [and Notice hereof is to be given to *A.B.*, *&c.*]

Dated the Day of 184 .

9. *Order for Production and Deposit of Books, &c.*

[*Monday*] the Day of 18 .

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [*X.Y.*], the Master of the High Court of Chancery charged with the winding up of this Company, do order, That [*A.B.*] do, on or before the Day of next, or within Days after Service hereof, produce and leave with me [*or* with the Official Manager of this Estate], at [my Chambers in Southampton Buildings, Chancery Lane], a certain Indenture [*describe it*], and also all Deeds, Books, Papers, and Writings in his Custody, Possession, or Power in anywise relating to the Affairs or Estate of the said Company.

10. *Master's Direction to Official Manager to bring Action against different Debtors to Company.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [*X.Y.*], the Master, *&c.*, on Application this Day made to me by [*A.B.*], the Official Manager, do hereby authorize and direct the said [*A.B.*] to proceed by Action at Law against the under-mentioned Parties for the Sums set opposite to their respective Names:

[*G.*]	£
[*H.*]	
[*I.*]	

11. *Order for Payment of Balance by Contributories.*

[*Tuesday*] the Day of .

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [*X.Y.*], the Master, *&c.*, do order, That the several Parties named in the Schedule hereto do forthwith [*or* within Days after Notice hereof], at pay to the Official

Official Trustee of this Company the several Sums of Money set opposite their respective Names in the said Schedule, such several Sums being the Balances respectively now appearing due from the said several Parties on their respective Accounts with the said Company.

12. *Advertisement for Creditors.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

Notice is hereby given, That all Parties claiming to be Creditors of this Company are to come in and prove their Debts before [*X.Y.*], the Master of the High Court of Chancery charged with the winding up of the said Company, at his Chambers in Southampton Buildings, Chancery Lane; and until they shall so come in they will be precluded from commencing or prosecuting any Proceeding for Recovery of their Debts.

13. *Advertisement that the Master is settling List of Contributories.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

By Direction of [*X.Y.*], the Master of the High Court of Chancery charged with the winding up of this Company, Notice is hereby given, That the said Master will proceed on next, at o'Clock in the Forenoon, at his Chambers in Southampton Buildings, Chancery Lane, London, to settle the List of Contributories of this Company; and that after such List shall have been settled no Party affected thereby will be allowed to dispute the same without Leave of the High Court of Chancery first obtained.

14. *Advertisement of intended Call.*

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

By Direction of [*X.Y.*], the Master of the High Court of Chancery charged with the winding up of this Company, Notice is hereby given, That the said Master purposes on next, at o'Clock in the Forenoon, at his Chambers in Southampton Buildings, Chancery Lane, London, to proceed to make a Call on all the Contributories of the said Company [*or* on some special or particular Class of them, *as the Case may be, e. g.* "on all those Contributories of the said Company who, having once been Shareholders, had sold or transferred their Shares within Three Years previous to the Day of 18 "], and that the Master purposes that such Call shall be for £ per Share.

All Persons interested are entitled to attend at such Day, Hour, and Place, to offer Objections to such Call.

15. *General Order in making Call.*

[*Tuesday*] the Day of

In the Matter of the Joint Stock Companies Winding-up Act, 1848, and of the Company.

I [*X.Y.*], the Master of the High Court of Chancery charged with the winding up of this Company, do peremptorily order, That a Call of [One Pound] per Share be made on all the Contributories of this Company [*or as the Case may be*]; and I do peremptorily order each Contributory, on the Day of at o'Clock in the Forenoon, at [my Chambers in Southampton Buildings, Chancery Lane, London], to pay to the Official Manager of this Company the Balance, if any, which will be due from him after debiting his Account in the Company's Books with such Call.

16. *Order for Issues.*

[*Wednesday*] the Day of 18 .

In the Matter of [*&c., as before*].

I [*X.Y.*], the Master of the High Court of Chancery charged with the winding up of this Company, being desirous of having the following Questions of Fact decided by a Jury; namely, first, whether, *&c.* second, whether, *&c.* do order as follows; (that is to say,) I order that a Writ of Summons be issued out of Her Majesty's Court of at Westminster by [*A.B.*] against [*C.D.*], pursuant to the Provisions of the Statute in that Case made and provided; and I do order that the Parties proceed to a Trial under the said Writ of Summons at the next Assizes for and I do order that [*A.B.*] be the Affirmant in the first of the said Issues, and that [*C.D.*] be the Affirmant in the second of the said Issues; and I do order that the said Issues be tried at the next Assizes at and that [*A.B.*] be at liberty, if he shall think fit, to examine [*E.F.*], One of the Contributories of the said Company, as a Witness upon the Trial of the said Issues; and I do order that [*E.F.*] do attend and be examined accordingly, upon receiving Notice that [*A.B.*] intends to avail himself of the Liberty hereby given; and I do order that [*A.B.*] and [*C.D.*], and the Official Manager of the Company, produce at the Trial of the said Issues, for all necessary Purposes, as [*A.B.*] or [*C.D.*] shall respectively require, all the Documents relating to [the Affairs of the said Company] in their respective Possession or Power; and both Parties are to admit upon the Trial of such Issues that such Documents as shall be produced by the said Official Manager are the Documents of the said Company.

CAP. XLVI.

An Act for the Removal of Defects in the Administration of Criminal Justice.

[14th *August* 1848.]

'WHEREAS the technical Strictness of Criminal Proceedings might in some Instances be further relaxed, so as to ensure the Punishment of the Guilty, without depriving the Accused of any just Means of Defence: And whereas it is expedient to make further Provision for the more effectual Prosecution of Accessories before and after the Fact to Felony: And whereas it is also expedient that any Accessory before the Fact to Felony should be liable to be indicted, tried, convicted, and punished in all respects like the Principal, as is now the Case in Treason and in all Misdemeanors:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if any Person shall become an Accessory before the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, such Person may be indicted, tried, convicted, and punished in all respects as if he were a principal Felon.

Accessories before the Fact to any Felony may be punished in the same Degree as the Principal.

II. 'And whereas an Accessory after the Fact to Felony can at present be tried only along with the principal Felon, or after the principal Felon has been convicted, and not otherwise, which is sometimes productive of a Failure of Justice:' Be it therefore enacted, That from and after the passing of this Act if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, he may be indicted and convicted either as an Accessory after the Fact to the principal Felony together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony whether the principal Felon shall or shall not have been previously convicted or shall or shall not be amenable to Justice, and may thereupon be punished in like Manner as any Accessory after the Fact to the same Felony if convicted as an Accessory may be punished, and the Offence of such Person, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon in the same Manner as if the Act by reason of which such Person shall have become an Accessory had been committed at the same Place as the principal Felony: Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory after the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Trial and Conviction of Accessories after the Fact.

III. 'And whereas, according to the present Practice of Courts of Criminal Jurisdiction, it is not permitted in an Indictment for stealing Property to add a Count for receiving the same Property knowing it to have been stolen, or in an Indictment for receiving stolen Property knowing it to have been stolen to add a Count for stealing the same Property, and Justice is hereby often defeated:' Be it therefore enacted, That from and after the passing of this Act, in every Indictment for feloniously stealing Property, it shall be lawful to add a Count for feloniously receiving the same Property, knowing it to have been stolen, and in any Indictment for feloniously receiving Property knowing it to have been stolen it shall be lawful to add a Count for feloniously stealing the same Property; and where any such Indictment shall have been preferred and found against any Person, the Prosecutor shall not be put to his Election, but it shall be lawful for the Jury who shall try the same to find a Verdict of Guilty, either of stealing the Property or of receiving it knowing it to have been stolen; and if such Indictment shall have been preferred and found against Two or more Persons it shall be lawful for the Jury who shall try the same to find all or any of the said Persons guilty either of stealing the Property or of receiving it knowing it to have been stolen, or to find one or more of the said Persons guilty of stealing the Property, and the other or others of them guilty of receiving it knowing it to have been stolen.

As to Additions of Counts in Indictments for stealing and receiving stolen Property.

IV. 'And whereas a Failure of Justice frequently takes place in Criminal Trials by reason of Variances between Writings produced in Evidence and the Recital or setting forth thereof in the Indictment or Information, and the same cannot now be amended at the Trial, except in Cases of Misdemeanor:' For Remedy thereof be it enacted, That it shall and may be lawful for any Court of Oyer and Terminer and General Gaol Delivery, if such Court shall see fit so to do, to cause the Indictment or Information for any Offence whatever, when any Variance or Variances shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof in the Indictment or Information whereon the Trial is pending, to be forthwith amended in such Particular or Particulars by some Officer of the Court, and after such Amendment the Trial shall proceed in the same Manner in all respects, both with regard to the Liability of Witnesses to be indicted for Perjury and otherwise, as if no such Variance or Variances had appeared.

Courts of Oyer and Terminer may cause Indictments to be amended in certain Cases.

Not to extend to Scotland.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XLVII.

An Act for the Protection and Relief of the destitute Poor evicted from their Dwellings in *Ireland*. [14th *August* 1848.]

No Writ, &c. for taking possession of Land in Ireland shall be executed on the Days or within the Times herein mentioned.

'WHEREAS it is expedient to regulate the Time of executing Process for taking possession of Land, and to provide for the better Relief of the destitute Poor evicted from their Dwellings in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Writ of Habere facias possessionem, Decree, Order, or other Process for the delivering up or taking possession of Land in *Ireland*, shall be executed on any *Christmas Day* or *Good Friday*, nor on any Day within the Time after the Commencement of Two Hours next before Sunset, and before Sunrise, or Six o'Clock in the Morning, whichever shall be latest.

Notice of Execution of Writ to be given by Landowner, &c. to Relieving Officer of Electoral Division in which the same shall be situate.

II. And be it enacted, That not less than Forty-eight Hours before any such Writ, Decree, Order, or Process as aforesaid for delivering up or taking possession of Land on which there shall be any inhabited Dwelling House, or Building used as a Dwelling House, shall be executed in any County in *Ireland*, the Landowner or other Person by whom or on whose Behalf such Writ, Decree, Order, or other Process as aforesaid shall have been sued out, or his Agent, shall give Notice in Writing to the Relieving Officer of the Electoral Division in which such Land shall be situate, and such Notice shall set forth the Parish or Barony, Electoral Division, and Townland in which the Land of which Possession is so to be delivered up or taken is situate.

Notice how to be given.

III. And be it enacted, That every Notice to be given to any Relieving Officer under this Act shall be given by delivering the same to such Relieving Officer, or by leaving the same, directed to such Relieving Officer, at his Dwelling House or Office, or by Letter sent by the Post directed to the Relieving Officer at such Dwelling House or Office; and in case the same shall be so sent by the Post, such Notice shall be delivered directed, open and in Duplicate, to the Postmaster of any Post Office, and the Postmaster shall compare the Notice and the Duplicate, and on being satisfied that they are alike shall forward one of them to its Address by the Post, and shall return the other to the Party bringing the same, stamped with the Stamp of the said Post Office; and such Postmaster shall be entitled to have and receive from the Person delivering such Letter the Rate of Postage payable for the same, and the Sum of Sixpence, and no more; and such stamped Duplicate shall be Evidence of the Notice having been given on the Day on which such Notice would in the ordinary Course of Post have been delivered at such Dwelling House or Office of the Relieving Officer.

Persons becoming destitute by being dispossessed may apply to Relieving Officer, who shall provide Shelter, &c.

IV. And be it enacted, That it shall be lawful for Persons who shall become destitute by reason of their being dispossessed or removed of or from any Dwelling House, or other Building used as a Dwelling House, by or under such Writ, Decree, Order, or other Process as aforesaid, to apply for Relief to the Relieving Officer of the Electoral Division in which the said Land or House shall be situate, and such Relieving Officer shall, on the Receipt of such Application, take Order for providing Shelter for any such Applicants, being destitute Persons, by an Order of Admission into the Workhouse of the Union, if there be Room therein, by conveying any such destitute poor Person thereto, if necessary, or by affording such destitute poor Persons temporary Relief in Food, Lodging, Medicine, or Medical Attendance until the next ordinary Meeting of the Board of Guardians, at which Meeting he shall report the Case and the Nature and Cost of the Relief so afforded, in such Form and Manner as the Poor Law Commissioners shall prescribe, and after such Report shall give no further Relief otherwise than by Direction of the Board of Guardians in the Case so reported, and the Guardians shall furnish the Relieving Officer with Funds for affording such Relief, in the same Manner and subject to the same Rules and Conditions as are or may be provided for all other Relief granted by the Relieving Officer under and by virtue of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland; and it shall be lawful for such Guardians, if they shall think fit, to provide every such destitute poor Person with Relief to the same Extent as destitute poor Persons permanently disabled from Labour by reason of old Age, Infirmity, or bodily or mental Defect, are by Law entitled to Relief in *Ireland*: Provided always, that it shall not be lawful for the Guardians to relieve such destitute poor Persons after the Period of One Calendar Month from the Date of such temporary Relief as aforesaid being afforded, except in the Manner by which such poor Persons could be relieved under the Acts now in force for the Relief of the destitute Poor in *Ireland*.

10 Vict. c. 31. s. 8.

Relief not to be given after One Month, except under Acts for Relief of destitute Poor.

Notice to be given where an Occupier of a Dwelling House has not had Notice in the Action, &c.

V. And be it enacted, That in case there shall be upon any Land of which Possession is to be delivered up or taken under such Writ, Decree, Order, or Process as aforesaid, any inhabited Dwelling House, or Building used as a Dwelling House, the Occupier of which shall not have received Notice as a Tenant for the Determination of his Tenancy, or shall not have been served with Notice of the Action, Civil Bill, or other Proceeding in which such Writ, Decree, Order, or Process shall have been sued out, such Occupier of every such inhabited Dwelling House or Building as aforesaid shall be served with Notice in Writing of the Intention to execute such Writ, Decree, Order, or Process, not less than Seven Days before the same shall be executed, and such Notice may be served by delivering the same to such Occupier, or by leaving such Notice at such Dwelling House or other Building, or affixing the same to some conspicuous Part of such Dwelling House or other Building: Provided always, that it shall not be necessary to name in such Notice as aforesaid the Occupier to or for whom such Notice shall be delivered,

left, or affixed, or to serve any such Notice on any Occupier who shall have become such Occupier less than Twenty-one Days before the Execution of such Writ, Decree, Order, or other Process.

Penalty on executing Writ without Notice.

VI. And be it enacted, That in case the Landlord or other Person by whom or on whose Behalf such Writ, Decree, Order, or other Process shall have been sued out shall neglect or omit to serve the Notice required by this Act to be served on the Relieving Officer, he shall forfeit and pay the Sum of Twenty Pounds to the Guardians of the Union in which the Land shall be situate; and such Sum may be recovered by Civil Bill or otherwise, and shall be applied in aid of the Rates of the Electoral Division in which such Land shall be situate, and, in case such Landlord or other Person shall be resident out of *Ireland*, may be recovered from him by Action at Law; and the Service of Process in such Action on the Attorney or Agent by whom such Writ, Decree, Order, or other Process may have been sued out shall be good Service on such Landlord or other Person as aforesaid.

The unroofing, &c. of Dwellings for the Purpose of expelling the Occupier a Misdemeanor.

VII. And be it enacted, That whosoever, with Intent to dispossess any Person actually dwelling in a House or other Building used as a Dwelling House (whether such Person shall be so dwelling under a continuing Tenancy or holding over after the Expiration thereof, or otherwise), shall, except so far as may be necessary to enable the Sheriff or his Officer to effect an Entrance thereto, pull down, demolish, or unroof, in whole or in part, or cause to be pulled down, demolished, or unroofed, in whole or in part, such Dwelling House or Building used as a Dwelling House, whilst such Person or any of his Family shall be actually within the same, shall be guilty of a Misdemeanor.

Provisions of Act to apply to Estates and Possessions of the Crown in Ireland, &c.

VIII. And be it enacted, That all the Provisions in this Act contained shall apply and shall be construed to apply to all the Estates and Possessions of the Crown in *Ireland*, and to all Proceedings taken on behalf of Her Majesty, under the Authority of the Lords Commissioners of the Treasury, or the Commissioners of Woods and Forests, or the Clerk of the Quit Rents, for recovering the Possession of any Part of such Crown Estates, whether by Writ of Intrusion, Ejectment, or otherwise, in as full and ample a Manner and subject to all the Enactments herein contained and made applicable in respect to all private Parties recovering the Possession or proceeding to recover the Possession of other Lands not being the Property of the Crown.

Interpretation of Act.

IX. And be it enacted, That in the Construction of this Act, where the Subject or Construction shall not be repugnant, Words importing the Singular Number shall extend to and include the Plural, and Words importing the Masculine Gender shall include Females as well as Males.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

CAP. XLVIII.

An Act to facilitate the Sale of Incumbered Estates in *Ireland*. [14th *August* 1848.]

'WHEREAS it is expedient to grant Facilities for the Sale of Estates situate in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* which may be charged with Incumbrances, as after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Land" shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Rents, and Hereditaments of any Tenure, whether subject to any Fee Farm or other perpetual Rent, with or without Condition of Re-entry for securing the same, or otherwise, and whether corporeal or incorporeal, and any undivided Share thereof; and the Word "Estate" shall extend to an Estate in Equity as well as at Law, and to the Benefit of any Covenant or Contract for or Right of Renewal; and the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or any Part of the Land therein comprised; and the Expression "Lease in perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or in any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Underlease out of any Lease or other Estate; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity duly registered, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual Charge which by the Instrument creating the same, or by any other Instrument, is made re-purchaseable on Payment of a gross Sum of Money; and the Word "Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof; and the Word "Possession" shall include the Receipt of the Rents and Profits; and the Word "Owner," as applied to any Land, shall include any Person entitled in possession in Fee Simple or in Tail, or quasi in Tail, and any Person entitled in possession for a Life or Lives, or for a Term of Years determinable on the dropping of any Life or Lives, or for a Term of Years of which not less than Ninety-nine Years are unexpired, not being a Lessee at a Rent, and also any Person entitled in possession as Tenant by the Curtesy, whether at Law or in Equity, and any Person entitled in possession to the Equity of Redemption or the Property subject to the Incumbrance, or to a Trust for Payment of the Incumbrance, in any Land, whether in Fee or for any lesser Estate as aforesaid, and any Feoffees or Trustees

Construction of Terms, &c. in this Act.
"Land."
"Estate."
"Lease."
"Lease in perpetuity."
"Incumbrance."
"Incumbrancer."
"Possession."
"Owner."

Trustees for charitable or other Purposes, entitled in possession; and the Word "Owner," as applied to a Lease in perpetuity or other Lease, shall include any Person entitled in possession to the Land comprised in such Lease for the whole Estate created or agreed to be created by such Lease, or for any derivative Estate (created by Settlement, or testamentary or other Disposition thereof), quasi in Tail, or for Life or Lives, or for Years determinable on the dropping of a Life or Lives, or for Years of which not less than Fifty Years are unexpired, not being an Underlease at a Rent derived out of such Lease, and any Person entitled in possession to the Equity of Redemption or the Property subject to the Incumbrance, or to a Trust for Payment of the Incumbrance, in any such Lease in perpetuity or other Lease, absolutely, or for any such derivative Estate as aforesaid; and the Word "Person" and the Word "Owner" shall extend to a Body Politic or Corporate as well as to an Individual; and the Word "Month" shall mean Calendar Month; and the Word "Court" shall mean the High Court of Chancery in *Ireland*; and the Word "Master" shall mean the Master for the Time being having the Conduct of the Reference; and every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to One Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female; and Words importing Sale and selling shall include the carrying into execution any Contract for a Sale under the Provisions of this Act; and where any Act is authorized or directed to be done by or with respect to any Person, or any Consent is authorized to be given by any Person, such Act or Consent may be done or given by the Guardian of such Person being an Infant, or by the Committee of the Estate of such Person being an Idiot or Lunatic, or by the Husband of such Person being a married Woman (except that a married Woman entitled to any Land, Estate, or Incumbrance for her separate Use for Life, or for any greater Estate, with or without Power of Anticipation, shall for the Purposes of this Act be considered as a Feme Sole); and this Act shall operate as well with respect to any Estate or Incumbrance created before the passing of this Act as with respect to any Estate or Incumbrance to be hereafter created.

"Owner."

"Person" and "Owner."

"Month."

"Court."

"Master."

Number.

Gender.

Sale and selling

II. And be it enacted, That where any Land in *Ireland* shall be subject to any Incumbrance it shall be lawful for the Owner of such Land to contract (subject to the Approbation of the Court) for the Sale thereof, freed from all Incumbrances, and such Sale, if approved by the Court, shall be carried into effect under the Provisions of this Act; and that any such Owner, or any Person being the first Incumbrancer on any such Land, or any Person being an Incumbrancer on any such Land in possession of the Title Deeds and Writings relating thereto, without having so contracted, may apply to the Court for the Sale of such Land under the Provisions of this Act.

Where Land, &c. is subject to Incumbrance, Owner may, subject to Approbation of Court, contract to sell the same.

III. And be it enacted, That for the Purposes of this Act the Land shall not be deemed subject to an Incumbrance unless the same shall affect a Term of not less than Fifty Years absolute unexpired, or a greater Estate in such Land, nor unless such Incumbrance shall have been created by the Owner of an Estate of Inheritance, but an Incumbrance charged under a Power created by the Owner of an Estate of Inheritance shall be deemed to have been created by such Owner.

Lands not subject to Incumbrance under a Term of not less than 50 Years unexpired, &c.

IV. And be it enacted, That where any Lease in perpetuity of Land in *Ireland*, or any Lease of Land in *Ireland* for a Term whereof not less than Sixty Years shall be unexpired at the Time of such Application as herein-after mentioned, shall be subject to any Incumbrance, it shall be lawful for the Owner of such Lease in perpetuity or other Lease as aforesaid to contract, subject to the Approbation of the Court, for the Sale thereof, freed from all Incumbrances, and such Sale, if approved by the Court, shall be carried into effect under the Provisions of this Act; and that any such Owner of a Lease in perpetuity or other Lease as aforesaid, and also any Person being the first Incumbrancer on any such Lease in perpetuity or other Lease as aforesaid, or any Person being an Incumbrancer on any such Lease in perpetuity or other Lease as aforesaid, and being in possession of the Title Deeds and Writings relating thereto without having so contracted, may apply to the Court for the Sale of such Lease in perpetuity or other Lease as aforesaid under the Provisions of this Act.

Where Leases in perpetuity and long Terms subject to Incumbrance, Owner may, subject to Approbation of Court, sell the same.

V. And be it enacted, That, as well for the Purposes aforesaid as for the Purposes of Sales without the Order of the Court, and for the other Purposes of this Act, such Lease in perpetuity or other Lease as aforesaid shall not be deemed subject to an Incumbrance where the same shall affect a derivative Estate or Interest only, or less than the whole Estate created or agreed to be created by such Lease in perpetuity or other Lease as aforesaid, unless such Incumbrance shall have been created by the Owner of or Person entitled to the whole Estate created or agreed to be created by such Lease in perpetuity or other Lease as aforesaid, but any Incumbrance charged under a Power created by the Owner of or Person entitled to such whole Estate as aforesaid shall be deemed to have been created by such Owner or Person so entitled.

Leases in perpetuity, &c. to be subject to Incumbrances only in certain Cases.

VI. And be it enacted, That every such Owner having contracted for Sale as aforesaid, and every such Owner or such first or other Incumbrancer being desirous to sell as aforesaid, may apply by Petition in a summary Way to the Lord Chancellor of *Ireland* for the confirming and carrying into effect such Contract for Sale, or for the Sale of such Land or Lease, as the Case may be; and every such Petition, and every subsequent Petition and other Proceeding arising out of the same, shall be entitled "In the Matter of the Act to facilitate the Sale of Incumbered Estates in *Ireland*," *ex parte* the Person who shall have presented such Petition.

Owner, &c. having contracted for Sale may apply to Lord Chancellor to confirm the Sale or Contract for Sale.

VII. And be it enacted, That every Petition for the confirming and carrying into effect such Contract for Sale, or for the Sale of such Land or Lease in perpetuity or other Lease as aforesaid, shall set forth the Estate or Interest of the Petitioner in such Land or Lease in perpetuity or other Lease as aforesaid, and the Uses or Limitations and the Trusts, if any, to which the Land or Lease stands limited or settled, and the Incumbrances and other Charges affecting the same respectively, including the Crown Rents and

Petition to set forth Incumbrances, &c., and to be verified.

Quit Rents, if any, subject to which such Land or Lease is contracted or proposed to be sold, and such Petition shall be verified as the Court shall direct or approve.

Lord Chancellor, &c. of Ireland may make Rules, &c. for carrying this Act into effect.

VIII. And be it enacted, That it shall be lawful for the Lord Chancellor of *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, from Time to Time to make any Rules or Orders which may be considered expedient for the better carrying this Act into effect, and for the Conduct of the Proceedings to be taken under this Act, and in order that the same may be done with the least Cost, and as speedily as may be consistent with a due Observance of the Provisions hereof, and also for fixing the Fees to be paid upon any Proceedings, and the Cost thereof, so that such Fees and Costs shall never exceed such as are or may be lawfully received on similar Matters: Provided always, that such Rules and Orders shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament; and any Rule and Order so made shall from the making thereof for all Purposes be deemed and taken to be a general Rule and Order of the Court.

Rules, &c. to be laid before Parliament.

Lord Chancellor, &c. may alter Rules from Time to Time.

IX. Provided always, and be it enacted, That it shall be lawful for the Lord Chancellor of *Ireland*, with the Advice and Consent aforesaid, from Time to Time, in like Manner and subject to the like Provision as aforesaid, to make any Rules or Orders rescinding or altering any former Rules or Orders.

Upon Presentation of Petition for Sale the Court may refer the same to a Master in Chancery, who shall inquire into the Particulars, and report.

X. And be it enacted, That upon the Presentation of such Petition as aforesaid it shall be lawful for the Court, either by an *ex parte* Order or on Notice to such Parties as it may consider ought to have Notice, to refer it to One of the Masters of the Court to inquire as to the Estate or Interest (if any) of the Petitioner in such Land or Lease, and as to the Uses or Limitations and Trusts, if any, to which such Land or Lease stands limited or settled, and as to the Incumbrances and other Charges affecting the same (including as well such as are claimed by the Parties who shall come in under the said Order as all such others as shall appear from the Title Deeds or on Search or otherwise, as far as the same can be ascertained, and including also Debts and Incumbrances and other Charges due or belonging to Her Majesty, Her Heirs and Successors), and as to the Persons entitled under such Uses or Limitations and Trusts, and the Persons in whom such Incumbrances and Charges shall be vested, and as to the Order and Priority of such Incumbrances and Charges, and the Amount due thereon respectively, distinguishing Principal Monies from Interest, and making all just Allowances, and in case of a Mortgagee or other Creditor in possession taking all just Accounts, and with or without Rests, as shall be just, and as to the Value of the Land or Lease which shall have been contracted or shall be desired to be sold, and also whether any such Incumbrances or Charges shall affect any Land or Estate other than the Land or Lease which shall have been contracted or be desired to be sold, and whether such other Land or Estate shall be liable in priority or in equal Degree or in posteriority, and as to the Title to the Land or Lease contracted or desired to be sold, and to the Incumbrances, and as to the Expediency of Sale, and if a Part only of any incumbered Land or Lease shall have been contracted or be desired to be sold, whether such Part shall be proper to be sold, or to make such of the above Inquiries, and to make such other Inquiries relating to or affecting such Land or Lease, and the Incumbrances and Charges thereon, as the Court shall think requisite, and to report upon the same; and the Master shall have Authority to direct Searches to be made for Judgments, and Searches of the Registry, and in all other Places, and Inquiries as to the Identity of any Person or Property; and in such Report the Master may state any Circumstances specially as the Court shall direct or as he shall see fit; and the Master shall be at liberty, at his Discretion or by Order of the Court, to make a separate Report as to any of the Matters referred to him; and for any of the Purposes of this Act the said Court shall have Power to compel the Production before the Master of all Deeds and other Writings relating to any Property in question: Provided always, that no Incumbrancer, or other Person being in possession of any Title Deeds or Writings of or relating to any Property, (and showing Right to hold the same as a Security for a Debt or Charge) or Lien shall be compellable to produce the same, unless or until it shall have been ascertained by the Report of the Master that the Money to be produced by the Sale of the Property, and applicable to the Payment of such Debt or Charge, will be sufficient to pay the same; but such Incumbrancer or other Person shall, on the Order of the Court, furnish Copies or Abstracts of any such Deeds or Writings; and in every Case in which such Incumbrancer or other Person having Right as aforesaid shall be required to produce such Deeds or Writings, or to furnish such Copies or Abstracts, the reasonable Costs and Charges of such Production or such Copies or Abstracts as aforesaid shall be previously paid or tendered by the Party requiring the same, or otherwise as the Court shall direct; and all Orders for the Production and for the furnishing of Copies and Abstracts of any such Deeds or Writings may be made on Persons residing or being in *England*, or elsewhere out of the Jurisdiction of the Court; and all Notices to be given or served under any of the Provisions of this Act may be given and served in *England*, or elsewhere out of the Jurisdiction of the Court; and the Powers, Provisions, and Directions of an Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same*, shall extend and be applied to all Orders to be made by the Court under this Act.

41 G. 3. c. 90.

Rules, &c. in force with respect to certain Proceedings for Payment of Incumbrances, &c. not incon-

XI. And be it enacted, That all the Laws, Rules, Orders, discretionary Powers, and Practice in force or which shall be in force with respect to Proceedings in the Court in a Suit for Foreclosure or Redemption of a Mortgage, or for Sale of Estates for Payment of Incumbrances or Debts, not being inconsistent with the Provisions of this Act, or with any Rule or Order to be made by the Lord Chancellor of *Ireland* as aforesaid, shall apply to the several Proceedings under this Act, so far as Circumstances will admit; and all such Proceedings by way or in the Nature of Further Directions and otherwise, in case of a Sale under

under this Act, shall and may be had and taken as in case of a Decree for Sale as aforesaid, so far as is consistent with the Provisions of this Act, and as Circumstances will admit; and in every Proceeding under this Act the Court shall (except in the Case herein-before mentioned and provided for) have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest or Principal, and in respect of Rents or Income and Corpus, as it shall see fit; and that under every Reference which shall be made to the Master under any of the Provisions of this Act he shall so far as may be consistent with the Provisions of this Act, or with any Rule or Order to be made by the Lord Chancellor of *Ireland* as aforesaid, or with any special Order of the Court under this Act, proceed in like Manner and with the like Powers and Authorities in all respects, and all Orders and Proceedings of and before the Master shall be enforcible in like Manner, as in case of a Reference made to the Master under such Decree as aforesaid, so far as Circumstances will admit; and all Persons who shall become Parties to any Proceedings under this Act, by contracting for the Purchase of any Land or Lease or by making any Application to the Court, or by submitting to the Jurisdiction of the Court, or by attending before the Master in the course of such Proceedings, or by otherwise concurring in any such Proceedings, and the Representatives of such Persons, and all Persons claiming under them, by their Act or by Act of Law subsequent to their becoming subject, as next herein-after mentioned, shall for the Purposes of this Act be subject to the Jurisdiction of the Court, and to all Orders of the Court and of the Master, in the course of any such Proceedings, in like Manner and as fully as Parties to a Cause pending in the Court are subject to the Jurisdiction of the Court in such Cause.

sistent with this Act, shall apply to Proceedings under this Act.

Court to apportion Costs as it may think fit.

All Persons becoming Parties to be subject to the Jurisdiction of the Court, &c.

XII. Provided always, and be it enacted, That it shall not be necessary for any Person thinking himself aggrieved by any Report of the Master to take Exceptions to such Report; but it shall be incumbent on all Persons Parties to Proceedings, or coming in before the Master, to carry in Objections, in the usual Manner and in the usual Cases, to the Draft of the Report, in case they shall think themselves aggrieved thereby; and any such Person omitting so to object in such Cases shall not afterwards be heard against the Report without special Leave of the Court; and every Proceeding before the Court under this Act shall be carried on by Petition or Motion in a summary Way, or as the Court may from Time to Time order; and Proceedings under this Act shall not abate nor be suspended by any Death, Transmission, or Change of Interest, except so far as it shall be deemed necessary for the carrying on of any such Proceedings that any Person not before the Court shall have Notice of or be required to attend such Proceedings.

Persons feeling aggrieved by Report of the Master not compelled to take Exceptions to the same.

XIII. And be it enacted, That in case of Death or Transmission or Change of Interest, and wherever, after the Presentation of a Petition for confirming and carrying into effect a Contract for Sale or for a Sale under this Act, the Direction of the Court shall be requisite for carrying on the Proceedings under the same, or for effecting the Objects thereof, or otherwise relative thereto, it shall be lawful for any Person interested in such Proceedings to apply to the Court for an Order for any such Purpose, and it shall be lawful for the Court to make such Order on any such Application as it shall see fit.

In case of Death, &c. Parties interested may apply to the Court to carry on Proceedings.

XIV. And be it enacted, That when, upon a Petition for confirming and carrying into effect a Contract for Sale, or applying for a Sale, any Reference shall have been made to the Master as aforesaid, he shall cause an Advertisement to be published at least once in Two successive Weeks in the *Dublin Gazette* and in such daily or other Journals or Newspapers in *Ireland* or *England*, or both, as the Master shall think fit, stating the Name and Addition or Title of the Petitioner, and in case the Petitioner shall not be the Owner, the Name and Addition or Title of the Owner, and the Denomination or short Description of the Land or Lease contracted or desired to be sold, and the County wherein the same shall be situate, and any other Matters as the Master may think fit, and fixing a Day whereon the Master will enter upon the Consideration of the Matter referred to him, and requiring all Persons having Incumbrances to come in and prove them.

When, upon a Petition, &c. a Reference shall have been made to the Master, he shall cause the same to be published by Advertisements.

XV. Provided always, and be it enacted, That no Error or Imperfection in any such Advertisement as aforesaid shall vitiate the Proceedings under any such Reference, unless the Court upon Application made to the same, or otherwise in the course of Proceedings under such Reference, shall determine that it ought so to do.

Error in Advertisement not to vitiate Proceedings.

XVI. And be it enacted, That the Master, before proceeding upon any of the Inquiries directed by any such Reference, and also from Time to Time under such Reference, or under any further Reference made to him in the same Matter, as and when by reason of any Interest appearing to exist in any of the Subjects of the Inquiries referred to him it shall seem to him fitting, shall cause Notice to be given, as and in such Form as he shall think proper, to all Persons who shall appear to him to have any Interest in any of the Subjects of such Inquiries, and whose Attendance before him shall appear proper, that he is about to proceed or that he is proceeding in the Matter of such Reference; and all Notices under this Act may be served out of the Jurisdiction of the Court, and it shall be lawful for the Court to direct substituted Service thereof in any Case in which it shall so think fit; and in case any Incumbrancer or Party interested, having been served with any such Notice, shall omit or neglect to appear in the Master's Office, or to file or carry in a Charge, it shall be lawful for the Court, on the Application of any Party, to make an Order in open Court on Motion of Course that such Incumbrancer or Party shall be bound by the Proceedings as if he had been a Party thereto, or such other Order as the Court shall think fit, and thereupon it shall be lawful to proceed notwithstanding the Absence of such Party; and if it shall appear to the Satisfaction of the Master that any Person to whom in his Judgment Notice ought to be given

Master, before proceeding, &c. shall cause Notice to be given to all Persons who shall appear to have Interest in the Subject of Inquiry.

given cannot be found, or cannot be in any Manner served with Notice, it shall be lawful for the Master to state in his Report the Name of such Person, and the Circumstances under which Notice was not or could not be given to him: Provided nevertheless, that after such Order made it shall be lawful for the Master at any Time in his Discretion to admit, and for the Court, on such Terms as it shall think proper, to order him to admit, any Party against whom such Order shall have been made to attend and proceed before him as if no such Order had been made: Provided also, that the Parties against whom such Order shall have been made shall not thereby be excluded from sharing in the Proceeds of such Sale, under the Direction of the Court, or from any other Benefits of this Act, consistent with the full Effect of such Order, or with such Directions as the Court shall think proper at any Time to make.

Persons claiming an Interest in any Land, &c. may enter a Caveat in the Registrar's Office, and shall be thereby entitled to Notice.

XVII. And be it enacted, That from and after the passing of this Act it shall be lawful for any Person claiming any Interest in any Land or Lease in *Ireland* to enter a Caveat in the Office of the Registrar of the Court against the Sale of such Land or Lease, by Order of the Court or otherwise, under the Provisions of this Act; and in such Caveat shall be mentioned the Place of Abode of such Person, or some Place of Address at or to which Notices respecting such Sale may be served or sent; and such Person shall thereupon and thereby be entitled to and shall have and receive such Notice of all subsequent Proceedings to be taken upon any Reference under this Act relating to the Land or Lease mentioned in such Caveat or any Part thereof, as herein-after mentioned; (that is to say,) where the Place of Abode or Address mentioned in such Caveat shall be in the City of *Dublin* such Notice shall be served on such Person personally or left with some Inmate of such Place of Abode or Address, being of the Age of Sixteen Years or upwards, and where such Place of Abode or Address shall be elsewhere than in the City of *Dublin* such Notice shall be transmitted through the Post Office, addressed to such Person at such Place of Abode or Address.

All Persons claiming under Reference to appear before the Master, who shall state by whom attended, &c.

XVIII. And be it enacted, That it shall be lawful for all Persons claiming any Interest in any of the Subjects of such Inquiries in the usual Manner to appear before the Master under any Reference under the Powers of this Act, and to claim to take a Part in the Proceedings under the Reference, or in any of them, and the Master shall have Power to determine what Parties shall and may attend before him and take a Part in the Proceedings under the Reference, or in any of them, and upon what Terms; and the Master in his Report under any such Reference shall state by what Persons he has been attended in such Proceedings, or in any of them, and also what (if any) Persons, and in respect of what Inquiries, he has prohibited from attending before him, and also what (if any) Persons shall after Notice to them as aforesaid have neglected or omitted to attend before him: Provided always, that no Omission of the Master to cause any such Notice as aforesaid to be given shall vitiate any Proceedings before the Master, unless the Court, upon Application made to the same, or otherwise, in the course of Proceedings in the Matter in which such Reference shall have been made, shall determine otherwise.

Omission of the Master to give Notice not to vitiate Proceedings.

Persons who have been disallowed from attending before the Master, &c., may apply to the Court against such Disallowance, &c.

XIX. Provided always, and be it enacted, That it shall be lawful for any Person whose Attendance before him the Master shall have disallowed, and also for any Person complaining of any Act or Proceeding of the Master in any Case not otherwise specially provided for, or requiring the Direction or Order of the Court in any Proceeding before the Master, to apply to the Court against such Disallowance, Act, or Proceeding, or for such Direction or Order, but so that no such Application complaining of any Disallowance, Act, or Proceeding of the Master shall, without special Leave of the Court, be made, unless within Fourteen Days after the Act or Proceeding complained of, if the Court be then sitting, and if the Court shall not be then sitting, unless Notice of such Intention to apply at the Sitting of the Court be given within Fourteen Days to the Party petitioning for such Sale as aforesaid.

Directions of this Act as to Proceedings to have the Force of Orders of the Court.

XX. And be it enacted, That all the Directions in this Act contained as to Proceedings before the Master and in Court shall have such and the same Force and Effect as if the same were Orders of the Court, and the Court shall have such and the same Powers and Authorities in relation to all such Proceedings, and in relation to the Costs of or incident thereto, as the Court would have if such Directions were Orders of the Court, and were not expressly contained herein.

When Incumbrance subject to Limitations, the first Person entitled to make Application.

XXI. And be it enacted, That when any Incumbrance shall be subject to any Limitations of Estate or Interest, or shall be held upon any Trust, the first Person entitled to the Income of such Incumbrance, or the Trustee or other Person whom the Court may think fit, shall be the Person to make any Application or give any Consent under this Act in respect of such Incumbrance.

Where any Person shall be entitled to any Charge, &c. Master may treat such as an Incumbrance.

XXII. And be it enacted, That where any Person who shall be entitled to any Charge not being an Incumbrance within the Meaning of this Act (including any such apportioned Charge as herein-after mentioned) shall be willing to accept a gross Sum in satisfaction of such Charge, it shall be lawful for the Master, if he shall think fit, to treat and to include in his Report such Charge as an Incumbrance within the Meaning of this Act; and that where any Land or Lease a Part only of which shall be contracted or desired to be sold shall be subject to any such Charge not being an Incumbrance as aforesaid, or to any Incumbrance from which the Land or Lease contracted or desired to be sold shall not be otherwise freed or discharged under the Provisions of this Act, it shall be lawful for the Master, if he shall see fit, to approve of the Part not contracted or desired to be sold of such Land or Lease being charged with such Charge or Incumbrance in exoneration of the Land or Lease contracted or desired to be sold, or to approve of an Apportionment of such Charge or Incumbrance between the Land or Lease to be sold and the Residue of the Land or Lease subject thereto, with the Consent in either Case of all Parties interested in the Part of such Land or Lease not contracted or desired to be sold, and to include such Matters in his Report: Provided nevertheless, that a Sale by Order of the Court may be made under this

As to the Sale of any Land, &c. a Part only of which shall be desired to be sold.

Act

Act before all the Accounts of Incumbrances are taken, or the Rights of Incumbrancers ascertained, if the Court shall on special Application so direct.

Report of the Master and all other Reports, &c. to be filed according to the Rules of the Court.

XXIII. And be it enacted, That the Report of the Master as to the Expediency of Sale, and all other Reports, Affidavits, Orders, and other Proceedings under this Act shall, so far as consistent with the Provisions of this Act, or with any Rule or Order of the Court or of the Lord Chancellor of *Ireland*, to be made as herein-before provided, be filed according to the Rules and Practice of the Court in Causes or Matters pending in the same, so far as such filing would, as to Matters of the like Nature be thereby required, and as Circumstances will admit; and that at the Expiration of Fourteen Days after the filing of the Report, as to Parties who shall have appeared before the Master, and as to all other Persons at the Expiration of One Month after the filing of any Report approving of a Sale, if no Application shall be made or shall be pending before the Court, complaining of such Report, or of any Proceedings of the Master under the Reference under which such Report shall have been made, it shall be lawful for the Court, upon the Application of any Party interested in such Report, (and without the Attendance of Counsel, unless the Court shall see fit to direct such Attendance of Counsel,) to confirm the Report absolute, and to direct or authorize a Sale to be made by the Master, and that after Confirmation of such Report absolute it shall not be lawful for any Person to make any Application complaining of the same without special Leave of the Court.

Order for Sale may include the whole or Part of the incumbered Land, &c.

XXIV. And be it enacted, That any Order for Sale to be made by the Court under this Act may include the whole or any Part or Parts of the incumbered Land or Lease, and may provide that the Land or Lease, or the Part or Parts thereof to be sold, shall remain subject to any Incumbrance which the Court shall think fit; and such Order shall specify the Land or Lease, or the Part or Parts thereof which shall be directed or authorized to be sold, and also the Incumbrances and Charges (if any) to remain charged on the Land or Lease to be sold, and also the Incumbrances and Charges (if any) to remain charged on any Land or Lease, or Part or Parts thereof, not included in the Sale, and whether such Incumbrances and Charges respectively are to be charged on any such Land or Lease or Part thereof exclusively, or in common with any other Land or Lease or Part thereof, and whether with Priority of Charge or Liability in respect of any such Land or Lease, or Part thereof, or otherwise, and all such other Matters incident to the Sale as the Court shall think fit.

The whole of an Estate may be sold, although Master has approved of Part only.

XXV. And be it enacted, That it shall be lawful for the Court to order the whole of any incumbered Land or Lease to be sold, although the Master shall have approved of the Sale of a Part thereof, or to order a further or other Part or further or other Parts thereof to be sold than what the Master shall have approved, and to alter or vary such Report, and the Plan or Scheme therein contained, and to confirm such Report, subject to such Variations, without any further Reference to the Master.

Previously to Order for Sale, Court may confirm Report nisi, and direct Service of same, &c.

XXVI. And be it enacted, That previously to making any Order for Sale it shall be lawful for the Court to make any Order of Confirmation of the Report nisi, and to direct Service of such Order on any Person or Persons, and also that it shall be lawful for the Court, in the course of any Proceedings under this Act, to direct any Reference back or further Reference to the Master to review such Report or otherwise, and upon any Terms and with any Directions, as the Court shall think fit.

Assurance of Land sold to be made in such Form as the Master shall direct, &c., and to vest the Estate absolutely in the Purchaser.

XXVII. And be it enacted, That the Assurance of the Land or Lease sold by Order of the Court under this Act shall be made in such Form in all respects as the Master shall direct, and that the Master shall execute the same, and Execution thereof by any other Party shall not be necessary for the Validity thereof, nevertheless it shall be lawful for the Master to direct or authorize any other Persons to execute the same, for the Purpose of covenanting for Title, or for the Production of Title Deeds and Evidences, or otherwise; and the Assurance shall be made to the Purchaser, his Heirs, Executors, Administrators, and Assigns, as the Case may be, or as he shall direct; and in case the Assurance so executed shall be a Conveyance upon a Sale of Land under this Act the same shall be effectual to pass the Land thereby expressed to be conveyed, and the Fee Simple and Inheritance thereof, to the Uses and in manner therein limited and expressed, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever, save and except such Charges and Incumbrances, if any, as shall be thereby excepted, or expressed to be or to remain charged upon such Land, and except also as herein-after provided; and in case such Assurance shall be a Conveyance or Assignment of a Lease in perpetuity or other Lease as aforesaid, such Assurance shall be effectual to pass the Estate created or agreed to be created by such Lease then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, but discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Title or Interest, save and except such Charges and Incumbrances, if any, as shall be thereby excepted, or expressed to be or to remain charged upon such Leasehold Estate or Interest, and except also as herein-after provided.

Saving of Rights of Lessees, &c.

XXVIII. Provided always, and be it enacted, That no such Assurance as aforesaid shall prejudice or affect the Rights of any Lessee, Tenant, or Occupier in possession, nor the Rights of any Lessee or Under Lessee at a Rent, subject to whose Lease or Under-lease the petitioning Owner or Incumbrancer applying to the Court under this Act shall be an Owner or Incumbrancer, nor any Right of Common, nor any Right of Way or other Easement, nor any Rent-charge in lieu of Tithes, Crown Rent, or Quit Rent, charged upon or issuing out of any Land, except in respect of the apportioned Part, if any, of any such Rent-charge, Crown Rent, or Quit Rent from which the same shall be expressed to be discharged by such Conveyance under the Provisions herein contained.

XXIX. And

Purchase Money arising on any Sale to be paid into the Bank of Ireland.

XXIX. And be it enacted, That, subject as herein-after mentioned, the Purchase Money to arise on any Sale by Order of the Court under this Act shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General, to be placed to his Account there in the Matter of "The Act to facilitate the Sale of Incumbered Estates in *Ireland*," *ex parte* as aforesaid, to the Credit of the Matter of such Sale, or as the Court shall direct, and the same shall be paid out or applied in Payment of the Incumbrances which affected the Land or Lease from the Sale of which such Purchase Money shall have arisen, or otherwise, according to the Right of the Persons interested in such Land or Lease, by Order of the Court from Time to Time made upon Petition to be preferred in a summary Way by any Person entitled under the Provisions of this Act.

Owner of Land subject to Incumbrances may sell without Order of the Court, unless restrained by Order after Publication of Notices.

XXX. And be it enacted, That where any Land in *Ireland*, or any Lease in perpetuity of Land in *Ireland*, shall be subject to an Incumbrance or Incumbrances, it shall be lawful for the Owner of such Land or Lease, as the Case may be, without the Order of the Court under this Act, absolutely to sell such Land or Lease, or any Part thereof, and upon Payment of the Purchase Money into the Bank of *Ireland* in manner herein-after provided to convey such Land or Lease to the Purchaser, his Heirs, Executors, Administrators, or Assigns, or as he or they shall direct, unless after such Publication of Notice as herein-after directed such Sale or Conveyance shall be restrained by Order of the Court under the Provision herein-after contained.

Incumbrancer after Notice and Neglect of Owner may sell in like Manner.

XXXI. And be it enacted, That where any Land in *Ireland*, or any Lease in perpetuity of any Land in *Ireland*, shall be subject to an Incumbrance or Incumbrances, it shall be lawful for the Incumbrancer entitled to any such Incumbrance, in case the Principal Money owing on such Incumbrance shall be actually payable, or in case any Interest thereon shall be in arrear for Twelve Months or upwards, to give Notice in manner herein-after provided to the Owner of such Land or Lease, requiring him to discharge the Money due and payable on the Incumbrance of such Incumbrancer for Principal, Interest, and Costs, or to proceed to raise a Fund for the Discharge thereof by Sale under this Act; and in case such Owner shall not at the Expiration of Six Months after such Notice pay the Money then due and payable on such Incumbrance for Principal, Interest, and Costs, and shall not have published Notice by Advertisement as herein-after provided of his Intention to sell such Land or Lease, or a Part thereof sufficient for the Discharge of the Money due and payable on foot of such Incumbrance for Principal, Interest, and Costs under this Act, it shall be lawful for the Incumbrancer, without the Order of the Court under this Act, absolutely to sell such Land or Lease, as the Case may be, or any Part thereof, and upon Payment of the Purchase Money into the Bank of *Ireland* as herein-after provided to convey such Land or Lease to the Purchaser, his Heirs, Executors, Administrators, or Assigns, or as he or they shall direct, unless after such Publication of Notice as herein-after provided such Sale or Conveyance shall be restrained by Order of the Court under the Provision herein-after contained; and where at the Expiration of such Six Months as aforesaid such Owner shall not have paid the Money due and payable on such Incumbrance as aforesaid, but shall have published Notice by Advertisement as herein-after provided of his Intention to sell such Land or Lease, or a sufficient Part thereof, and shall subsequently refuse or neglect to sell in pursuance of such Notice, it shall be lawful for the Court, upon the Application of such Incumbrancer by Petition in a summary Way, to direct that such Incumbrancer shall have the Benefit of such Publication and Notice by Advertisement, and thereupon such Incumbrancer may sell in the same Manner as such Owner might have done, and the Conveyance by such Incumbrancer shall have the same Operation as a Conveyance by such Owner would have had under the Provisions herein-after contained, but except for the Purposes of this Provision such Sale and Conveyance by such Incumbrancer shall be deemed a Sale and Conveyance without the Order of the Court under this Act: Provided always, that no Incumbrancer shall sell as aforesaid, or give Notice as herein provided of his Intention so to do, unless the Principal Sum of Two hundred Pounds at the least shall be owing on his Incumbrance.

Where several Incumbrancers give Notice, the first of such Incumbrancers may sell.

XXXII. Provided always, and be it enacted, That where Incumbrancers entitled to more than One such Incumbrance as aforesaid shall have given several Notices to such Owner, and such Owner shall not have paid the Money due and payable on such Incumbrances, and shall not have published Notice of his Intention to sell as aforesaid, or having published such Notice shall have subsequently refused or neglected to sell as aforesaid, such of the Incumbrancers by whom Notice shall have been given to such Owner as shall be entitled to the first Incumbrance in order of Priority of Charge shall have the Power of selling and conveying which One Incumbrancer giving Notice to the Owner would have had under the Provisions herein-before contained; but upon the Refusal or Neglect of the Incumbrancer entitled to such first Incumbrance to exercise such Power of selling as aforesaid, it shall be lawful for the Court, upon the Application by Petition in a summary Way of any other of the Incumbrancers who shall have given Notice to the Owner as aforesaid, to direct that the Incumbrancer so applying may exercise the Power of selling and conveying which might have been exercised by the Incumbrancer so refusing or neglecting under this Act; but, except for the Purposes of this Provision, a Sale and Conveyance in exercise of such Power shall be deemed a Sale and Conveyance without the Order of the Court under this Act.

Notices to Owners how to be given.

XXXIII. And be it enacted, That the Notice to be given by an Incumbrancer to an Owner as aforesaid shall be given in Writing to such Owner or left at his usual Place of Abode, or in case such Owner or his Place of Abode shall not be known to such Incumbrancer, or in case such Owner shall be out of the United Kingdom, or in case from any other Cause the Incumbrancer shall be unable to give such Notice, it shall be lawful for such Incumbrancer to file an Affidavit in the Court showing his Inability to

give

give such Notice as aforesaid, and thereupon it shall be lawful for the Court, upon the Application of such Incumbrancer, by Petition in a summary Way, to direct that such Notice shall be served upon such Owner wherever resident, or that Service thereof upon the known Solicitor and Land Agent of such Owner shall be deemed good Service thereof on such Owner, or to direct the Substitution of Service of such Notice in such Manner as to the Court shall seem fit.

Notices of proposed Sales without Order of the Court.

XXXIV. Provided always, and be it enacted, That every Owner and every Incumbrancer who shall propose to sell any Land or Lease without the Order of the Court as aforesaid shall cause Notice of his Intention so to sell to be published at least once in Four successive Weeks by Advertisement in the *Dublin Gazette*, and in Two Newspapers published in *Dublin*, and in One Newspaper published or circulating in the County in which the Land shall be situate, and in the *London Gazette*, and shall cause a Copy of such Notice to be posted in One or both of such Two Weeks on the Church (if any), and on the Roman Catholic Chapel (if any), and where there shall be no such Church or Chapel on some public or conspicuous Place of the Parish, or of each of the Parishes in which the Land shall be situated, and on the Court where the Sessions of the Peace for the Division of a County at large or for the City or Town or County of a City or Town in which the Land shall be situated are usually holden; and where any Person shall have entered a Caveat in the Office of the Registrar against the Sale of any Land or Lease under the Provisions of this Act, every such Owner and Incumbrancer shall cause a Copy of such Notice to be served in One of such Weeks on such Person in manner herein-after mentioned; (that is to say,) where the Place of Abode or Address mentioned in such Caveat shall be in the City of *Dublin* shall cause such Copy to be served on such Person personally, or to be left with some Inmate of such Place of Abode or Address, and where such Place of Abode or Address shall be elsewhere than in the City of *Dublin* shall transmit such Copy through the Post Office, addressed to such Person at such Place of Abode or Address as aforesaid, and such Notice shall state the Name and Addition or Title of the Owner, and if the Sale shall be proposed to be made by an Incumbrancer the Name and Addition or Title of such Incumbrancer, and the Intention of such Owner or Incumbrancer, as the Case may be, to sell under the Provisions of this Act without the Order of the Court, and in case such Owner shall not be entitled absolutely to such Land or Lease, as the Case may be, or to the Equity of Redemption thereof, shall mention the Settlement, Will, or other Assurance under which he shall be Owner, and if such Sale shall be proposed to be made by an Incumbrancer shall mention the Incumbrance under which he shall be such an Incumbrancer, and in every Case shall state the Denomination or Sub-denomination or short Description of the Land or Lease proposed to be sold, and the County and the Barony or Parish or Place wherein such Land or the Land comprised in such Lease shall be situate, and all the Incumbrances affecting such Land or Lease known to the Person proposing to sell the same, and any other Matters which may from Time to Time be directed or required by such Orders of the Court as herein-after mentioned; and no such Sale without Order of the Court shall be made under this Act before the Expiration of Three Months after the Publication of the last of such Advertisements as aforesaid, in the Computation of which Period of Three Months the Months of *September* and *October* shall be excluded; and it shall be lawful for any Incumbrancer upon or Person interested in the Land or Lease so proposed to be sold at any Time before the Expiration of such Three Months to apply to the Court by Petition to be preferred in a summary Way, and the Court, if it shall think fit, upon such Petition, having reference to the Amount and Nature of the Interests of the Person proposing to sell as aforesaid, and of the Incumbrancer or other Person so applying to the Court, and to all the Circumstances of such Land or Lease, and of the Incumbrance or Incumbrances affecting the same, may restrain the Person proposing to sell as aforesaid from proceeding with such proposed Sale, either as respects the whole of the Land or Lease proposed to be sold, or as respects any Part or Parts thereof, which it may appear to the Court improper or unnecessary to sell, or may require Security to be given to such Petitioner, or may give to such Petitioner the Conduct or Right of Supervision of the proposed Sale, so far as the Court may not restrain the same, or may make such Order in relation to such Petition and to Costs as the Court shall think fit; and it shall be lawful for the Lord High Chancellor of *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, to make from Time to Time Orders prescribing and regulating the Particulars to be included in the Notices of such proposed Sales, and such other Orders for or concerning such Notices, as shall appear necessary for ensuring the Knowledge by Incumbrancers and Persons interested of the Sales proposed to be made as aforesaid.

Where Land or Lease sold without Order of Court, Notice to be served personally on Persons having future Estates.

XXXV. Provided also, and be it enacted, That where the Owner of any Land which shall be proposed to be sold as aforesaid without Order of the Court shall not be entitled for an Estate of Inheritance in possession to such Land, the Owner or Incumbrancer who shall propose to sell such Land shall cause a Copy of such Notice of his Intention so to sell to be served personally, or in such Manner as under the Rules and Orders of the Court would be deemed equivalent to personal Service, on all Persons except such Owner having Estates in Remainder or other future Estates in such Land other than such Estates, if any, as may be subsequent to the first vested Estate of Inheritance therein; and where the Owner of any Lease which shall be proposed to be sold as aforesaid without Order of the Court shall not be entitled for the whole Estate created or agreed to be created by such Lease, the Owner or Incumbrancer who shall propose to sell such Lease shall cause a Copy of such Notice to be served personally, or in such Manner as aforesaid, on all Persons except such Owner having Remainders or future Estates in such Lease other than such Remainders or Estates, if any, as may be subsequent to the first vested Estate quasi in Tail therein; and such Notices shall be given before the Publication of such Notices by Advertisement as aforesaid; or where any such Person entitled to any such Remainder or future Estate, except

as aforesaid, in such Land or Lease shall be Infant, Idiot, Lunatic, or a married Woman, a Copy of such Notice shall be so served on the Father or Guardian of any such Person being an Infant, or on the Committee of any such Person being an Idiot or Lunatic, or on the Husband of any such Person being a married Woman; and where any such Infant shall not have a Guardian, or the Father of such Infant shall be the Person proposing to sell, or where any such Idiot or Lunatic shall not have a Committee duly appointed, or where any Notice required by this Provision cannot be given, it shall be lawful for the Person proposing to sell to apply to the Court by Petition in a summary Way; and the Court, if it shall think fit, on such Petition, may order Notice to be given to any other Person, for and on behalf of such Infant, Idiot, or Lunatic, and in such Manner and within such Time as the Court may direct, or to direct any substituted Service of any such Notice as the Court may think fit; and every Person on whom such Notice shall be served on behalf of any such Infant, Idiot, or Lunatic shall have the like Powers of applying to the Court in relation to such proposed Sale as such Infant, Idiot, or Lunatic respectively would have had if free from Disability.

Saving of the Rights of Mortgagees.

XXXVI. Provided always, and be it enacted, That no such Notice of an Intention to sell any Land or Lease as aforesaid shall prejudice or affect the Right of any Mortgagee or other Incumbrancer of or upon such Land or Lease to commence any Proceeding for Redemption, Foreclosure, or Sale, or other Proceedings at Law or in Equity, or the Right of any Mortgagee of such Land or Lease who shall have under his Security a Power of Sale which has arisen and may be exercised, to proceed to the Exercise of such Power of Sale at any Time before a Sale shall have been made under the Powers of this Act.

No Land or Lease sold without Order of the Court to be sold below selling Value certified by Surveyor appointed by Lord Lieutenant.

XXXVII. Provided also, and be it enacted, That no Land or Lease shall be sold under this Act without the Order of the Court, unless the Price at which the same shall be sold shall be equal to or exceed the Sums which a Surveyor appointed or authorized as herein-after mentioned shall certify in Writing to be the fair selling Value thereof; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors for the Time being of *Ireland* to appoint or authorize, as Occasion shall require, such and so many Surveyors as he or they may think fit, to act as Surveyors for the Purposes of this Act, and at pleasure to revoke any such Appointment or Authority; and such Surveyors may be so appointed or authorized to act throughout *Ireland*, or for any Counties, County, or Division mentioned in such Appointment or Authority; and every such Appointment or Authority shall be published in the *Dublin Gazette*.

Where required by Caveat, Notice to be given of the Price at which Land or Lease sold, &c.

XXXVIII. Provided also, and be it enacted, That where any Person having entered a Caveat under the Provision herein-before contained shall in such Caveat have signified his Desire that Notice be given to him of the Price at which any Sale shall be made of the Land or Lease in case of a Sale thereof without the Order of the Court, the Owner or Incumbrancer who shall sell as aforesaid shall, forthwith after entering into any Contract for Sale, and before the filing of such Affidavit as herein-after mentioned, give notice in manner aforesaid to the Person who shall have entered such Caveat of the Price at which such Land or Lease, or any Part thereof, shall have been contracted to be sold.

Affidavit to be filed.

XXXIX. And be it enacted, That where any Land or Lease shall be sold under this Act without the Order of the Court, the Owner or Incumbrancer by whom such Sale shall be made shall file an Affidavit in the Court, which shall be made by such Owner or Incumbrancer, as the Case may be, and his Solicitor; and such Affidavit shall set forth the Notice which shall have been published by Advertisement and otherwise as aforesaid of such Sale, and shall state the Dates of the several Publications of such Notice by Advertisement, and shall also state that to the best of the Knowledge and Belief of the Deponents such Notice has been otherwise published and given as directed by this Act, and shall state whether the whole or what Part or Parts of the Land or Lease described in such Notice shall have been sold, and to whom, and shall state the Amount of the Purchase Money thereof, and the Person by whom the same is to be paid, and that the Purchase Money was the best Price that could be reasonably gotten at the Time of such Sale, and shall state the Sum which shall have been certified by a Surveyor appointed or authorized as aforesaid to be the fair selling Value thereof, and, if a Part or Parts only of the Land or Lease shall have been sold, shall sufficiently describe the same by the Description by which the same shall have been sold and conveyed, or shall be intended to be conveyed; and the Deponents in such Affidavit shall declare that such Land or Lease, or the Part or Parts thereof so sold, has or have been so sold without Fraud, for the Purpose of discharging an Incumbrance or Incumbrances affecting such Land or Lease, and where the Sale shall be made by an Incumbrancer, that the Principal Sum of Two hundred Pounds or upwards is justly owing on his Incumbrance; and such Affidavit shall also state, that before the Publication of such Notice by Advertisement a negative Search was made in the Office for registering Deeds, Wills, and Conveyances in *Ireland*, for a Period of not less than Sixty Years next before the Day of making Certificate of such Search (such Day not being more than Three Months before the Time of the first Publication by Advertisement of such Notice) for the Acts affecting such Land, or the Land comprised in such Lease, of all Persons by whose Acts, according to the Belief of the Deponent, the Land or Lease described in such Notice might have been affected in Title or Charge, and that a negative Search was also made in the Office for the Registration of Judgments and Incumbrances affecting Real Estates in *Ireland* for such Judgments and other Incumbrances there registered and re-registered within Twenty Years before the Day of making Certificate of such last-mentioned Search (such Day not being more than Three Months before the first Publication by Advertisement of such Notice) against the several Persons the Judgments and Incumbrances against whom would, in the Judgment and Belief of such Deponents, have affected such Land or Lease, and that all the Incum-

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brances appearing on such respective Searches, except such (if any) as such Deponents know to have been satisfied, or to have otherwise ceased to affect such Land or Lease, and all other Incumbrances (if any) affecting such Land or Lease known to such respective Deponents, were mentioned in such Notice; and in case the Sale shall have been made by an Incumbrancer after Notice to an Owner, such Affidavit shall also state that Notice was given to the Owner according to the Provisions of this Act; and such Certificate of the fair selling Value as aforesaid, and the official Certificates of such negative Searches, shall be annexed to and filed with such Affidavit; and the Registrar of the Court shall give a Certificate of the filing of such Affidavit, specifying the Names of the Deponents, the Dates of the Jurat, and of the filing, and such other Particulars as he may think necessary to identify such Affidavit, and shall state the Amount of the Purchase Money mentioned in such Affidavit, and that such Affidavit contains the Statements required in an Affidavit upon a Sale without the Order of the Court under this Act; provided that where such an Affidavit as aforesaid shall have been filed upon a Sale of a Part of the Land or Lease described in such Notice as aforeaaid, it shall not be necessary in the Affidavit to be filed upon any subsequent Sale of other Part or Parts of the Land or Lease described in the same Notice again to set forth such Notice or the Publications thereof, or the Searches and Statements in relation thereto, mentioned in such former Affidavit, but reference may be made to the former Affidavit, and to the Copy of Notice and Statements of the Publication, and Searches in such former Affidavit contained and mentioned, and to the Certificates of Searches filed with such former Affidavit.

Purchase Money to be paid into Court.

XL. And be it enacted, That upon the Delivery to the Accountant General of such Certificate of the Registrar as aforesaid, the Purchase Money mentioned in such Certificate shall, without Order of the Court, be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General, and shall be placed to his Account in the Matter of private Sales, under the "Act to facilitate the Sale of incumbered Estates in *Ireland*," to the Credit of the Persons interested in the Land or Lease mentioned in the Affidavit, describing such Affidavit by reference to the Names of the Deponents, and the Dates of the Jurat and filing, and otherwise as described in such Certificate of the Registrar; and such Purchase Money shall be paid out or applied by Order of the Court made from Time to Time upon Petition to be preferred in a summary Way by any Person entitled under the Provisions of this Act; and unless within Two Months after Payment into the Bank of such Purchase Money the Court shall otherwise direct, such Purchase Money shall, without Order for this Purpose, be invested by the Accountant General in the Purchase in his Name of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland*.

Separate Register of Affidavits to be kept, and open to Inspection.

XLI. And be it enacted, That a separate Register of the Affidavits filed upon Sales without Order of the Court under this Act shall be kept in the said Court, and any Person shall have Liberty at any reasonable Time to inspect the same, on Payment of the Sum of Two Shillings and Sixpence for such Inspection, and shall be furnished with a Copy of any Affidavit on Payment after the Rate of Twopence for every Seventy-two Words contained in such Copy.

Defect in Notices, &c. not to vitiate Sale where Money paid into Court.

XLII. And be it enacted, That where such Purchase Money shall be paid into the Bank of *Ireland*, with the Privity of the Accountant General as aforesaid, no Defect or Irregularity in the Notices and Affidavit, or the Certificate of the Registrar herein-before required, shall invalidate or affect such Sale or the Operation thereof.

Operation of a Conveyance upon a Sale without Order of the Court.

XLIII. And be it enacted, That upon the Payment of the Purchase Money into the Bank of *Ireland* in manner herein directed the Conveyance upon a Sale without the Order of the Court as aforesaid shall, as from the Execution thereof by the Person selling as aforesaid, and without the Execution of such Conveyance by any other Person, be an effectual Disposition of the Land or Lease thereby expressed to be conveyed, as against the Person making such Conveyance, and as against the Owner mentioned in the Notice set forth in such Affidavit as aforesaid, and all Persons entitled or interested, or who may become entitled or interested, under the same Settlement, Will, or other Assurance, if any, mentioned in such Notice, and all Persons entitled or interested, or who may become entitled or interested, under the Incumbrances mentioned in such Notice, or any of them, and also as against all Estates, Rights, and Interests which the Persons against whom such Conveyance is herein-before made an effectual Disposition, or the Persons by whom such Incumbrances as aforesaid, or any of them, shall have been created, at the Time of such Creation, or at any Time afterwards, might have passed, barred, or prevented from taking effect, save and except the Estates, Rights, and Interests of all Lessees, Tenants, and Occupiers in possession, and of all Lessees and Under-lessees at Rents subject to whose Leases or Under-leases the Owner mentioned in such Notice shall be Owner of the Land or Lease expressed to be conveyed as aforesaid; and from and after the Expiration of Five Years from the Time of the Payment of such Purchase Money into the Bank of *Ireland* as aforesaid, such Conveyance shall have the same Operation as if the Sale and Conveyance had been a Sale and Conveyance under the Order of the Court under the Provisions herein-before contained.

Rights prosecuted within Five Years not to be affected.

XLIV. Provided always, and be it enacted, That a Conveyance without the Order of the Court as aforesaid shall not prejudice or affect any Estate, Right, or Interest, (other than the Estates, Rights, or Interests against which such Conveyance is made effectual upon the Payment of the Purchase Money into the Bank of *Ireland* as aforesaid,) in case an Entry, Action, Distress, or Suit shall be made or brought on or in respect of such other Estate, Right, or Interest before the Expiration of such Five Years as aforesaid; and it shall be lawful for any Person claiming any such Estate, Right, or Interest in the Land or Lease comprised in such Conveyance to apply to the Court by Petition in a summary Way; and the Court may, upon such Petition, order that a Sum be set apart out of the Purchase Money

in respect of such Estate, Right, or Interest, or to answer any Claim in respect of such Estate, Right, or Interest, or to answer any Claim in respect thereof, or to be applied by way of Payment in Purchase of or Compensation for the same, as the Court may think fit.

Sales without Order commenced by Owner or Incumbrancer dying, &c. may be proceeded with by the Person becoming entitled.

XLV. And be it enacted, That where any Notice shall have been published, or other Act done, for or in relation to a Sale without the Order of the Court as aforesaid, and the Owner or Incumbrancer by whom such Notice shall have been published, or other Act done, shall die or cease to be Owner or Incumbrancer before the Sale or all the Sales which might be made or completed under such Notice or Act as aforesaid shall be made and completed, the Person who, after the Death or Determination of the Ownership of the Owner who shall have published such Notice or done such Act as aforesaid, shall for the Time being be Owner of the Land or Lease, or the Executors or Administrators or Persons who, after the Death or Determination of the Interest of the Incumbrancer who shall have published such Notice or done such Act as aforesaid, shall for the Time being be Incumbrancer in respect of the same Incumbrance, shall be entitled to proceed to the Completion of the Sale or Sales which might have been made and completed by the Owner or Incumbrancer by whom such Notice or other Act as aforesaid shall have been published or done, in case he had been living, and had not ceased to be Owner or Incumbrancer, and so on every successive Death or Determination of Ownership or Interest: Provided always, that it shall be lawful for the Lord Chancellor of *Ireland*, with such Advice and Consent as herein-before mentioned, from Time to Time to make such Rules and Orders as shall appear necessary for the Protection of Infants and absent Parties.

Purchase Money on Sale without Order of the Court to be applied according to the Rights in the Land.

XLVI. And be it enacted, That the Money which shall be paid into the Bank of *Ireland* on any Sale without the Order of the Court as aforesaid shall be paid out and applied in Payment of the Incumbrances which affected the Land or Lease from the Sale of which such Purchase Money shall have arisen, or otherwise according to the Rights of the Persons interested in such Land or Lease; provided that unless any other Person or Persons shall, upon Application by Petition as aforesaid, or otherwise, show better Right thereto, the Persons who may be entitled to the Incumbrances, and the Persons otherwise interested, according to the Statements in the Notice and Affidavit given and filed on such Sale as aforesaid, shall be deemed to be the Persons interested in such Land or Lease; and it shall be lawful for the Court, upon the Order for Payment out of Court of any such Money as aforesaid, to make such Conditions for the Delivery by the Person to whom such Payment may be made of any Title Deeds, or for the Execution of any Release of any other Land or Lease on such other Conditions as the Court may think fit and direct.

Receipt of Accountant General to be a sufficient Discharge.

XLVII. And be it enacted, That, as respects as well Sales under the Order of the Court as Sales without the Order of the Court under this Act, and the Application of the Purchase Money arising therefrom respectively, the Receipt of the Accountant General aforesaid, or of such other Person as the Court shall from Time to Time appoint to receive any Monies paid under the Provisions of this Act, shall be a sufficient Discharge for the same, or for so much thereof as shall in such Receipt be expressed to be received.

Where it shall appear that there is more than One Incumbrance, Court may direct Proceedings to be instituted to ascertain Priority.

XLVIII. Provided always, and be it enacted, That in any Case where it shall appear that there are more Incumbrances than One affecting any Land or Lease which shall have been sold or contracted to be sold, or shall be desired to be sold as aforesaid, whether with or without the Order of the Court, and any Doubt shall in the Opinion of the Court exist as to the Order and Priority of such Incumbrances, and in any Case in which the Court shall consider an Issue or a Suit or Action expedient for ascertaining or determining the Rights of Parties in the Land or Lease or Incumbrance, it shall be lawful for the Court at any Time, and either before or after any Sale under this Act, to direct any Proceedings to be instituted at Law or in Equity for the Purpose of ascertaining the same, and to make any Rules or Directions relative to such Matters as it shall see fit.

Application of Surplus of Purchase Money.

XLIX. And be it enacted, That the Surplus of the Purchase Money to be received on any Sale under this Act, whether under the Order of the Court or without the Order of the Court as aforesaid, after the Discharge of all Incumbrances, shall be laid out, under the Direction of the Court, in the Purchase of other Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land sold stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect, or such Monies may, at the Discretion of the Court, be paid out of Court to and distributed amongst the Parties who shall appear entitled thereto, as the Court shall direct; and all such Monies may in the meantime be paid over to Trustees, to be appointed by the Court, or in such Manner as it shall direct, for the Purpose of such Investment thereof, and in such Manner as shall be directed by the Court.

Money paid into Court may be invested in the Funds.

L. And be it enacted, That any Money so paid into Court may by Order of the Court be invested by the Accountant General of the said Court in his Name in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland;* and until the same shall be sold by Order of the Court for the Purposes of this Act, and after Payment of such Incumbrances as aforesaid, the Dividends thereof shall from Time to Time be paid to the Person who for the Time being would have been entitled to the Rents of the Land to be purchased therewith.

Usher's Poundage.

LI. And be it enacted, That no Money which under the Provisions of this Act shall be paid into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery, or shall be paid out of Court, shall be liable to Usher's Poundage.

Appointment of new Trustees.

LII. And be it enacted, That whenever the Court shall appoint or shall direct the Appointment of any Trustee for the Purposes of this Act it shall be lawful for the Court to make or to direct to be made

such

such Provision as it shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Where any annual Charge, not being an Incumbrance under this Act, shall affect any Land to be sold, Person entitled to Charge may release same, &c.

LIII. Provided always, and be it enacted, That where any annual Charge, not being an Incumbrance within the Meaning of this Act, shall affect any Land or Lease to be sold under the Provisions of this Act, being Part of an Estate affected by such annual Charge, it shall be lawful for the Person entitled to such Charge, with the Approbation of the Court, and with the Consent of all Parties interested in the remaining Part of such Estate, to release the Land or Lease to be sold from such Charge, without impairing or affecting the same Charge as to the remaining Part of such Estate, and the Form of such Release shall be approved by the Master, and may be included in the aforesaid Assurance; and if any Person so entitled shall be willing to execute such Release it shall be lawful for the Master to state such Matter in his Report.

Parties to whom the Surplus of Purchase Money is paid out of Court liable to repay the Money to Parties proving a better Title to the Estate sold.

Court may require Security for such Repayment.

LIV. And be it enacted, That every Person to whom all or any Part of the Purchase Money received on any Sale, either with or without the Order of the Court under this Act, shall be so paid out of Court as aforesaid shall and he is hereby declared to be liable to refund and repay the same, or so much thereof as he shall have received, unto and amongst the Person or Persons who shall, upon a Suit to be instituted for that Purpose, prove to the Satisfaction of the Court that he or they had at the Time of such Sale a better Title to the Land or Lease so sold as aforesaid, and in respect whereof such Purchase Money was received, than the Person or Persons to or amongst whom such Purchase Money shall have been so paid out and distributed as aforesaid; and every such Repayment shall be made to such Persons, and at such Time, and in such Proportions, Manner, and Form respectively, as the Court shall direct: Provided always, that it shall be lawful for the Court, where from any Uncertainty of Title or otherwise it shall appear proper so to do, before or upon the Payment out of Court of any such Purchase Money as aforesaid, to require and take from any Person to whom or for whose Benefit the same or any Part thereof shall be so paid out of Court such Security for the Repayment of such Money as to the Court in its Discretion shall seem fit.

Sale without Order of the Court not made bonâ fide for Discharge of Incumbrances to be treated as a Breach of Trust.

LV. Provided also, and be it enacted, That where a Sale shall have been made under this Act without Order of the Court of any Land or Lease, and such Sale shall not have been made *bonâ fide* for the Discharge of Incumbrances, the Person who shall have so sold under this Act, whether he shall or shall not have received all or any Part of the Purchase Money under Order of the Court, shall be and is hereby declared to be liable to pay or make to any Person whose Right or Interest to or in such Land or Lease shall have been defeated or prejudicially affected by such Sale such Compensation as the Person so selling would have been liable to pay or make in case the Power given by this Act had been a Trust for Sale for the Discharge of Incumbrances affecting such Land or Lease, and, subject thereto, a Trust for the Benefit of the Person whose Right or Interest shall have been so affected, and of all other Persons interested in such Land or Lease, and the Court, upon Suit for that Purpose, shall order such Compensation to be made or paid accordingly, and where any Sale shall have been made under this Act without Order of the Court of any Land or Lease, and any Notice required by this Act shall have been withheld, or shall have been omitted to be given, or where any such Sale shall have been made at an Under-value by Collusion with the Purchaser or his Solicitor or Agent, then the Person who shall have so sold under this Act, whether he shall or shall not have received all or any Part of the Purchase Money under Order of the Court, and his Solicitor or Agent, and where such Sale shall have been made at an Under-value by Collusion the Purchaser, or his Solicitor or Agent, if such Solicitor or Agent shall have been cognizant of such Collusion, shall jointly and severally be liable to pay or make to any Person whose Right or Interest to or in such Land or Lease shall have been defeated or prejudicially affected by such Sale full Compensation, and the Court, upon Suit for that Purpose against all or any of the Persons liable under this Provision, shall order such Compensation to be paid or made accordingly, and the Liability of any Defendant in any such Suit as aforesaid to any Pains or Penalties for Perjury in respect of any Statement in any Affidavit made under the Provision herein contained shall not be allowed in the way of Demurrer, Plea, or Refusal to answer or otherwise to protect such Defendant from Discovery in respect of the Premises: Provided always, that the Provision for Compensation herein contained shall not affect or abridge the Right of any Person to bring a Suit in Equity for the Recovery of the Land or Lease on account of Fraud against any Person who shall have assisted in the Commission of such Fraud, or shall have taken such Land with Knowledge of the Commission thereof.

Payment of Part of Incumbrance not to affect Right of Incumbrancer for Balance.

LVI. Provided always, and be it enacted, That no Payment towards Discharge of what shall be due on any Incumbrance not being Payment in full shall prejudice or affect any Right or Remedy of the Incumbrancer, otherwise than as against the Land or Lease sold, freed and discharged from such Incumbrance, unless so far as by the Provisions of this Act, or by any general Rule or Order or special Rule or Order of the Lord Chancellor of *Ireland* or of the Court, pursuant to this Act, is or shall be otherwise specially provided.

Where Incumbrancer shall be satisfied by Payment out of any Sale, &c., and other Persons or Lands are liable, Court may order Proceeding to be insti-

LVII. Provided always, and be it enacted, That where any Incumbrancer shall be satisfied, wholly or in part, by Payment out of any Monies arising from any Sale under the Provisions of this Act, and it shall appear or be shown to the Court, that any Person whosoever, or any Land or Estate (wherever situate) other than the Land or Lease sold, was liable to such Incumbrance or any Part thereof, and that any such Person or Land or Estate ought to discharge or contribute towards the Discharge of such Incumbrance or any Part thereof in exoneration of the Land or Lease sold, it shall be lawful for the Court, if it shall see fit, to order that any Proceedings shall or may be instituted by such Person, on such Terms and in such Manner as the Court shall think fit, for recovering the Money which ought to be so discharged

tuted on such Terms as it may think fit, &c.

discharged or contributed in exoneration as aforesaid, and to direct that any such Money shall be paid into the Bank of *Ireland* in the Name and with the Privity and to the Credit aforesaid, or as the Court shall direct, to be paid, applied, and dealt with in manner aforesaid, or as the Court shall direct.

No Payment of Incumbrance to impair Right of Persons out of whose Estate the same shall be made.

LVIII. Provided always, and be it enacted, That no Payment of or in respect of any Incumbrance which shall be made under the Provisions of this Act, whether upon or after a Sale under Order of the Court, or upon or after a Sale without the Order of the Court, or which shall be made for facilitating or otherwise in relation to any such Sale as aforesaid, shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

Where an Estate shall be ordered to be sold Court may empower the Master to include in his Report other Interests in the same Estate.

LIX. And be it enacted, That where any Lease subject to any Incumbrance shall be proposed or intended by Order of the Court, or shall be ordered to be sold under the Provisions of this Act, it shall be lawful for the Court, upon the Application of any Persons claiming to be Owners of any Estate in reversion in the same Land, (if the Court shall see fit,) to direct or to authorize and empower the Master to include in his Report approving a Sale, and also to include in the Sale, such Estate in reversion, upon such Terms in all respects as the Court, or the Master under the Authority of the Court, shall see fit; and in every such Case the Court, or the Master under the Authority of the Court, shall apportion the Purchase Money and the Expenses as the Court or Master shall see fit; and the Assurance to be made under the Provisions of this Act shall or may include such Estate in reversion so sold as aforesaid, if the Master shall think fit.

If Land sold shall be subject to a Lease, &c., comprising other Land, Master may apportion the Rent, &c.

LX. And be it enacted, That if any Land or Lease to be sold by Order of the Court under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Master, before proceeding to a Sale, to apportion the Rent between the Land or Lease to be sold and the Remainder of the Land subject to such Rent, having first caused Notice thereof to be given, as well to the Tenant as to the Person by whom such entire Rent shall be payable, and to the Person entitled to receive such entire Rent, and any Persons claiming an Interest in the Matter may claim to be heard before the Master on the Subject of such Apportionment: Provided nevertheless, that no Apportionment so made by the Master shall be vitiated by any Want of Notice, or by the Absence of any Parties, unless the Court, on the Application of any Person complaining of such Apportionment, shall otherwise direct; and after such Apportionment, and after such Sale shall be completed, the Owners of the Reversion of the respective Lands shall have the like Remedies for the apportioned Rents respectively as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

No Person entitled to Incumbrance shall be bound to accept Payment without Six Months Notice, &c.

LXI. Provided always, and be it enacted, That no Person entitled to any Incumbrance shall be bound to accept Payment of the same under this Act until such Incumbrance shall be payable, or to accept at any Time less than the full Amount which shall have become due thereon; and no Person so entitled, who, according to the Practice of the Court or the Rules of Equity, shall be entitled to Six Months Notice of Payment, shall be bound to accept Payment of his Incumbrance under this Act without Six Months Notice; but when such Notice shall have been given no fresh Notice shall be necessary if the Money shall be paid within Three Months after the Day fixed, nor shall any Incumbrance, being a re-purchaseable Annuity, be re-purchased until the Time for Re-purchase thereof shall have arrived; and every Notice with respect to any Incumbrance may be given in such Form, and by and in the Name of such Person, and to such Person, as the Master or the Court shall direct; and every such Notice shall be binding and effectual to all Intents and Purposes.

Where Incumbrance in Order for Sale not payable, &c. Court may order a Sum to be carried to Credit of same, &c.

LXII. Provided always, and be it enacted, That where any Incumbrance included in an Order for Sale under this Act, or affecting any Land or Lease which shall be sold without the Order of the Court under this Act, shall, for Want of any Notice or otherwise, not be payable, or where Parties entitled to an Incumbrance cannot be ascertained, or have not come in and claimed to be paid, it shall be lawful for the Court to order such Sum as it shall think fit to be set apart and carried by the Accountant General to such Credit, and to be applied and dealt with as the Court shall direct, in order to provide for any such Incumbrance, and for Costs and Expenses relating thereto.

Pending Proceedings Court may appoint a Receiver, who shall be subject to Jurisdiction of the Court.

LXIII. And be it enacted, That pending any Proceedings for a Sale by Order of the Court under this Act it shall be lawful for the Court, on the Application of any Party interested as Owner or Incumbrancer, if it shall see fit, to appoint a Receiver of any Land or Lease which shall have been contracted or shall be desired to be sold as aforesaid, or any Part thereof, and also to discharge such Receiver at any Time; and that every such Receiver shall have all the same Powers and Authorities, and be subject to the Jurisdiction of the Court, and to all subsisting Rules and Orders of the Court for the Regulation of Receivers, in like Manner and as fully as any Receiver appointed in a Cause pending in the Court is so subject; and that every such Receiver shall account before the Master, and shall pay his Balance into the Bank of *Ireland*, in the Name and with the Privity and to the Credit aforesaid, or otherwise as the Court shall direct, to be paid, applied, and dealt with in manner aforesaid, or as the Court shall direct: Provided always, that nothing in this Act contained shall empower the Court to appoint such Receiver at the Instance of an Incumbrancer who would not, if this Act had not passed, be entitled to apply for the Appointment of a Receiver over such Land or Lease.

Court may appoint Guardians of Infants

LXIV. And be it enacted, That in every Case in which the Guardian of an Infant would be authorized to do any Act or give any Consent under the Provisions of this Act on behalf of such Infant

if

if such Infant shall have no Guardian, it shall be lawful for the Court under this Act, if it shall think fit, to appoint a Guardian of such Infant for the Purpose of any Proceedings under this Act, and also to change such Guardian from Time to Time. to act for them for Purposes of this Act.

LXV. And be it enacted, That where any Person the Committee of whose Estate if he were idiot or lunatic would be authorized or directed to do any Act or give any Consent as aforesaid on his Behalf shall be of unsound Mind or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, or there shall be no Committee of the Estate, it shall be lawful for the Court, on the Application of any Person on behalf or as next Friend of such Person, or on the Application of any Person interested in any Proceedings pending under this Act, to appoint a Guardian of such Person for the Purpose of any such Proceedings under this Act, and also at any Time and from Time to Time to change such Guardian. Court may appoint Persons to act on behalf of Lunatics, &c.

LXVI. And be it enacted, That the Costs and Expenses of and incident to every Application for the Appointment and Change of any Guardian under this Act shall be in the Discretion of the Court, and shall and may, if the Court think fit, be introduced amongst the Costs to be provided for under the general Provisions of this Act. As to the Payment of Costs.

LXVII. Provided always, and be it enacted, That this Act shall not authorize nor be taken to authorize the presenting of any Petition for Sale by Order of the Court in any Case where an Incumbrancer shall be in possession of the Land which shall be subject to his Incumbrance, unless with his Consent, nor in any Case where the first Mortgagee of the Land or Lease shall have under his Security a Power of Sale which has arisen and may be exercised, unless he shall make or consent to the Application, or shall, after being requested by the Petitioner so to do, have refused, or for Three Months have neglected in the Opinion of the Court to use Diligence towards the Exercise of such Power of Sale, nor in any Case where at the Time of presenting such Petition any Suit for Foreclosure or Redemption or Sale of the incumbered Land which shall have been commenced before the First Day of *July* One thousand eight hundred and forty-eight shall be pending, unless with the Consent of the Parties competent to consent to the Dismissal or staying of the Suit, and that every such Consent shall be stated in the Petition for confirming and carrying into effect a Contract for Sale or for Sale as aforesaid; and that in case of such Suit it shall be lawful for the Court, under this Act, to give such Directions to any Parties for discontinuing or staying such Suit, and respecting the Costs thereof, or otherwise, as it shall see fit; and that pending any Proceedings for a Sale by Order of the Court under this Act it shall not be lawful for any Owner or Person claiming to be Owner within the Provisions of this Act, or claiming by the Act of such Owner or Person, or by Act of Law, pending any Proceedings under this Act, or any Incumbrancer, to commence any Proceedings at Law or in Equity for Redemption, Foreclosure, or Sale, without the Leave of the Court, to be given under this Act; and that in every Case the Court shall have full Power to make or grant any Order or Injunction for staying any Proceedings contrary to the Provisions of this Act, and for Costs relative thereto: Provided always, that this Act shall not authorize any Sale or Assignment of a Lease contrary to the Covenants and Conditions of such Lease. No Petition for Sale without Consent where an Incumbrancer is in possession, or during pending Suits. Power to stay pending Suits. No Suits to be commenced pending Proceedings under this Act, without Leave of the Court.

LXVIII. And be it enacted, That when any Petition shall be presented for confirming and carrying into effect a Contract for Sale or for a Sale under this Act of any Land or Lease in respect of which any Suit for Foreclosure or Redemption or Sale shall have been pending, and shall be discontinued or stayed under this Act, it shall be lawful for the Court to order that all such Proofs and Debts and other Proceedings, and such Evidence as shall have been taken in the Suit, may be adopted and used in the Proceedings under such Petition, in the same Manner as if the same had been originally taken under the Reference upon such Petition. Proofs of Debts, &c. in discontinued Suit may be used in a Reference upon a Petition.

LXIX. Provided always, and be it enacted, That when any Petition for confirming and carrying into execution a Contract for Sale or for a Sale under this Act shall have been presented without the requisite Consent, such Consent may by Leave of the Court be given subsequently, so as to render valid the Proceedings under such Petition; and that where any such Petition shall be held by the Court invalid for Want of such Consent it shall be lawful for the Court to make such Order against the Person who shall have presented the same relative to the Costs of any other Person of any Proceedings had under such Petition as the Court shall think fit. Consent, where necessary, may by Leave of the Court be given subsequently.

LXX. And be it enacted, That any Incumbrancer not being the First Incumbrancer on any Land or on any Lease of Land in *Ireland*, who shall be desirous of exercising the Powers given to a First Incumbrancer under this Act, and for that Purpose shall be willing to redeem the prior Incumbrance, or all the prior Incumbrances if more than One, may apply by Petition in a summary Way to the Court for Liberty so to redeem such prior Incumbrance or Incumbrances; and it shall be lawful for the Court, upon such Petition, to make such Order and give such Directions in all respects as might have been made or given in a Suit by such petitioning Incumbrancer for Redemption of such prior Incumbrance or Incumbrances; and in case the Amount which shall be owing to any Incumbrancer whose Incumbrance shall be sought to be redeemed as aforesaid shall not be admitted or agreed upon, it shall be lawful for the Court, if it shall think fit, upon Payment into Court by the Petitioner of the Money claimed to be due on such Incumbrance, to order that the Petitioner shall, for the Purposes of all Proceedings in Court under this Act, and for the Purpose of Sales without the Order of the Court under this Act, stand in the Place of the Owner of such Incumbrance, without Prejudice to the Rights of the Petitioner and of the Incumbrancer whom he shall seek to redeem, upon taking the Account of the Incumbrance: Provided always, that it shall not be lawful upon any such Petition to question the Validity or Title of any such prior Incumbrance. Power to Second or subsequent Incumbrancer to redeem the prior Incumbrances.

LXXI. And

No Petition for Sale by Assignees of Bankrupts, &c. without Consent of major Part of Creditors.

LXXI. And be it enacted, That no Petition shall be presented for confirming and carrying into execution a Contract for Sale or for a Sale by Order of the Court under this Act by any Assignee of any Bankrupt or Insolvent Debtor, without the Consent thereto of the major Part in Number and Value of the Creditors assembled at a Meeting duly convened for that Purpose first had and obtained: Provided nevertheless, that where any such Petition shall have been presented without such Consent having been first had and obtained, such Consent may by Leave of the Court be given subsequently, so as to render valid the Proceedings under such Petition.

Release of a Portion of Lands not to affect the Validity of a Judgment as regards the Residue of such Lands.

LXXII. 'And whereas Doubts are entertained whether, when a Judgment affects Lands in *Ireland*, 'and when the Person entitled to such Judgment is willing to release a Portion of such Lands in order 'to the Sale thereof, or otherwise, he can grant such Release without nullifying the Effect or Validity of 'such Judgment upon the Residue thereof, or any other Property which it is intended should remain 'subject to such Judgment: And whereas it is expedient that such Doubts be removed:' Be it enacted, That the Release of any Portion of Lands in *Ireland* from any Judgment affecting the same shall not operate or be construed to extend or operate so as to nullify or in any Manner to affect the Validity and Force of such Judgment as regards the Residue of such Lands, or any other Property not specially released from such Judgment, but that such Judgment shall continue to affect such Residue or other Property, notwithstanding such Release, in like Manner and with the like Powers to enforce Payment of Interest and Principal, and to all Intents and Purposes, as if such Deed of Release had not been executed.

Annual Returns to be laid before Parliament.

LXXIII. And be it enacted, That in the Month of *February* in every Year if Parliament be then sitting, or, if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament, a Return shall be laid before both Houses of Parliament, showing the total Amount or Quantity in Statute Acres of all Lands sold under the Provisions of this Act during the Year ending the Thirty-first Day of *December* then last past, together with a Statement of the total annual Rent of such Lands (so far as the same shall have been shown in the Proceedings), the total Amount of Incumbrances which affected such Lands at the Time of the Applications for the Sale thereof respectively under this Act, the total Amount of Purchase Money for the same, together with the total Amount of all such Law Costs incurred as shall have been paid out of such Purchase Money, and of all other Charges and Expenses which may have been paid or deducted from the Proceeds of such Sales under the Order of the Court.

Short Title.

LXXIV. And be it enacted, That in citing this Act in other Acts, and in legal Instruments, it shall be sufficient to use the Expression "The *Irish* Incumbered Estates Act."

Act to extend to Ireland only, &c.

LXXV. And be it enacted, That this Act shall, except so far as the special Provisions of the same otherwise require, extend only to *Ireland*, and may be amended, altered, or repealed by any Act to be passed in this Session of Parliament.

CAP. XLIX.

An Act for regulating the Sale of Beer and other Liquors on the Lord's Day.

[14th *August* 1848.]

'WHEREAS the Provisions in force within the Metropolitan Police District, and in some other 'Places in *England*, against the Sale of fermented and distilled Liquors in the Morning of the 'Lord's Day have been found to be attended with great Benefits:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Licensed Victualler, or Person licensed to sell Beer by Retail to be drunk on the Premises or not to be drunk on the Premises, or other Person, in any Part of *Great Britain* shall open his House for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors, or sell the same, on *Sunday*, before Half past Twelve o'Clock in the Afternoon, or, where the Morning Divine Service in the Church, Chapel, Kirk, or principal Place of Worship of the Parish or Place shall not usually terminate by that Time, before the Time of the Termination of such Service, and that no Licensed Victualler or other Person in *England* shall open his House for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors, or sell the same, on *Christmas Day* or *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, before the respective Times aforesaid, except, in all the Cases aforesaid, as Refreshment for Travellers: Provided always, that nothing herein contained shall authorize the opening of any House for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors within the Metropolitan Police District, or any City, Town, or Place, at an earlier Hour or Time than is now allowed by Law, where the opening of such House or such Sale is now specially prohibited before any later Hour or Time than that hereinbefore mentioned.

Prohibition against the Sale of Beer, &c. on Sundays, &c.

3 & 4 Vict. c. 61. s. 15. repealed in part.

II. And be it enacted, That so much of an Act passed in the Fourth Year of Her present Majesty, intituled *An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in* England, as provides that no Person licensed to sell Beer or Cider by Retail as therein mentioned should have or keep his House open for the Sale of Beer or Cider, nor should sell or retail Beer or Cider, nor should suffer any Beer or Cider to be drunk or consumed in or at such House, at any Hour before One of the Clock in the Afternoon on any *Sunday, Good Friday, Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, shall, without Prejudice to any pending Proceeding for Breach of such Enactment, be repealed.

III. And

III. And be it enacted, That it shall not be lawful for any Licensed Victualler, or Person licensed to sell Beer by Retail to be drunk on the Premises or not to be drunk on the Premises, or any Person licensed or authorized to sell any fermented or distilled Liquors, or any Person who, by reason of the Freedom of the Mystery or Craft of Vintners of the City of *London* or of any Right or Privilege, shall claim to be entitled to sell Wine by Retail to be drunk or consumed on the Premises, to open his House for the Sale of any other Articles whatsoever within the respective Times during which the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors is herein-before prohibited, except as Refreshment for Travellers. Licensed Victuallers, &c. not to open House for Sale of any Articles during prohibited Hours.

IV. And be it enacted, That no Person shall open any House or Place of public Resort for the Sale of fermented or distilled Liquors, or sell therein such Liquors, in *England* or *Scotland* before the Hour of Half past Twelve of the Clock in the Afternoon, or where the Morning Divine Service in the Church, Chapel, Kirk, or principal Place of Worship shall not usually terminate by that Time, before the Time of the Termination of such Service on *Sunday*, or in *England* before the like Hour on *Christmas Day* or *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, except as Refreshment for Travellers. Restricting the Sale of Liquors before a certain Time on Sundays, &c.

V. And be it enacted, That it shall be lawful for any Constable at any Time to enter into any House or Place of public Resort for the Sale of Wine, Spirits, or other fermented or distilled Liquors; and every Person who shall refuse to admit or shall not admit such Constable into such House or Place shall be deemed guilty of an Offence against this Act. Power to Constables to enter Houses for Sale of Liquors.

VI. And be it enacted, That every Person offending against this Act shall be liable, upon a summary Conviction for the same before any Justice of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where the Offence shall be committed, or in *Scotland* before any Justice of the Peace or Sheriff or Magistrate having Jurisdiction in the Place where the Offence shall be committed, to a Penalty not exceeding Five Pounds for every such Offence; and every separate Sale shall be deemed a separate Offence. Penalty for offending against this Act.

VII. And be it enacted, That this Act may be repealed or amended in this present Session of Parliament. Act may be repealed, &c.

CAP. L.

An Act to empower the Commissioners of Her Majesty's Woods to remove the Colonnade in the *Regent's Quadrant*. [14th *August* 1848.]

'WHEREAS the Colonnade in front of the Houses in the Place commonly called the *Quadrant*, or 'the *Regent's Quadrant* in *Regent Street*, in the Parish of *St. James Westminster*, in the County 'of *Middlesex*, is inconvenient and injurious to the Trade of the Inhabitants and Occupiers of the 'Houses and Shops therein, and it is therefore expedient that the Commissioners of Her Majesty's Woods 'should be empowered to take down and remove the same, and also to make such architectural Alterations 'and Additions in and to the front Elevations of the Houses in the *Regent's Quadrant* aforesaid as shall 'become necessary or desirable in consequence of such Removal:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being to take down and entirely remove the whole of the Columns, with the Entablatures and Balustrades above the same, and the Beams, Roof, Ceiling, and Skylights over the Foot Pavements, and all other the Constructions and Materials forming and commonly called the Colonnade, situate in front of the Houses on both Sides of the *Regent's Quadrant* aforesaid, and to sell and dispose of the said Columns, Entablatures, Balustrades, Beams, Roofs, Ceilings, Skylights, and other Constructions and Materials, either by public Auction or private Contract, as they shall think fit; for which Purpose the Property in the same Columns, Entablatures, Balustrades, Beams, Roof, Ceiling, Skylights, and other Constructions and Materials shall be and the same are hereby absolutely vested in the said Commissioners for the Time being; and all Monies to arise from any such Sale shall be applied by the said Commissioners for the Purposes of this Act. Power to Commissioners of Woods, &c. to take down the Colonnade in Regent's Quadrant, and to dispose of the Materials.

II. And be it enacted, That the said Commissioners for the Time being shall, after taking down the said Colonnade, make good the Foot Pavements in the *Regent's Quadrant* aforesaid, and shall erect a sufficient Number of suitable Lamp Posts and Lamps thereon, with all necessary Pipes and other Communications, for the proper Supply of Gas, to the Satisfaction of the Commissioners for paving and lighting the said *Regent's Quadrant*; and all such Pavement, Lamp Posts, Lamps, and Pipes so to be laid down, erected, and placed as aforesaid, shall, so soon as the same shall have been so laid down, erected, and placed, become and remain vested in the said last-mentioned Commissioners for paving and lighting, in all respects as if the same had been laid down, erected, or placed by them. Commissioners of Woods, &c. to cause Pavements, &c. to be made good.

III. And be it enacted, That it shall be lawful for the said Commissioners for the Time being to construct such Balconies, and make such other architectural Alterations in and Additions to the Fronts of the said several Houses in the *Regent's Quadrant* aforesaid as they shall think fit, according to such Plans and Elevations as they shall approve of; and for any of the Purposes of this Act, at all reasonable Times, by themselves, their Surveyors, Architects, and Workmen, to enter upon all or any of the said Houses, and to do therein all such Works as may be necessary for the proper Construction of such Balconies and other Works as aforesaid, and also to fix any Poles or Scaffoldings to the Outside thereof. Commissioners of Woods, &c. may cause Balconies to be erected in front of the Houses.

Expense of executing the Works not to exceed 9,500*l.*

IV. Provided always, and be it enacted, That the total Sum expended by the said Commissioners in executing and completing the Works hereby authorized and directed as aforesaid shall not exceed in the whole (including the Monies to be received on the Sale of the Materials of the said Colonnade as aforesaid) the Sum of Nine thousand five hundred Pounds.

A Rate to be assessed upon the Houses in Regent's Quadrant for defraying Expense of Works.

V. And be it enacted, That for the Purpose of defraying the Expenses of executing and completing the Works hereby authorized and directed as aforesaid, it shall be lawful for the said Commissioners for the Time being to charge and assess upon the said Houses in the *Regent's Quadrant* aforesaid a yearly Rate, not exceeding in the whole in every Year Eight *per Centum* on the total Amount of the Cost of executing and completing the Works aforesaid, after deducting the Monies received on the Sale of the Materials of the said Colonnade, such Rate to be payable half-yearly, and to be apportioned and assessed upon and among the several Houses, in such Proportions and Manner as the said Commissioners for the Time being shall in their sole Discretion think proper and reasonable, according to the Amount expended on the said Houses respectively; and the said Rate shall continue payable until the whole of such Costs as aforesaid, and all Monies to be levied or borrowed on the Security of the said Rate hereby authorized to be charged, and all Interest for the same, shall be fully paid off and discharged.

Power to Commissioners to borrow Money on the Security of the Rates.

VI. And in order to enable the said Commissioners to raise Money the more speedily for the Purposes of this Act, be it enacted, That it shall be lawful for the said Commissioners for the Time being to borrow at Interest at any One Time or from Time to Time, any Sum or Sums of Money, not exceeding in the whole the Sum of Nine thousand five hundred Pounds, upon the Credit of the Rate so to be charged and levied as aforesaid; and that every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be executed by the said Commissioners for the Time being, or any Two of them, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rate aforesaid, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively.

Register of Mortgages to be kept.

VII. And be it enacted, That a Register of Mortgages shall be kept by the said Commissioners, and within Fourteen Days after the Date of any Mortgage an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, shall be made in such Register; and such Register may be inspected at all reasonable Times by any Person interested in any such Mortgage or Assignment, without Fee or Reward.

Mortgages may be transferred.

VIII. And be it enacted, That any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Memorials of Transfers to be registered.

IX. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the said Commissioners for the Time being, or their Clerk or Secretary, and thereupon an Entry or Memorial thereof shall be made in like Manner as in the Case of the original Mortgage; and for every such Entry shall be paid a Fee of Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and Interest thereby secured; and such Transferee may in like Manner assign or transfer the same again *toties quoties;* and it shall not be in the Power of any Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, to make void, release, or discharge the Mortgage so transferred, or any Money thereby secured.

Commissioners may borrow Money at a lower Rate of Interest to pay off existing Mortgages.

X. And be it enacted, That if the said Commissioners for the Time being can at any Time borrow any Sum of Money at a lower Rate of Interest than any Securities given by them and then being in force shall bear, it shall be lawful for the said Commissioners to borrow such Sum at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the said Rate herein-before authorized to be levied, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Commissioners may fix a Time for Payment of Money borrowed.

XI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they think proper, to fix a Period for the Payment of all Principal Monies borrowed under the Provisions of this Act, with the Interest thereof; and in such Case the said Commissioners shall cause such Period to be inserted in the Mortgage Deed; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on Demand, be paid to the Party entitled to receive such Principal Money and Interest at the Office of the said Commissioners.

If no Time fixed, Securities may be called in and paid, after Expiration of Twelve Months, on giving Six Months Notice.

XII. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Calendar Months previous Notice for that Purpose; and in the like Case the said Commissioners for the Time being may at any Time pay off the Money borrowed on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be left at the Office of the said Commissioners, and

if given by the said Commissioners shall be given either personally to such Mortgagee, or left at his or her usual or last known Place of Abode; or if such Mortgagee be unknown to the said Commissioners, or cannot in the Opinion of the Commissioners be found, such Notice shall be given by Advertisement in the *London Gazette*.

If Commissioners give Notice to pay off, the Interest to cease on Expiration of the same.

XIII. And be it enacted, That if the said Commissioners for the Time being shall have given Notice of their Intention to pay off any such Mortgage at a Time when the same may be lawfully paid off by them, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the said Commissioners fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage.

Interest to be kept down, and Residue applied as a Sinking Fund to pay off the Principal.

XIV. And be it enacted, That in order to discharge the Principal Money borrowed as aforesaid on Security of the said Rate the said Commissioners for the Time being shall, out of such Rate as shall be raised as aforesaid, pay the Interest of all Monies borrowed, and appropriate the Remainder (after deducting all the Expenses relating to the levying and raising the same) as a Sinking Fund, to be applied in paying off the respective Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise, until the same respectively shall be of sufficient Amount to pay off any Principal Sum which may have been so borrowed, or some Part thereof which the said Commissioners shall think ought then to be paid off, at which Time the same shall be so applied in paying off the same in manner herein-after mentioned.

Securities to be paid off by Lot.

XV. And be it enacted, That whenever the said Commissioners for the Time being shall be enabled to pay off One or more of the Mortgages which shall be then payable, and shall not be able to pay off the whole of the same, they shall decide on the Order in which they shall be paid off by Lot among the Class to which such One or more of the Mortgages belong, and shall cause Notice, in manner herein-before mentioned, to be given to the Persons entitled to the Money to be paid off pursuant to such Lot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at the Office of the said Commissioners, at the Expiration of Six Calendar Months from the Date of such Notice.

Houses may be exonerated from the Rate by Payment of a Sum in gross.

XVI. Provided always, and be it enacted, That it shall be lawful for any Person or Persons, at any Time before any Payment of the Rate aforesaid shall become payable, to exonerate any House or Houses in the *Regent's Quadrant* aforesaid and the Occupiers thereof from the Payment of such Rate as aforesaid, by Payment to the said Commissioners for the Time being of a gross Sum of Money, bearing the like Proportion to the total Cost of the aforesaid Works authorized and directed by this Act (after deducting the Value of the Materials of the said Colonnade as aforesaid) as the Rate or Rates to be charged on such House or Houses shall bear to the total Rate charged by the said Commissioners under the Provisions herein-before contained.

Power to Commissioners to undertake the cleansing, &c. of the Outsides of the Houses.

XVII. 'And whereas in the Leases granted by or on behalf of Her Majesty the Lessees of the Houses in the said *Regent's Quadrant* are bound, by Covenants in the same Leases contained, to cleanse and colour the outside Stucco and Stone Work of the Houses, Buildings, and Walls comprised in such Leases respectively in the Month of *August* in certain Years: And whereas if the whole of the said *Regent's Quadrant* were placed under the Care of the said Commissioners for the Time being, as to the cleansing and colouring or painting of the outside Stucco and Stone Work of the Fronts of the said Houses, and the said Lessees were released from the said Covenants for cleansing and colouring the same outside Stucco and Stone Work, such an Arrangement would secure the cleansing and colouring or painting being done in a uniform Manner, and greatly contribute to the Beauty of the said *Quadrant*, and would also tend to the Ease and Convenience of the Inhabitants:' Be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they shall think fit, from Time to Time as they shall see Occasion, to undertake and cause to be executed the cleansing and colouring or painting, in a regular and uniform Manner, of all the outside Stucco and Stone Work of the Fronts of the Houses situate in the *Regent's Quadrant* aforesaid, and employ Workmen, and take all Steps necessary or proper for the due Performance of the Work.

An additional Rate to be levied to defray Expense of future cleansing, &c. of Outsides of Houses.

XVIII. And be it enacted, That for the Purpose of answering the Expense of the cleansing and colouring or painting the Stucco Work hereby authorized to be cleansed and coloured or painted by the said Commissioners, a Rate, in addition to the Rate herein-before authorized, shall be laid and assessed by the said Commissioners for the Time being upon all the Houses in the said *Regent's Quadrant* the outside Stucco and Stone Work whereof shall for the Time being be proposed to be, or shall have been, cleansed or coloured or painted as aforesaid; and a separate Account shall be kept of such last-mentioned Rate; and the Monies to arise thereby shall be applied in cleansing and colouring or painting the outside Stucco and Stone Work of the Fronts of the Houses in which such Rate shall have been raised, and in paying all the Expenses incurred in or about the Performance of such Work.

Parties paying such additional Rate not to be liable on their Covenants for Expense of cleansing, &c.

XIX. Provided always, and be it enacted, That no Lessee or other Person who shall pay the Rate assessed by the said Commissioners for the Expense of cleansing and colouring or painting such outside Stucco and Stone Work as aforesaid shall be liable to be sued in respect of the cleansing and re-colouring of the same outside Stucco and Stone Work, upon any Covenant in the Lease of the Property in respect of which such Rate shall be laid and assessed, before the Expiration of Four Years after the assessing of the last Rate which shall have been paid in respect of the cleansing and colouring or painting such outside Stucco and Stone Work as aforesaid.

After cleansing, &c. by Commissioners, Occupiers restrained from varying the same:

XX. Provided always, and be it enacted, That from and after the cleansing and colouring or painting of the outside Stucco and Stone Work of any House as aforesaid by the said Commissioners, it shall not be lawful for the Lessee, Owner, or Occupier of such House, or for any other Person or Persons, (except the said Commissioners, or any Person by them in that Behalf authorized,) to cleanse or colour, or in any Manner to paint or vary the Colour or Appearance of such outside Stucco or Stone Work; and if any such Lessee, Owner, or Occupier, or other Person or Persons, shall so cleanse or colour, or in any Manner paint or vary the Colour or Appearance of such outside Stucco or Stone Work, he, she, or they shall for every such Offence forfeit and pay a Sum of Ten Pounds.

Cost of first cleansing, &c. deemed Part of Cost of taking down Colonnade.

XXI. Provided always, and be it enacted, That the Cost of cleansing and colouring or painting which shall be necessary in order to restore the Fronts of the Houses in the *Quadrant* aforesaid, after taking down the said Colonnade, and constructing such Balconies, Alterations, and Additions as herein-before mentioned, to a uniform Colour and Appearance, shall be considered as Part of the Cost of taking down the said Colonnade, and shall not be liable to be raised by any such Rate as last herein-before mentioned.

Persons liable to Rates levied under this Act.

XXII. And be it enacted, That the Person or Persons for the Time being liable to pay the Poor Rate in respect of each of the said Houses in the *Regent's Quadrant* aforesaid shall be the Person or Persons liable to pay the several Rates to be levied under this Act.

Recovery of Rates.

XXIII. And be it enacted, That if any Person rated under the Authority of this Act shall fail to pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the said Commissioners or their Collector, it shall be lawful for any Justice of the Peace acting in or for the City and Liberty of *Westminster*, on the Application of the said Commissioners or their Collector, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rate or Rates due from him should not be paid; and in case no sufficient Cause for the Non-payment of any such Rate should be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly, or the said Commissioners may recover the same by Action of Debt; provided that if no sufficient Distress whereon to levy the Amount due in respect of such Rate be found within the Jurisdiction of the said Justice, then, upon Oath made before any Justice of the Peace of any other County or Jurisdiction in which any Goods or Chattels of the Person not paying the said Rate or Rates may be found, such Justice shall certify the said Oath by endorsing the said Warrant; and thereupon the Amount due in respect of the said Rate or Rates, and unpaid by the said Person, may be levied by Distress of the Goods and Chattels of such Person as assessed in the last-mentioned County or Jurisdiction.

Form of Warrant.

XXIV. And be it enacted, That the Warrant of Distress for the Recovery of any Rate hereby made payable may be in the Form or to the Effect mentioned in the Schedule (C.) to this Act annexed; and in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by the said Commissioners or their Collector, aid in making a Distress or Sale pursuant to such Warrant; and every Constable refusing to do so shall be liable to a Penalty not exceeding Five Pounds.

Rate Books, on Proof of the Commissioners Signatures, to be Evidence of Rate.

XXV. And be it enacted, That in any Proceeding to levy and recover, or consequent on the levying or recovering of any Rate under the Provisions of this Act, the Books of Rates of the said Commissioners, and all Entries made therein, by the Production thereof alone, shall, on Proof of the Signatures of the said Commissioners for the Time being, or any Two of them, whose Names appear therein or subscribed therein, be received as Evidence of such Rate, and of the Contents thereof.

For Recovery of Rates in Cases of Removal or anticipated Removal of the Occupier.

XXVI. And be it enacted, That if any Person quit or be about to quit any of the said Houses in the *Regent's Quadrant* aforesaid, before he or she has paid the Rate or Rates payable in respect thereof, and do not pay the same to the said Commissioners or their Collector, on Demand, any Justice of the Peace having Jurisdiction where such Person resides or his or her Goods are found may summon such Person to appear before him at a Time specified in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rate or Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Leases not to be affected.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall in anywise alter or defeat any Covenant, Provision, or Right, or Interest in or reserved by any Lease, Under-lease, or Agreement for a Lease already granted or entered into, of or respecting any of the Houses or Buildings in the said *Quadrant;* but that all and every such Leases and Agreements, and the Covenants, Rights, and Provisions therein contained or reserved, and also all Policies of Insurance against Fire effected in respect of any of the said Houses and Buildings, shall continue in force in all respects as if this Act had not been made, and the said Colonnade had not been pulled down, and as if such Alterations hereby authorized as aforesaid had not been made; and all the Covenants and Provisions in any such Lease or Under-lease or Agreement shall be construed and take effect with reference to the Balconies and other Alterations in or Additions to the Fronts of the said Houses hereby authorized to be made, and as if the same had been made and done before the making of any such Instrument, and as if the same had reference to the State in which the said Houses and Buildings shall be after such Alterations as aforesaid; anything in such Instrument as aforesaid or in this Act contained to the contrary notwithstanding.

Act may be amended, &c.

XXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

By virtue of [*here insert the Title of this Act*], we, *A.B.* and *C.D.*, being Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in consideration of the Sum of Pounds paid to us by of for the Purposes of the said Act, do grant and assign unto the said his Executors, Administrators, and Assigns, such Proportion of the Rate charged or accruing by virtue of the said Act for defraying the Expenses of removing the Colonnade in the Regent's Quadrant, and restoring the Front of the Houses, as the said Sum of Pounds doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rate, to hold to the said his Executors, Administrators, and Assigns, from this Day until the said Sum of Pounds, with Interest at Pounds per Centum per Annum for the same, shall be fully paid and satisfied, such Interest to be payable half-yearly on the Day of and the Day of the Principal Sum to be repaid at the End of Years from the Date hereof [*in case any Period be agreed upon for that Purpose*]. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to bearing Date the Day of for securing the Sum of Pounds, and Interest [*or, if such Transfer be by Endorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rate or other Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

SCHEDULE (C.)

Form of Warrant of Distress for the Recovery of a Rate.

County of [*or* City *or* Borough, *&c.*] to wit. } WHEREAS Complaint hath been duly made by One of the Collectors of Rates, to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, that of hath not paid, and has refused to pay, the Sum of Pounds duly assessed upon him in and by a certain Rate for the Regent's Quadrant in Regent Street, in the Parish of Saint James Westminster, in the County of Middlesex, called the [*here name the Rate*], bearing Date on or about the Day of in the Year of our Lord One thousand eight hundred and duly made according to the Directions and for the Purposes of [*here insert the Title of this Act*], although the same hath been duly demanded of him: And whereas it appears to me One of Her Majesty's Justices of the Peace in and for the said County [*or* City *or* Borough, *&c.*], as well upon the Oath of One of the said Collectors of Rates, as otherwise, that the said Sum of hath been duly demanded in Writing by him from the said and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said having appeared before me in pursuance of my Summons for that Purpose, hath not shown to me any sufficient Cause why the same should not be paid: [*or* And whereas it hath been duly proved to me upon Oath that the said hath been duly summoned to appear before me to show Cause why he refuseth to pay the said Rate or Assessment, but he the said hath neglected to appear according to the said Summons, and hath not shown to me any sufficient Cause why the same should not be paid:] These are, therefore, in Her Majesty's Name, to command you to levy the said Sum of by Distress of the Goods and Chattels of the said and if the same shall not be paid within the Space of Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the said Goods and Chattels by you distrained, and out of the Money arising by such Sale that you do detain the Sum of and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the said the Overplus, on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said whereon to levy the said Sum of that then you certify the same to me, together with this Warrant, to the end that such further Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and

CAP. LI.

An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in *Ireland*. [14th *August* 1848.]

9 & 10 Vict. c. 85. 9 & 10 Vict. c. 108. 10 & 11 Vict. c. 106. 7 W. 4. & 1 Vict. c. 21. 9 & 10 Vict. c. 1. 9 & 10 Vict. c. 107. 10 & 11 Vict. c. 10. 10 & 11 Vict. c. 87. 9 & 10 Vict. c. 4.

'WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act to authorize the Application of Money for the Purposes of Loans for carrying on Public Works in* Ireland: And whereas another Act was passed in the same Session of Parliament, intituled *An Act to provide additional Funds for Loans and Grants for Public Works in* Ireland: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to provide additional Funds for Drainage and other Works of public Utility in* Ireland, *and to repeal an Act of the last Session for authorizing a further Issue of Money in aid of Public Works of acknowledged Utility:* And whereas under the Authority of an Act of the First Year of the Reign of Her Majesty, intituled *An Act to amend the Acts for the Extension and Promotion of Public Works in* Ireland, and of an Act passed in the said Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in* Ireland, and also of another Act passed in the same Session of Parliament, intituled *An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in* Ireland, and of an Act of the last Session of Parliament, intituled *An Act to render valid certain Proceedings for the Relief of Distress in* Ireland *by Employment of the labouring Poor, and to indemnify those who have acted in such Proceedings*, sundry Advances were made by the Commissioners of Public Works in *Ireland* for the Purpose of affording Relief to destitute Persons in *Ireland* by means of Employment on Public Works: And whereas, under the Conditions on which these Advances were made, and under the Provisions of an Act of the last Session of Parliament, intituled *An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in* Ireland *by the Employment of the labouring Poor*, One Moiety of the Advances made under the Authority of the Two last-recited Acts, with Interest thereon, was made re-payable by half-yearly Instalments by way of Annuity: And whereas by various Presentments made at the Spring and Summer Assizes One thousand eight hundred and forty-seven, and at the Spring or Summer Assizes One thousand eight hundred and forty-eight, in different Counties in *Ireland*, several Sums are made payable into the Exchequer by those Counties in respect of the Advances herein-before mentioned, or some of them: And whereas certain of the Works commenced under the Two lastly above-recited Acts of the Ninth and Tenth Years of Her Majesty are unfinished: And whereas it is expedient to provide further Means of completing the same, and also of carrying on Works of River Drainage under the Provisions of the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, intituled *An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, *and to afford Facilities for increased Employment for the labouring Classes in Works of Drainage during the present Year*, and the other Acts recited therein, and also of carrying on other Works of public Utility in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to cause to be issued from Time to Time as they may find necessary during the Term of Three Years next ensuing the Fifth Day of *April* One thousand eight hundred and forty-eight, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Nine hundred and forty-five thousand Pounds, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt to the Account opened with them at the Bank of *England*, under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," which Account shall be continued for the Purposes of this Act: Provided always, that the total Sum issued from the Consolidated Fund under the Provisions of this Act shall not at any Time exceed the Sum which shall have been actually paid into the Exchequer under the Provisions of the said Act of the First Year of Her Majesty, the said Act of the Ninth and Tenth Years of Her Majesty "for the further Amendment of the Acts for the Extension and Promotion of Public Works in *Ireland*," the said Act of the same Years "to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in *Ireland*," and the said Act of the last Session of Parliament "to facilitate the Recovery of Public Monies advanced for the Relief of Distress in *Ireland* by the Employment of the labouring Poor."

Treasury may cause to be issued a further Sum not exceeding 945,000*l.* to the Commissioners of Public Works in Ireland.

Sums issued not to exceed the Sum actually paid into Exchequer under 9 & 10 Vict. cc. 1. 107. and 10 & 11 Vict. c. 87.

II. And be it enacted, That all the Monies which shall be placed to the Credit of the Commissioners for the Reduction of the National Debt as aforesaid shall be held by the same Commissioners, subject to the Disposal of the Commissioners of Public Works in *Ireland*, for the Purposes of any Loans which the Commissioners of Public Works in *Ireland* may, with the Sanction of the Commissioners of Her Majesty's Treasury, think fit to make for the Completion of Public Works commenced under the said Act of the Ninth and Tenth Years of Her Majesty "for the further Amendment of the Acts for the Extension and Promotion of Public Works in *Ireland*," and the said Act of the same Years "to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in *Ireland*," and for the Extension and Promotion of Drainage, and for any other Works of public Utility in *Ireland* in respect of which, under the Provisions of any of the Acts herein-before mentioned, or any

Sums issued to be applied for Loans for Completion of Public Works commenced under 9 & 10 Vict. cc. 1. 107., and for Promotion of Drainage and

any other Acts now in force, Loans are authorized to be made by the said Commissioners of Public Works in *Ireland* out of the Funds heretofore provided by Parliament for that Purpose, and for the Purposes of any other Loans which the said Commissioners of Public Works in *Ireland* may, by any Act or Acts hereafter to be passed, be authorized to make for the Execution of Works of public Utility in *Ireland*. other Works of public Utility.

III. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things, of what Nature or Kind soever, contained or referred to in the firstly herein-recited Act of the last Session of Parliament, and the Acts recited therein, and in any Act authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of Utility in *Ireland*, shall extend to this Act, and to the Loans hereby authorized to be made. Powers, &c. of 10&11 Vict. c. 106. to extend to this Act.

IV. 'And whereas by the said Act of the Tenth and Eleventh Years of Her Majesty "to facilitate 'the Recovery of Public Monies advanced for the Relief of Distress in *Ireland* by the Employment 'of the labouring Poor" it is provided, that the Sums chargeable under the said Act on the several 'Baronies, Half Baronies, Electoral Divisions, Parts of Electoral Divisions, Districts, Counties of Cities, 'and Counties of Towns in *Ireland*, with Interest thereon up to the First Day of *March* One thousand 'eight hundred and forty-eight, shall be ascertained by the Commissioners of Public Works in *Ireland*, 'and for every Sum of One hundred Pounds of each such compound Sum there shall be paid an Annuity 'of Twelve Pounds, and so on in proportion for any lesser Sum during the Period of Ten Years; and 'such Annuity shall be charged upon the Barony, Half Barony, Electoral Division, Part of an Electoral 'Division, District, County of a City, or County of a Town in respect of which the said Commissioners 'shall certify the same to be due; and such Annuity shall be payable by Two Instalments in each Year, 'One such Instalment at each successive Assizes, or in the Case of the County of *Dublin* at the succes-'sive Periods limited for the Payment of the respective Moieties of Grand Jury Cess for such County, 'until Twenty Instalments shall have been paid, the first of the same being payable at the Summer 'Assizes, and in the Case of the County of *Dublin* at the Period limited for the Payment of the 'First Moiety of Grand Jury Cess after the Presenting Term of the Year One thousand eight hundred 'and forty-eight, and provided that the whole of such compound Sum may be paid off in One Payment 'in any Case where the Grand Jury shall think fit to make a Presentment for that Purpose; and it is 'further provided, that the said Commissioners shall issue Certificates to the Secretaries of the several 'Grand Juries of the total Sum so to be repaid, and of the Annuity by which the Repayments are to be 'made, and that each such Secretary shall lay such Certificate before the Grand Jury of the County, 'County of a City or County of a Town, to which the same shall relate, at the Spring Assizes, and in the 'Case of the County of *Dublin*, at the Presenting Term of One thousand eight hundred and forty-eight; 'and it shall be lawful for each such Grand Jury, and they are respectively required, without any Application 'to Presentment Sessions, to present the total compound Sum of Principal and Interest specified in 'such Certificate to be payable by an Annuity as aforesaid, and to be raised and levied in the Manner 'therein stated: And whereas the said Commissioners of Public Works in *Ireland* have, previous to 'or at the Spring or Summer Assizes, and in the Case of the County of *Dublin* to the Presenting Term 'of One thousand eight hundred and forty-eight, certified to the Secretaries of the Grand Juries of the 'several Counties, Counties of Cities and Counties of Towns, in *Ireland*, the total compound Sum to be 'paid in each Barony, Half Barony, Electoral Division, Part of Electoral Division, District, County of 'a City and County of a Town respectively under the said recited Act, and the Instalment of Annuity 'which is to be paid for that Purpose at the next and every succeeding Assizes until Twenty such 'Instalments are paid: And whereas it may be expedient to postpone the Commencement of the Payment 'of the said Annuity, and by reason of the unequal Proportions of the annual Payments which will 'become chargeable on the several Counties and Divisions of Counties it may be expedient that the 'Repayments should be made in some Cases by Annuities of longer Duration, and in others of shorter 'Duration, than Ten Years:' Be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall so think fit, to authorize and direct the Treasurer of any County, or County of a City or County of a Town, in *Ireland*, in which the Sum or Sums certified by the said Commissioners of Public Works under the said last-recited Act as payable by an Annuity or Annuities of Ten Years in the Manner therein prescribed shall have been previously presented, or in the Case of the County of *Dublin* the Finance Committee of the same County, to postpone the Payment of the first Instalment of each such Annuity until the Spring Assizes of One thousand eight hundred and forty-nine, and in the Case of the County of *Dublin* until the Presenting Term in the Year One thousand eight hundred and forty-nine, and thereupon all the Provisions of the said last-recited Act in relation to the Annuity or Annuities in such respective County, County of a City or County of a Town, shall be construed and take effect as if the first Instalment thereof respectively had been thereby made payable at such Spring Assizes and Presenting Term respectively. Power to Treasury to postpone Commencement of Payment of Annuities under 10&11 Vict. c. 87.

V. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall so think fit, upon Application being made to them by the Grand Jury of any County, or County of a City or County of a Town, in *Ireland*, or by the Justices assembled at a Special Sessions, to be summoned as herein-after directed, in which the Sum or Sums so certified by the said Commissioners of Public Works shall have been previously presented as aforesaid, to authorize the Conversion of the Annuity charged on such County, County of a City or County of a Town, or the Portion of such Annuity chargeable on any Barony, Half Barony, Electoral Division, or District under the Certificate and Presentment in this Behalf, or of the Instalments thereof which at the Time of such Conversion shall remain payable, Power to Treasury to convert Annuities into others of longer or shorter Duration of equal Value.

payable, into an Annuity of a shorter or longer Duration in no Case exceeding Twenty Years, provided the Value at the Time of the Conversion of such Annuity of longer or shorter Duration as aforesaid shall be equal to the Value at the same Time of the Annuity or Portion of Annuity charged or chargeable as aforesaid, or such Instalments thereof as aforesaid or Portion thereof, such respective Values to be calculated on the Basis on which such an Annuity of Twelve Pounds for Ten Years as aforesaid was taken as equal to a Sum of One hundred Pounds; and all the Powers, Authorities, or Provisions contained in the last-recited Act which relate to the Presentment, raising, levying, and paying off the Annuities to be presented by the Grand Juries under that Act shall extend to the Annuities sanctioned by the Commissioners of Her Majesty's Treasury under this Act: Provided always, that with respect to the Limitation of the total Sum to be issued from the Consolidated Fund under the Provisions of this Act, all postponed Payments, and Payments of substituted Annuities under the Postponements and Conversions hereby authorized, shall be deemed Payments under the Provisions of the last-recited Act.

If Grand Jury shall not make Application at Summer Assizes for Conversion of Annuities, Justices may make Application at Special Sessions.

VI. And be it enacted, That in case such Application as aforesaid shall not have been made by the Grand Jury of any County, County of a City or County of a Town, in *Ireland*, at the Summer Assizes of this present Year, and it may be expedient that such Application should be made previous to any Levy, it shall be lawful for the Clerk of the Peace of any such County, County of a City or County of a Town, and he is hereby required within Two Days after the Receipt of a written Requisition of the Treasurer of such County for that Purpose, to call a Special Sessions of the Peace to be held on or previous to the First Day of *October* of this present Year, to be held at the County or Assize Town (giving Six Days Notice thereof to the Justices of such County), and it shall be lawful for the Justices then and there assembled to make such Application as aforesaid.

Provision where Occupation of Premises may be changed.

VII. 'And whereas by the said recited Act of the last Session of Parliament, intituled *An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in* Ireland *by the Employment of the labouring Poor*, it is amongst other things enacted, that any such Sum of Money to be from Time to Time raised and levied off any Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City or County of a Town, as in the said Act provided, shall be charged upon, and applotted, raised, and levied upon and from, the Occupiers of and other Persons rateable in respect of Lands and Hereditaments within such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City or County of a Town, respectively, and rated under the then last preceding Rate or Rates made, or from Time to Time made, in respect of the same under the Provisions of an Act passed in the First and Second Years of the Reign of Her present Majesty, for the more effectual Relief of the destitute Poor in *Ireland*, and the several Acts amending the same, and shall be payable by the respective Rate-payers who under the said last preceding Rate or Rates shall have paid or contributed or been liable to pay or contribute Rate in respect of Property in such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City or County of a Town, according to the several Valuations and Proportions according to which respectively such last preceding Rate or Rates shall have been so made, charged upon, and payable by the Rate-payers in respect of such Land or Hereditaments respectively; and any such Sum of Money shall be applotted, assessed, and levied by the respective High Constable or Collector of Grand Jury Cess for or in such Barony, Half Barony, or Place as aforesaid as a Poundage Assessment equally upon the net annual Value of the several Lands and Hereditaments within such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, or County of a City or County of a Town, respectively, rated as aforesaid, as such net annual Value shall have been stated in such last preceding Rate or Valuation as aforesaid: And whereas the Occupiers of such respective Premises rated as aforesaid may from Time to Time be changed:' Be it therefore enacted, That where any Rate-payer or Rate-payers shall have ceased to occupy the rateable Property after the making of such last preceding Rate as aforesaid, all and every Sum and Sums of Money to be so raised and levied under the said Provision of the said recited Act, and all and every Sum and Sums of Money which shall be raised and levied under or in consequence of the Postponement of Payment and Conversions of Annuities hereby authorized, or any of them, shall be paid by the Person or Persons in the actual Occupation of the Lands and Hereditaments on which such Sum or Sums respectively shall be assessed at the Time of the Assessment thereof, and in the Default of any such Person or Persons, from the Person or Persons in the actual Occupation of the same Lands or Hereditaments from whom such Sum or Sums shall be demanded, subject to such Provisions as to Deduction from Rent as in the said Act of the First and Second Years of the Reign of Her present Majesty contained, so far as the same shall be applicable.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LII.

An Act to explain the Acts for preventing the Destruction of the Breed of Salmon and Fish of the Salmon Kind. [14th *August* 1848.]

58 G. 3. c. 43.

'WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for preventing the Destruction of the Breed of Salmon, and Fish of the Salmon Kind, in the Rivers of* England: And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, to amend and extend

'the

'the Provisions of the said first-recited Act: And whereas it is expedient to remove Doubts which have 'arisen whether the said Acts extend to the tributary Streams of Rivers, and whether certain of the 'Provisions of the said secondly-mentioned Act extend to Salmon Trout and Fish of the Salmon Kind:' Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of the said Acts respectively the Words "River" and "Rivers" respectively shall extend to and include all the tributary Streams of such River and Rivers respectively.

The Word "River" in recited Acts to apply to tributary Streams thereof.

II. And be it enacted and declared, That all the Provisions, Penalties, and Powers in the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty contained for the Protection of and in relation to Salmon shall extend and be applicable to Salmon Trout and Fish of the Salmon Kind, as if in every Case where Salmon is in such Act mentioned Salmon Trout and Fish of the Salmon Kind had been also expressly mentioned therewith.

The last-recited Act to apply to Salmon Trout and Fish of the Salmon Kind.

III. Provided always, and be it enacted, That with respect to any Offence committed or charged to have been committed before the passing of this Act the said Acts shall be construed as if this Act had not been passed.

Not to extend to Offences before passing of this Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

CAP. LIII.

An Act to empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of *Windsor*. [14th *August* 1848.]

'WHEREAS the Approaches to the Castle and Town of *Windsor* stand much in need of Alteration 'and Improvement; and it would be conducive to the Privacy and Comfort of the Queen's most 'Excellent Majesty, as well as to the Accommodation of the Town of *Windsor*, that such Approaches 'should be altered and improved: And whereas by an Act passed in the last Session of Parliament, 'intituled "The *Windsor, Staines, and South-western* Railway Act (No. 1.), 1847," the Company 'thereby incorporated are empowered to construct a Railway commencing at *Richmond* in the County 'of *Surrey* and terminating in the Parish of *Datchet* in the County of *Bucks* near a certain Ayte or 'Island in the River *Thames* called *Blackpots*: And whereas the Formation of a public Road from '*Datchet* to the proposed Terminus of the said Railway near *Blackpots* aforesaid, and the Construction 'of a Bridge across the *Thames* there, and the Formation of a public Road from the said Terminus 'across the said intended Bridge, and from thence through a Portion of Her Majesty's Park into *Thames* '*Street, Windsor*, and the widening and improving *Thames Street* and *High Street, Windsor*, are 'requisite to provide proper Accesses and Approaches from *Datchet* and from the said Terminal Station 'of the said Railway to the Castle and Town of *Windsor*: And whereas the said Company have agreed 'with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to 'pay to the said Commissioners, on behalf of Her Majesty, the Sum of Sixty thousand Pounds, towards 'the Expense of constructing the said Roads and Bridge, and of widening and improving *Thames Street* 'and *High Street, Windsor*, and the said Works will be advantageous to the said Company, and, in 'connexion with the other Alterations and Improvements of the Approaches to the Town and Castle of '*Windsor* authorized by this Act, will be conducive to the Privacy and Comfort of Her Majesty, as well 'as to the Accommodation of the Town of *Windsor*: And whereas by an Act passed in this present 'Session of Parliament, intituled "The *Great Western* Railway (*Slough* to *Windsor*) Act, 1848," and 'by an Agreement in such last-mentioned Act referred to, and thereby confirmed, and made between 'the said Commissioners on behalf of Her Majesty of the one Part, and the *Great Western* Railway 'Company of the other Part, such last-mentioned Company are required to pay to the said Commis-'sioners the Sum of Twenty-five thousand Pounds towards the Expense of the Alterations and Improve-'ments by this Act authorized; and it is expedient that the said Commissioners, on behalf of Her 'Majesty, should be authorized and empowered to execute and carry into effect the Purposes of this 'Act:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and they are hereby empowered, to execute and carry into effect the several Powers and Purposes of this Act, and to apply the said Sums of Sixty thousand Pounds and Twenty-five thousand Pounds, or a sufficient Portion or sufficient Portions thereof, when and as the same shall be received by them as aforesaid, in or towards the Payment of the Costs, Charges, and Expenses which shall or may be incurred by them in or about the Execution of the several Powers and Purposes of this Act.

Commissioners of Woods to carry into effect the Purposes of this Act.

II. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to make the several Alterations and Improvements in the Approaches to the Castle and Town of *Windsor* following; (that is to say,)

Alterations and Improvements to be effected.

To construct a Bridge across the River *Thames* from a Point in the Parish of *Datchet* in the County of *Buckingham* near the Eastern End of a certain Island or Ayte in the River *Thames* known by the Name of *Blackpots* to the South Side of the said River in the Parish of *New Windsor* in the County of *Berks*, and to make a new Road from such intended Bridge upon, through, and over

Upper or first-mentioned Bridge.

over certain Parts of Her Majesty's *Home* or *Little Park*, and other Lands of Her Majesty, to or near to *Datchet Lane*, and to widen and improve *Datchet Lane* aforesaid from or from near the Site of the said intended Bridge to or near to the Residence of the Naval Knights, and from thence to make a new Road through Lands and Property belonging to the Dean and Canons of *Windsor* and others into *Thames Street, Windsor*, at or near the Foot of the Hundred Steps:

Also to pull down and remove the Houses and Buildings on the South and East Sides of *Thames Street* and the East Side of *High Street, Windsor*, from or from near the Foot of the Hundred Steps to the Foot of the *Castle Hill* nearly opposite to the Gateway to the *White Hart Inn*, and to widen and improve *Thames Street* and *High Street* on the same Sides thereof between the Hundred Steps and the *Castle Hill* aforesaid:

Also to stop up the public Road leading from the Town of *New Windsor* by *Frogmore* to or towards *Old Windsor* between the Point where the said Road falls into or crosses the North End of the *Long Walk* and a Point in the Parish of *New Windsor* near where such Road crosses the Boundary of the Parishes of *New Windsor* and *Old Windsor* near a House called the *Nelson Inn* in the Parish of *Old Windsor*:

Also to stop up all Roads, Ways, Paths, and Passages now leading into, upon, through, or over Her Majesty's *Home* or *Little Park*, or leading across the *Long Walk*, between a Point in the *Long Walk* Fifty Yards or thereabouts Northwards of the Double Gates and the Castle of *Windsor*; and in lieu thereof respectively to make a new Road leading out of the present *Sheet Street Road* near a Place called the *Magpie Style*, upon, through, or over certain Lands of Her Majesty on the West Side of the *Long Walk*, passing from thence across or under the *Long Walk*, and running from thence in a South-easterly Direction, upon, through, and over certain Lands of Her Majesty called the *Shaw Farm* and *Clay Hall* Farms respectively, till such new Road falls into a Road or Way called *Clay Hall Lane* near the Junction of *Clay Hall Lane* with the Road leading from *New Windsor* to *Old Windsor* aforesaid; and to widen and improve that Portion of *Clay Hall Lane* from its Junction with the intended new Road aforesaid to the Road from *New* to *Old Windsor* aforesaid:

Lower or second-mentioned Bridge.

Also to make a new Road or Way leading out of the said Road from *New* to *Old Windsor* from a Point in the Parish of *New Windsor* nearly opposite to the *Nelson Inn* aforesaid, across a Field the Property of Her Majesty, to the River *Thames* in *New Windsor* aforesaid near the Junction of the Parishes of *Old Windsor* and *New Windsor* aforesaid; and to construct a Bridge from thence across the River *Thames* to the opposite Bank in the Parish of *Datchet* in the said County of *Buckingham*; and to make a new Road from such last-mentioned Bridge, through or over Property belonging to the Earl of *Harewood* and others, to or near to a Farmhouse called *Southley* Farmhouse in the Parish of *Datchet* aforesaid; and to divert, widen, and improve the present Road between *Southley* Farmhouse aforesaid and the Village of *Datchet*; and to make a new Road from the Village of *Datchet* aforesaid, along or near to the North Bank of the River *Thames*, to the herein-before mentioned intended Bridge near *Blackpots* aforesaid; and also to pull down and remove *Datchet Bridge*, and to stop up all Roads, Ways, Paths, and Passages in the Parish of *New Windsor* which now lead to or from such last-mentioned Bridge:

Also to purchase and acquire, on behalf of Her Majesty, certain Lands and Houses situate, abutting on, or near to the said Road leading from *New Windsor* to *Old Windsor* by *Frogmore* aforesaid, so proposed to be stopped up, and also situate, abutting on, or near to the said intended new Roads, and which said Roads, Bridges, and other Works, Matters, and Things, are or will be situate in and pass or will pass from, in, through, or into the several Parishes of *New Windsor* and *Old Windsor* in the said County of *Berks*, and the said Parish of *Datchet* in the County of *Buckingham*, or some of them:

Also to cross, divert, alter, or stop up, whether temporarily or permanently, all such Turnpike Roads, Parish Roads, Streets, and other Highways, Streams, Sewers, Pipes, Canals, Navigations, or Bridges within the said Parishes, or such of them as it may be necessary to cross, divert, alter, or stop up for the Purposes of the said Works, according to the Plan or Plans deposited with the Clerk of the Peace for the said County of *Buckingham* and with the Clerk of the Peace for the said County of *Berks*.

Commissioners empowered to construct Bridges and Roads.

III. And be it enacted, That for the Purposes aforesaid or any of them it shall be lawful for the said Commissioners to dig and make proper Foundations in the said River, and in the Lands on each Side thereof, and make Dams in the said River, and cut down and level the Banks thereof, and cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel, Sand, or Mud, or other Impediment whatsoever, and do and execute every other Thing necessary or convenient for the Purposes aforesaid or any of them; and for the Purpose of erecting the said intended Bridges, and forming and completing such Roads as aforesaid, the said Commissioners shall have full Power and Authority from Time to Time to land on either Side of the said River, within One hundred Yards from the Sites of the said intended Bridges respectively, all Materials and other Things to be used in or about the same, and there to work and use such Materials and Things as the said Commissioners shall think proper, doing as little Damage as may be, and making such Satisfaction as herein-after mentioned to the respective Owners and Occupiers of the Lands and Hereditaments which shall be damaged or used for the Purposes of this Act; and the said firstly herein-before mentioned intended Bridge, when erected, shall from Time to Time and at all Times thereafter be upheld and kept in repair by and at the Expense of the *Windsor, Staines, and*

and South-western Railway Company, or their Assigns; and the said secondly herein-before mentioned Bridge, when erected in a proper and substantial Manner, and certified to have been so erected by the President for the Time being of the Institute of Civil Engineers, or by the Railway Commissioners, or by some Person to be for that Purpose appointed by them, shall from Time to Time and at all Times thereafter be upheld and kept in repair by and at the Expense of the Person or Persons, Body or Bodies, County or Counties now liable to uphold and repair the said existing Bridge at *Datchet* so intended to be pulled down and removed as aforesaid; and the Liability to uphold and repair such last-mentioned intended Bridge shall be and is hereby substituted and imposed upon the said Person or Persons, Body or Bodies, County or Counties, in lieu of their Liability to uphold and repair the said existing Bridge: Provided always, that the Certificate of the proper Erection of such last-mentioned intended Bridge shall be deposited in the Offices of the Clerks of the Peace of the Counties of *Buckingham* and *Berks* respectively within Six Calendar Months after the Date thereof, to be there kept and preserved in the same Manner and under the same Rules and Regulations as the other Records of the said respective Offices.

Commissioners not to expend more than 85,000*l.* in the Alterations, &c.; and Bridges, &c. not to be commenced until Contracts entered into as herein specified.

IV. Provided always, and be it enacted, That the Money to be expended by the said Commissioners in effecting the Alterations and Improvements by this Act authorized shall not exceed the Sum of Eighty-five thousand Pounds; and that it shall not be lawful to commence the Construction of the said Bridges or either of them unless and until a Contract or Contracts in Writing shall have been previously entered into for those Purposes respectively, specifying the Works to be done, the Time within which and the Price for which they are to be completed; and by such Contract or Contracts the Contractor, with Two sufficient Sureties, shall be jointly and severally bound to Her Majesty in a sufficient penal Sum to complete the Works, at the Price, within the Time, and in the Manner by such Contract or Contracts to be limited and expressed.

Plans to be deposited in the Land Revenue Record Office, and be open for Inspection.

V. And be it enacted, That a Copy of the said Plan or Plans so deposited as aforesaid, when signed by the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, shall be deposited in the Office of Land Revenue Records and Inrolments, and shall remain in the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

No Alteration shall be made in Roads, &c. without Consent of Treasury.

VI. And be it enacted, That no Alteration shall be made in the Lines or Sites of the said Roads, Bridges, and Approaches, as shown in such Plans, unless the same shall be approved by the said Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer for the Time being, or any Three or more of them.

No Deviation to be made from such Plans without Consent.

VII. And be it enacted, That the said Commissioners, in making the said Roads, Bridges, and Approaches, shall not deviate more than One hundred Yards from the Lines described in the aforesaid Plans, without the Consent of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

Site of Roads stopped up vested in Her Majesty.

VIII. And be it enacted, That the Ground and Soil of such Roads, Ways, Paths, and Passages as shall be so stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall thereupon become and be vested in the Queen's most Excellent Majesty, Her Heirs and Successors.

Penalty on Persons obstructing the Execution of the Works.

IX. And be it enacted, That if any Person or Persons, having the care of any Float, Raft, Boat, Barge, or other Vessel, or any other Person or Persons, shall, after being warned by any Person employed in the Construction of any of the Works by this Act authorized to be constructed, by passing or navigating over any Part of the said River where such Works are in progress, or otherwise, cause any Hindrance or Obstruction to the Execution of such Works or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as other Penalties and Forfeitures are by this Act directed to be recovered.

Power to Commissioners to raise or lower Streets, &c., making Compensation.

X. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall lead to or communicate with the said Bridges and Approaches, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses or Premises injured by such Alterations, as shall be agreed on by and between the Parties.

Power to arch over or fill up Sewers and Drains.

XI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to cause to be arched over or filled up all such Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said Roads, Bridges, Approaches, and new Ways to be made, altered, diverted, or stopped up or inclosed as aforesaid respectively, as shall appear necessary for completing the Purposes of this Act, so that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood.

Power to Commissioners to raise, sink, or alter Water and Gas Pipes.

XII. And be it enacted, That it shall be lawful for the said Commissioners to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellars, Windows, and Water Channels, Pipes, or Spouts, belonging to any House or Houses, and also the Mains and the Leaden or other Pipes which for the Purposes of conveying Water or Gas to any House or other Place shall be laid into or from any Main or Pipe laid down for supplying the Inhabitants with Water or Gas, and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Inhabitants as the Circumstances of the Case will admit.

Ground laid into the Streets to form Part of the Roads, and may be used by the Public.

XIII. And be it enacted, That when the said Roads and Approaches shall be made in pursuance of this Act all the Land and Hereditaments which shall be laid open into the said Roads and Approaches shall form Part of the said Roads and Approaches, and shall be used by the Public accordingly; and such of the said Roads and Approaches as by the said Agreement are agreed to be repaired by the said Company shall be kept in repair by them for ever thereafter; and as to all such Roads and Approaches as may be locally situate within the Borough of *New Windsor*, the same shall be considered and be Part of the public Streets or Roads of the said Borough; and as to all other the Roads and Approaches to be made or altered under the Authority of this Act, such last-mentioned Roads and Approaches, when made or altered, shall be taken to be Parish Roads.

Power to take Houses, after Notice.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to take and use, or cause to be taken and used, any Tenements or Hereditaments, and pull down or remove, or cause to be pulled down and removed, any Houses or Buildings which it may be deemed necessary and expedient to take or pull down and remove for the Purposes of this Act, at any Time after the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners, or their Agent duly authorized, of their Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons, who shall be the Owners and Occupiers of any such Tenements or Hereditaments, or in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of the same Tenements or Hereditaments, or shall be affixed upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

No Houses, &c. to be taken without Consent, unless in Schedule.

XV. And be it enacted, That no Tenements or Hereditaments, other than the Bed of the said River as aforesaid, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereto, or as are situated within the Limits of Deviation herein-before authorized, without the Consent of the Owner or Owners thereof first had for that Purpose.

Houses and Lands may be taken, notwithstanding Errors in the Schedule, if certified by Two Justices.

XVI. And be it enacted, That it shall be lawful for the said Commissioners to purchase, take down, and use for the Purposes of this Act any of the Tenements and other Hereditaments described in the said Plan or Plans so deposited as aforesaid as intended to be taken for the Purposes of this Act, although the same Tenements and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may have been erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the Justices of the Peace of the County of *Berks* as regards Hereditaments situate in the County of *Berks*, and to any Two or more of the Justices of the Peace for the County of *Buckingham* as regards Hereditaments situate in the County of *Buckingham*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power for Commissioners to enter for the Purpose of Survey, after Notice.

XVII. And be it enacted, That it shall be lawful for the said Commissioners, and for their Surveyors, Officers, and Workmen, from Time to Time, at all seasonable Times in the Daytime, upon giving for the first Time Twenty-four Hours and afterwards from Time to Time Twelve Hours previous Notice in Writing, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Tenements and Hereditaments, for the Damages that shall be thereby occasioned.

Commissioners may treat for Purchase and enter into Contracts.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to treat and agree for the Purchase of any Tenements and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein and Charges thereon, or such of them or such Part or Parts thereof respectively as the said Commissioners shall think proper, and to enter into any Contract or Contracts which they may think fit.

Property purchased to be conveyed to Her Majesty.

XIX. And be it enacted, That the Tenements and other Hereditaments which shall be purchased in pursuance of this Act shall be conveyed to the Queen's most Excellent Majesty, Her Heirs and Successors, as Part and Parcel of the Possessions and Land Revenues of Her Crown, or to such Person or Persons, in trust for Her Majesty, as the said Commissioners shall direct.

Power of Purchase to cease in Three Years.

XX. And be it enacted, That if the said Commissioners shall not within the Space of Three Years purchase or take the Tenements and Hereditaments, or Parts thereof respectively, which they are empowered by this Act to take and purchase, then and from thenceforth the compulsory Powers hereby granted for such Purpose shall cease.

Bodies Politic, Trustees, &c. empowered to sell and convey.

XXI. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, and their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years, absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, expectancy, or contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether

whether entitled to the next or any subsequent Estate or Interest or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators, and Issue, of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also, where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively (if of full Age), unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any Tenements or Hereditaments which by the said Commissioners shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same and every or any Part thereof to Her Majesty and Her Successors, or to such Person or Persons as the said Commissioners shall direct; and all Contracts, Agreements, Bargains, Sales, Conveyances and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale or Conveyance which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act; and all Persons hereby capacitated to contract and sell are hereby authorized to give any Consents authorized to be given by this Act, as if they were the absolute Owners of the Property in respect of which such Consents may be given.

Contracts, &c. valid.

XXII. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons herein-before capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may convey the same without receiving any Satisfaction or Recompence for the Value thereof, or may accept and receive such Satisfaction and Recompence for the Value thereof; and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and also any Tenant or Tenants or other Occupier or Occupiers of any such Premises, entitled to any Compensation for Tenants Fixtures, and for any other Injury or Damage sustained on account of the Execution of this Act, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners; and in case the said Commissioners and the said Parties interested in such Tenements or Hereditaments or Fixtures, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction or Recompence, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Bodies Politic, &c. may convey without receiving Satisfaction, or may accept Satisfaction, for Tenements, &c.

In case of Dispute the same to be settled by a Jury.

XXIII. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners, or their Agent duly authorized, of the Intention to take or use any Tenement or Hereditament or any Part thereof for the Purposes of this Act shall have been given, left, or affixed as herein-before is mentioned, all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee and Trustees, and other Person and Persons seised, possessed of, or interested in or authorized by this Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein, or Charge thereon, or being or claiming to be entitled to any Compensation for any Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to or leave at the Office of the said Commissioners a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to or to be authorized to receive in satisfaction or recompence for and on account of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may be willing to receive as Compensation for such Fixtures, and for such Injury or Damage respectively.

Parties to deliver Statements of their Claims within One Month after receiving Notice.

XXIV. And be it enacted, That if any Owners or Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons, seised, possessed of, or interested in any Tenement or Hereditament, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners are hereby empowered to purchase for the Purposes aforesaid, shall neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the Sheriff of the County of *Berks* or his Under Sheriff as regards any Hereditaments which may be situate within the County of *Berks*, and the Sheriff of the County of *Buckingham* or his Under Sheriff as regards any other Hereditaments, or in case any such Sheriff or Under Sheriff shall be in anywise interested

If Parties refuse to treat or shall not agree, a Jury to be summoned.

interested in the Matter in question, then the Coroner or some or one of the Coroners of the said Counties of *Berks* and *Buckingham* respectively, as the Case may be, not interested therein, shall, upon the Warrant of the said Commissioners, and he and they is and are hereby required and authorized, to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Berks* as regards Hereditaments within the said County, and of the said County of *Buckingham* as regards any other Hereditaments, which Oaths the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Tenements and Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Tenements or Hereditaments, and of such respective Estates and Interests therein, and for any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Compensation shall be estimated by what, in the Opinion of such Jury, the Premises would have been worth, in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Tenements or Hereditaments for the Purposes of this Act; but no Sum of Money shall be awarded for or in respect of any Building or Improvement which in the Opinion of such Jury shall have been constructed or made with a view to obtaining Compensation under this Act, beyond the actual Cost of building and the Materials used; and the said Jury, in estimating such Recompence and Satisfaction, shall take into their Consideration the Increase or Depreciation in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury and examine upon Oath all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; which Oath the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to administer; and such Sheriff, Under Sheriff, or Coroner respectively shall order and cause the said Jury to view the Places in question (if there be Occasion), and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive, to all Intents and Purposes, upon and against all Bodies, Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as other Parties or Persons whomsoever; and for the summoning and returning all such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, or Coroner to summon, impannel, and return, at some convenient Place in the said County of *Berks* or in the said County of *Buckingham* (as the Case may be), a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least in Writing under the Hands of the said Commissioners of the Time and Place at which such Jury are so required to be returned shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, or Coroner is and are hereby empowered to impannel, summon, and return such Number accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, (being qualified as last aforesaid,) to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said Sheriff, Under Sheriff, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of Property is taken, and Parties cannot agree as to the Value of the Remainder, a Jury shall be summoned to assess the same.

XXV. And be it enacted, That if the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners have taken away so much as they

shall

shall think necessary for the Purposes of this Act, and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made, and, the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

No Jury to award Compensation without Notice given to Commissioners of Amount claimed.

XXVI. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them by reason or means of this Act, or anything which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of meeting of such Jury.

Penalty on Sheriff, Jury, and Witnesses for Neglect of Duty.

XXVII. And be it enacted, That if the Sheriff, Under Sheriff, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster;* and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing shall refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the said County of *Berks* or of the said County of *Buckingham* (as the Case may be), by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

Jury shall, if required, assess Value of Fee Simple, and then apportion the Value of respective Interests therein.

XXVIII. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have been previously made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Value of Tenements and Damages to be awarded separately.

XXIX. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give, in execution of the Powers hereby vested in them, concerning the Value of Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the said Commissioners to make a proper Offer.

Providing for Expenses of summoning Juries.

XXX. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Rights, Interests, or Property of any Person or Persons in any such Tenements or Hereditaments, or for any such Injury or Damages as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such Recompence or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner

Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every Case in which any such Jury shall give in a Verdict or Assessment for no more or less Money, as such Recompence or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing such Jury to be summoned shall have arisen from a Refusal to treat with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expenses, to be settled by such Sheriff, Under Sheriff, or Coroner in manner aforesaid, shall be paid to the said Commissioners by the said Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, so claiming such Compensation or refusing to treat as before mentioned respectively, save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating as aforesaid, in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other; and all Costs, Charges, and Expenses hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money or no sufficient Sum of Money shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expenses can be deducted, then the same shall and may be recovered, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Berks* or County of *Buckingham* (as the Case may be), by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be deducted.

Verdicts to be recorded, and afterwards deposited with the Clerk of the Peace, to be Evidence, and open to Inspection.

XXXI. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of Land Revenue Records and Inrolments; and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Berks* or the said County of *Buckingham* (as the Case may be), to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

If Owners are unwilling to sell Part of Houses, &c. Commissioners to purchase the whole.

XXXII. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which shall be required by the said Commissioners for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase from the said Owner or Owners the whole or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner or Owners shall think fit, and to apply so much and such Part thereof as the said Commissioners shall see fit for the Purposes aforesaid; and if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the whole or such Part as aforesaid of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before directed with respect to the Premises the Value of which shall be ascertained by a Jury in manner aforesaid.

If Owners and Commissioners shall not agree, Value to be settled by a Jury.

Persons holding under Leases to produce the same.

XXXIII. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

In case of Disputes as to Da-

XXXIV. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act

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as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County of *Berks*, if the Property is situate in that County, and for the said County of *Buckingham*, if the Property is situate in that County, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and such Magistrates may examine Witnesses and administer Oaths, in all respects, and with the same Consequences as to false Swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

mage of small Amount, the same to be settled by Two Justices.

Justices may administer Oaths.

XXXV. And be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England*, as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession or pull down any House or Houses or other Erection or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners not to take possession till Purchase Money is paid or tendered.

XXXVI. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Tenements or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises, into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested or entitled as aforesaid in or to such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Bodies, Person or Persons or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, and out of the Tenements and Hereditaments to be purchased as aforesaid, shall from thenceforth vest in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Bargain and Sale enrolled, with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates, in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person or Persons and every other Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed by the said Commissioners for the Purposes of this Act.

In case Parties cannot be found, or are not able to make a good Title, &c., Commissioners may take possession, on Payment of Purchase Money into the Bank of England.

XXXVII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, and likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled

Application of Purchase Money when amounting to 200*l*.

12 G. 1. c. 32.

12 G. 2. c. 24.

entitled to the Rents and Profits of the said Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; and where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Tenements and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXVIII. Provided also, and be it enacted, That if any Money so agreed or assessed to be paid for any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in any such Cases the same shall, at the Option of the Body or Bodies, Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where less than 20*l.*

XXXIX. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c. Purchase Money to be paid into the Bank.

XL. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein, or Charges thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Chancery; which said Court on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers

of

of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in possession shall be deemed entitled until the contrary be shown.

XLI. And be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Tenements or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and be taken to have been lawfully entitled to such Tenements and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Tenements or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Court may order Expenses of Purchase to be paid by Commissioners.

XLII. And be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, and to be applied in the Purchase of other Tenements or other Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money out of the Monies applicable to the Purposes of this Act as the said Court shall direct.

When Lands required are subject, with other Lands, to any Rent, the Money paid into the Bank to be laid out in the Purchase of other Estates in lieu of the Lands required.

XLIII. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England*, in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners, or any Person or Persons authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Tenements or Hereditaments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the said Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Tenements and Hereditaments for the Value of which such Money respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased, in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof out of or upon the Tenements or Hereditaments so to be

comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner, to all Intents and Purposes, as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime and until such Purchase shall be made it shall be lawful for the said Court of Chancery, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

Power to purchase Release of Incumbrances, and to apportion the same.

XLIV. And be it enacted, That where any Tenements or Hereditaments purchased or intended to be purchased by the said Commissioners shall be subject solely, or jointly with other Tenements or Hereditaments not intended to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners to agree for the Release of the Tenements or Hereditaments so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for any Apportionment of such Rent, Payment, or Incumbrance, for such gross Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Tenements or Hereditaments; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Tenements or Hereditaments; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Tenements or Hereditaments is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or intended to be purchased, and of the Tenements or Hereditaments not purchased or intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Commissioners and any such Party as aforesaid, respecting such Releases, shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject to be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Tenements or Hereditaments so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance, and thereupon such other Tenements or Hereditaments shall in all respects continue so liable, and as if no Part of the Hereditaments charged had been released: Provided also, that when any of the Tenements or Hereditaments purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments not purchased by the said Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Tenements or Hereditaments not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the Tenements or Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents reserved in Leases to be apportioned.

XLV. And be it enacted, That in all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease or Agreement for a Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act and the Residue of such Tenements and Hereditaments; and such Apportionment shall, in case the same shall not

not be agreed upon between the Parties, be settled by the Verdict of a Jury, if required, in like Manner as the Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden, and any Person hereby capacitated to sell who shall be a Lessor shall be capacitated to assent, and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Recovery of the Rent so apportioned, in respect of the Tenements or Hereditaments not required for the Purposes of this Act, as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Tenements or Hereditaments, but no further or otherwise, continue in full Force and Operation.

Mortgagees, upon Tender made by the Commissioners, shall convey their respective Interests.

XLVI. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Tenements or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right, or in trust for any Body or Bodies, Person or Persons, and whether in possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall not be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest secured by or due on such Mortgage, and whether such Principal Money shall under the Terms of such Mortgage be then actually payable or not, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose,) immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person as the said Commissioners shall appoint, in trust for Her Majesty; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or any less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of such Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act to the Queen's most Excellent Majesty, Her Heirs and Successors, or as the said Commissioners shall direct; and in case such Mortgagees shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Bank of *England*, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at or at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier or Cashiers of the said Bank to whom such Money shall be paid shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in trust for him, or for whom he shall be Trustee, shall vest in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed to be in actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purpose of this Act, to all Intents and Purposes whatsoever.

As to Cases where Mortgage Money is more than the

XLVII. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purpose of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only

Value of the Premises, or in which a Part only of the Premises is required.

only of the Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely, or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury, in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend, and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Tenements or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his, her, or their neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*, to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of the like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that where a Part only of the Tenements or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to Her Majesty, Her Heirs and Successors, have been paid to the Mortgagee or Mortgagees thereof in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to Her Majesty, and shall be signed by such Mortgagee or Mortgagees, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will or from Year to Year to quit after Notice.

XLVIII. And be it enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in possession of any Tenements or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing signed by the said Commissioners shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Tenements or Hereditaments are herein-before directed to be ascertained, or, if the said Commissioners and the other Parties in difference shall agree thereto, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person and Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in possession of any Tenements or Hereditaments, or any Part of any Tenements or Hereditaments, which may be purchased in pursuance of this Act, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be mutually ascertained and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts,

and Agreements whatsoever under or by virtue whereof any such Person or Persons shall hold the said Premises shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against Her Majesty and the said Commissioners; and if any such Tenant at Will or Lessee, or other Person or Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession, at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the said County of *Berks* or the said County of *Buckingham* (as the Case may be) to issue his Precept or Warrant to the Constables of such County for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same, on behalf of Her Majesty, and the said Constables, and every of them, are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the said Commissioners, whenever they may deem it just and reasonable so to do, from granting Compensation to any Tenant at Will for giving up the Possession of Premises under or by virtue of this Act in any Case where special Injury shall be proved to their Satisfaction.

Persons capacitated to sell may agree to refer same to Arbitration.

XLIX. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid; and every such Agreement shall be in all respects binding and effectual.

Power to clear the Ground, and sell old Materials.

L. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and also to pull down and remove or cause to be pulled down and removed *Datchett Bridge* aforesaid, and to level and clear the Sites thereof respectively, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the said Houses, Erections, Bridge, and Buildings; and the Monies to be produced by the Sale thereof, after deducting the Expenses of pulling down such Houses, Bridge, and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of any Tenements or Hereditaments to be purchased by virtue of this Act until the same shall be pulled down, shall be applied towards the Purposes of this Act.

Monies arising from Sale to be applied to the Purposes of this Act.

Materials vested in Her Majesty.

LI. And be it enacted, That the Right and Property of all and every the Stone, Timber, Iron, Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the said Commissioners for executing this Act, or by their Order, or otherwise used by them for carrying the Purposes of this Act into execution, and also any Materials which formed Part of *Datchett Bridge*, or of any Buildings which may be pulled down by Direction of the said Commissioners, in pursuance of the Powers of this Act, shall be vested in Her Majesty; and the said Commissioners, on behalf of Her Majesty, are hereby empowered to dispose of and apply the same for the Purposes of this Act, as they shall think fit.

Penalties may be compounded for.

LII. And be it enacted, That it shall be lawful for the said Commissioners, if they think fit, with the Consent and Approbation of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Nonperformance of any Contract entered into in pursuance of this Act, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, or Expenses which shall be occasioned thereby.

Deeds, &c. not liable to Stamp Duty.

LIII. And be it enacted, That no Contract, Conveyance, Lease, Deed, or other Instrument, which shall be made, granted, or executed by the said Commissioners, on behalf of Her Majesty, for the Purposes of this Act, nor any Contracts or Agreements, Bonds, or other Securities, Assignments, Conveyances, or other Deed or Instrument, which shall be made, entered into, or executed by any Person or Persons to or with the said Commissioners, on behalf of Her Majesty, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

Commissioners empowered to raise Ballast, &c. from the Bed of the River.

LIV. And be it enacted, That for the Purpose of forming the intended Roads and Bridges, or either of them, it shall be lawful for the said Commissioners, with the Consent of the Commissioners of the *Thames* Navigation, or their Surveyor for the Time being, to excavate and deepen the Bed of the River *Thames*, where it may be deepened without Injury, and to take away and use any Ballast, Sand, Gravel, Earth, or other Materials which shall be raised from the Bed of the River in executing any such Works.

Owners of Vessels liable for Damage done to the Bridges, &c.

LV. And be it enacted, That in case any Damage or Mischief shall be done to the said Bridges or any of them, or to any of the Works thereof respectively, by any Lighter, Barge, Boat, Float, Raft, or Vessel, through the wilful Negligence of any Person having the Command of any such Lighter, Barge, Boat, Float, Raft, or Vessel, or any of the Persons employed therein, then and in every such Case the Owner of such Lighter, Barge, Boat, Float, Raft, or Vessel shall be and is hereby made answerable for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum

of Twenty Pounds, (if not forthwith paid and satisfied,) shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to recover from their Servants any Damages paid for their Neglect.

LVI. And be it enacted, That in case the Owner of any such Lighter, Barge, Boat, Float, Raft, or Vessel shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his Servants or any of them, such Servants, and each and every of them, shall be liable to pay such Penalty or Damages (with the Costs thereof) to such Owner; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same, and the Costs thereof, have not been repaid to him by such Servants, or Mariners, or any of them, although demanded, (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered,) the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

Penalty for Obstructions to Passengers.

LVII. And be it enacted, That if any Person shall wilfully occasion any Obstruction, Annoyance, or Hindrance to any Description of Passengers on or along the said Bridges respectively, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make satisfaction to the Party injured for the Damage so done as aforesaid, which Satisfaction shall be recovered as Part of and in the same Way as the said Penalty is by this Act authorized to be recovered; and if any such Injury as aforesaid shall be done negligently or by Accident, the Person doing or causing the same shall make satisfaction to the Party injured, which shall and may be recovered in the same Manner as Penalties are by this Act directed to be recovered.

Damages and Charges, in case of Dispute, to be settled by Two Justices.

LVIII. And be it enacted, That in all Cases wherein Damages or Charges in respect of Acts or Offences done or committed upon or relating to the said Bridges or either of them are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace of the County of *Berks* or of the County of *Buckingham* (such Justices not being interested in the Matters in question); and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for levying of any Penalties or Forfeiture.

Recovery and Application of Penalties.

LIX. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some One or more Justice or Justices of the Peace for the said County of *Berks* or for the said County of *Buckingham*, on Complaint to him or them for that Purpose made, and afterwards to be levied, as well as the Costs, if any, of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justice or Justices; and the Overplus, if any, of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expenses as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid One Half to the Informer, and the Remainder to Her Majesty, Her Heirs and Successors; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices and he and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, such Time not being more than Three Days from the taking of such Security, and which Security any of the said Justice or Justices are hereby empowered to take by way of Recognizance or otherwise; but in case upon Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expenses as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses could be levied if a Warrant of Distress should be issued, (in which last-mentioned Case such Justice or Justices shall not be required to issue such Warrant of Distress,) then and in either of such Cases such Justice or Justices are hereby required, by Warrant under his or their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by

LX. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before

before whom any Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited. Summons in the Recovery of Penalties.

LXI. And be it enacted, That it shall be lawful for any Officer or Agent of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, and who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the said County of *Berks* or the said County of *Buckingham*, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint. For securing Offenders whose Names and Residences are unknown.

LXII. And be it enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,) Forms of Information and Conviction.

Information.

'} BE it remembered, That on the Day of *A.B.* of informeth
'to wit. } us, *C.D.* and *E.F.*, Two of Her Majesty's Justices of the Peace for the County of
'that *G.H.* of [*here describe the Offence, and the Time and Place when and where committed*],
'contrary to an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen
'Victoria, intituled [*here insert the Title of this Act*], which hath imposed a Forfeiture of for
'the said Offence. Taken the Day of before us,
'*C.D.*
'*E.F.*'

Conviction.

'} BE it remembered, That on the Day of in the Year of our Lord
'to wit. } *G.H.* is convicted before us, *C.D.* and *E.F.*, Two of Her Majesty's Justices of
'the Peace for the County of [*here describe the Offence, and the Time and Place when and*
'*where committed*], contrary to an Act passed in the Eleventh and Twelfth Years of the Reign of Her
'Majesty Queen Victoria, intituled [*here insert the Title of this Act*]. Given under our Hands and Seals,
'the Day and Year first above written.
'*C.D.*
'*E.F.*'

LXIII. And be it enacted, That in all Cases in which Justices of the Peace are authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter of Complaint, it shall be lawful for such Justices and they are hereby required to administer an Oath or to receive the Affirmation of any Person before such Persons shall be examined by or before such Justices. Power to Justices to administer Oaths.

LXIV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse to be examined upon Oath, or, in the Case of a Quaker or Separatist, on Affirmation, to give Evidence before such Justices, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence. Penalty on Witnesses refusing to attend and give Evidence.

LXV. And be it enacted, That the said Commissioners, and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions, as follows, (that is to say,) as regards any Order, Judgment, or Determination of any Justices of the Peace for the said County of *Berks*, to the General or Quarter Sessions to be held for the said County of *Berks*, and as regards any Order, Judgment, or Determination of any Justices of the Peace for the said County of *Buckingham*, to the General or Quarter Sessions to be held for the said County of *Buckingham*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice, in the Case of an Individual appealing, entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the same Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the hearing thereof to the following General or Quarter Sessions of the Peace, and may, if they see Cause, mitigate or release any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable. Persons aggrieved may appeal to Quarter Sessions.

LXVI. And be it enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or any Proceeding at Law or in Equity, upon the Declaring what shall be good Service of No-

tice on the Commissioners.

the said Commissioners, leaving the same at the Office of the said Commissioners shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service by the Commissioners.

LXVII. And be it enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice or other Proceeding at Law or in Equity, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon some Member, or upon the Clerk or any other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be): Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by any Two of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Distress not unlawful for Want of Form.

LXVIII. And be it enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXIX. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons giving false Evidence guilty of Perjury.

LXX. And be it enacted, That all Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Jury, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Plaintiff not to recover without Notice or after Tender of Amends.

LXXI. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his or their Attornies, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXII. Provided always, and be it enacted, That no Action or Suit shall be brought or prosecuted against the Commissioners for executing this Act, or against any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for anything done in pursuance of this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought after Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants.

Saving the Rights of Her Majesty, &c.

LXXIII. And be it enacted, That nothing contained in this Act shall be deemed or construed to extend, either directly or by Implication, or otherwise, to prejudice or affect any Right of Property or Title belonging to Her Majesty, Her Heirs or Successors, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Receipts of Two of the Commissioners to be Discharges.

LXXIV. And be it enacted, That Receipts in Writing, signed by any Two of the said Commissioners, for any Monies payable to the said Commissioners under or by virtue of this Act, shall be good and sufficient Discharges to the Person or Persons paying the same.

LXXV. And

Commissioners exempted from personal Responsibility in discharge of their Duties under this Act.

LXXV. And be it enacted, That nothing in this Act, or in any Conveyance, Contract, Lease, or other Deed or Instrument hereby authorized to be entered into or made by the said Commissioners, shall extend to charge the Person or Persons of all or any of the said Commissioners executing any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Heirs, Executors, or Administrators of the said Commissioners, or any of them, or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Conveyance, Contract, Lease, or other Deed or Instrument contained on the Part of the said Commissioners, or any of them, but the Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, and Expenses which the said Commissioners shall bear, pay, expend, or be put to, or which shall be occasioned to them, for or by reason or means of such Conveyance, Contract, Lease, or other Deed or Instrument, or any Covenant, Condition, or Agreeement therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

Meaning of "the said Commissioners."

LXXVI. And be it enacted, That the Expression "the said Commissioners" shall for the Purposes of this Act mean the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, acting for and on behalf of the Queen's most Excellent Majesty.

Public Act.

LXXVII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		The Parish of New Windsor in the County of Berks.		
	Public Highway called Sheet Street.	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
2	Pasture - -	The Crown - -	- - -	Francis Woolhouse; William Weston.
3	Long Walk - -	The Crown.	—	—
4	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
5	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
6	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
7	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
8	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
9	The Bourne Ditch -	The Crown.	—	—
14	Plantation - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
15	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
16	Pasture and Ditch -	The Crown - -	- - -	Charles Seward Cantrell the younger.
17	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
18	Pasture and Towing Path.	The Crown; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	Charles Seward Cantrell the younger; the Navigation Commissioners of the Rivers Thames and Isis.
19	Waste and Ditch -	The Crown - -	- - -	John Thomas Gough.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
20	Public Highway called Datchet Road.	The Crown.	—	—
21	Pasture - -	The Crown - -	- - -	John Thomas Gough.
22	The Bed of the River Thames.	The Crown; the Earl of Harewood; the Provost and College Royal of the Blessed Mary at Eton; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, the Provost and College Royal of the Blessed Mary at Eton, and the Public.
75	Datchet Bridge -	The Magistrates of Berks; George Bowes Morland, Clerk of the Peace for Berks.	—	—
76	Tenement called the Angel and Crown Public House.	The Crown - -	- - -	John William Willer.
77	Garden between Datchet Road and the Park Wall.	The Crown - -	- - -	John William Willer.
78	Towing Path -	The Crown; the Navigation Commissioners of the River Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, and the Public.
79	Public Highway called Datchet Lane.	The Crown; the Commissioners for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
80	Pasture - -	The Crown - -	- - -	John Thomas Gough.
81	Pasture - -	The Crown - -	- - -	Robert Richard Tighe.
83	Park Wall - -	The Crown, and the Dean and Canons of Windsor.	- - -	The Crown, and the Dean and Canons of Windsor.
84	Garden, Bank, Walls, and Steps.	The Dean and Canons of Windsor.	- - -	The Dean and Canons of Windsor.
85	Pasture Land, Stables, Harness House, and Passage.	The Crown - -	- - -	The Crown.
86	Plantation or Slope -	The Crown - -	- - -	The Crown.
87	Stables, Coach-houses, Yard, and Shed.	The Dean and Canons of Windsor.	- - -	The Dean and Canons of Windsor.
88	Open Space or Way -	The Crown, and the Dean and Canons of Windsor.	- - -	The Crown, and the Dean and Canons of Windsor.
89	Tenement, 71, Thames Street.	The Dean and Canons of Windsor.	- - -	William Miller.
90	The Hundred Steps and Walls.	The Crown.	—	—
91	Tenement and Garden, 72, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	- - -	Catherine Hopgood.
92	Tenement and Garden, 73, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	- - -	John Curtis.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
93	Tenement, 74, Thames Street, the Crispin Public House.	John Deacon - -	- - -	William Bayliss.
94	Tenement and Garden, 75, Thames Street.	John Kimball - -	Henry Hall -	Henry Hall and Henry Hall junior.
95	Tenement and Garden, 76, Thames Street.	John Kimball - -	Henry Hall -	John Powell.
96	Tenement and Garden, 77, Thames Street.	George Gray Coules -	George Pooley -	George Pooley.
97	Tenement and Stable, 78, Thames Street.	George Gray Coules -	George Pooley -	George Pooley.
98	Icehouse and Entrance, Back of No. 78, Thames Street.	George Gray Coules -	George Pooley -	William Knock.
99	Tenements, 79 and 80, Thames Street.	Charles Phillips -	George Gray Coules	George Gray Coules.
100	Vacant Ground -	The Crown.	—	—
101	Tenement and Garden, 86, Thames Street.	The Provost and College Royal of the Blessed Mary at Eton.	George Gray Coules; Walter Palmer.	Walter Palmer.
102	Tenements and Garden, 87, Thames Street.	Henry Lawrence -	Robert Sidwell -	Robert Sidwell.
103	Tenements and Garden, 88, Thames Street.	The Crown - -	- - -	Empty.
104	Tenement and Garden, 89, Thames Street.	The Crown - -	- - -	Empty.
105	Tenements and Garden, 90, Thames Street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills, and Joseph Sidenham.	- - -	Joseph Pearce.
106	Tenements and Garden, 91, Thames Street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills, and Joseph Sidenham.	- - -	John Wicks.
107	Vacant Ground -	The Crown.	—	—
108	Tenements and Garden, 100, Thames Street.	The Crown - -	- - -	Charles George Sharpley.
109	Tenements and Garden, 101, Thames Street.	The Crown - -	- - -	George Weight.
110	Tenements and Garden, Sheds and Yard, 102, Thames Street.	The Crown - -	Frederick King Copeland.	Frederick King Copeland.
111	Tenements and Garden, 103, Thames Street.	The Crown - -	- - -	Empty.
112	Tenements and Garden, 104, Thames Street.	The Crown.	—	—
113	Vacant Ground -	The Crown.	—	—
119	Tenements and Garden, 111, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
120	Tenements and Garden, 112, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
121	Tenement and Garden, 113, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
122	Tenement and Garden, 38, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
123	Tenement and Garden, 39, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown -	John Lovegrove.
124	Tenement and Garden, 40, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	James Alder -	James Alder; Charles Alder.
125	Tenements and Garden, 41, High Street.	The Crown - -	William Brown Holderness.	Adolphus Frederick Millns.
126	Tenements and Garden, 42, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Cox; Thomas Clark.	John William Stevens Potter.
127	Tenements and Garden, 43, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	James Church; Thomas Wooldridge.	Thomas Wooldridge.
128	Ground or Moat, and Iron Railing.	The Crown - -	- - -	The Crown.
129	The Public Highway called High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - -	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the Public.
130	The Public Highway called Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - -	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the Public.
132	Public Highway -	The Crown; the Commissioners for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
133	Tenements and Garden called Waterloo Gate Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown -	Charles William Marr.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
134	Tenements and Garden called the Windsor Castle Beerhouse.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	Thomas Ashby; Charles Ashby; Frederick Ashby; Morris Ashby.	William Dean.
135	Tenements, Sheds, Stables, and Yard called the Hope Inn.	John Deacon - -	- - -	Charles James Byles.
136	Tenement, Garden, and Sheds, No. 1, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	Henry Pickman.
137	Tenement and Garden, No. 2, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	Empty.
138	Tenement and Garden, No. 3, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	William Sharratt.
139	Footway to Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules	George Gray Coules, Henry Pickman, Allan Ogg, and William Sharratt.
140	Public Footway to the Long Walk from Frogmore Road.	The Crown.	—	—
141	Garden - -	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Tull - -	John Tull.
142	Tenement and Garden called the Lammas Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	William Seabrook.
143	Tenement and Garden called Rose Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	Mary Rowley.
144	Tenement and Garden, Sheds and Stables.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Caley -	John Caley.
145	Carriage Entrance to Shaw Farm.	The Crown - -	- - -	Charles Seward Cantrell the younger.
146	Tenement and Garden, 1, Park Place.	William Liverd -	- - -	Thomas Cobden.
147	Tenement and Garden, 2, Park Place.	William Liverd -	- - -	Mary Doddemede.
148	Tenement and Garden, 3, Park Place.	William Liverd -	- - -	John Hill.
149	Tenement and Garden, 4, Park Place.	William Liverd -	- - -	Jesse Hollis.
150	Tenement and Garden, 5, Park Place.	William Liverd -	- - -	Joseph Watson.
151	Shed - -	William Liverd -	- - -	William Liverd.
152	Footpath to Park Place.	William Liverd -	- - -	William Liverd; Thomas Cobden; Mary Doddemede; John Hill; Jessie Hollis; Joseph Watson.
153	Tenements and Garden, 1, King's Road.	William Liverd -	- - -	William Liverd.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
154	Tenements and Garden, 2, King's Road.	William Liverd -	- - -	John Cantell.
155	Tenements and Garden, 3, King's Road.	William Liverd -	- - -	Henry Gibbs.
156	Tenements and Garden, 4, King's Road.	William Liverd -	- - -	George Ogilwy.
157	Tenements and Garden, 5, King's Road.	Henry Brown -	- - - -	Robert Logan.
158	Passage, Yard, Washhouse, Sheds, and Dust Bin.	William Liverd -	- - - -	William Liverd; Thomas Cobden; Mary Doddemede; John Hill; Jessie Hollis; Joseph Watson; John Cantell; Henry Gibbs; George Ogilwy; Robert Logan.
159	Tenements, Sheds, and Yard called the Pheasant Beerhouse.	Francis Woolhouse -	- - -	Henry Woolhouse.
160	Sheds and Part of Timber Yard.	Charles Seward Cantrell senior.	- - -	Francis Woolhouse and Henry Woolhouse.
161	Yards, Sheds, and Tenements.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	Charles Seward Cantrell senior.	Francis Woolhouse and Henry Woolhouse.
162	The Magpie Stile and public Footpath.	The Crown.	—	—
163	Public Footpath from Datchet Bridge across the Home or Little Park to Frogmore Road.	The Crown.	—	—
	The Parish of Old Windsor in the County of Berks.			
9*a*	The Bourne Ditch -	The Crown.	—	—
10	Arable - -	The Crown.	—	—
10*a*	Meadow - -	John Sturgess - -	- - -	Charles Seward Cantrell the younger.
10*b*	Cottage and Garden -	John Sturgess - -	- - -	Henry Smithers.
11	Pasture - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
12	Occupation Road -	The Crown - -	- - -	Charles Seward Cantrell the elder; Charles Seward Cantrell the younger.
13	Public Highway from New Windsor to Old Windsor.	The Surveyors of Highways for the Parish of Old Windsor.	—	—
	The Parish of Datchet in the County of Buckingham.			
23	The Bed of the River Thames.	The Crown; the Earl of Harewood; the Duke of Buccleugh; the Provost and College Royal of the Blessed Mary at Eton; the Commissioners of the Navigation of the Rivers Thames and Isis.	—	—
24	Osier Beds or Aite -	The Earl of Harewood	- - -	Henry Newman.
25	Arable - -	The Earl of Harewood	- - -	William Statham.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
26	Pasture - -	The Earl of Harewood	- - -	William Statham.
34	Footpath - -	The Earl of Harewood	James Boykett Jarman; William Statham.	James Boykett Jarman.
35	Pasture - -	The Earl of Harewood	William Statham; James Boykett Jarman.	James Boykett Jarman.
36	Pasture - -	The Earl of Harewood	William Statham; James Boykett Jarman.	James Boykett Jarman.
37	Pasture - -	The Rev. Isaac Gossett; John Willis Goodwin; John Fowler; Thomas Goodwin; Robert Styles.	James Pearce -	James Pearce.
38	Pasture - -	The Churchwardens and Overseers of the Parish of Datchet.	George Cooper -	George Cooper.
39	Pasture - -	The Trustees of Ralph Goodwin deceased, James Willis Taylor, and others.	William Statham -	William Statham.
40	Pasture - -	Haydock James Haydock.	James William West	James William West.
41	Pasture - -	James Boykett Jarman -	- - -	James Boykett Jarman.
42	Pasture - -	The Earl of Harewood	- - -	Henry Newman; James Boykett Jarman.
43	Osier Beds and Aite -	The Duke of Buccleugh	- - -	Henry Newman.
44	Stream or Fishery -	The Duke of Buccleugh	- - -	Henry Newman.
45	Pasture - -	The Duke of Buccleugh	- - -	Henry Newman.
46	Pasture - -	George Ingall - -	- - -	James William West.
47	Arable - -	John Willis Goodwin -	- - -	Ralph Willis Goodwin.
48	Tenement and Garden	John Willis Goodwin -	- - -	James Aslin.
49	Pasture - -	The Earl of Harewood	John Willis Goodwin; Ralph Willis Goodwin.	Ralph Willis Goodwin.
50	Pasture and Landing Place.	The Duke of Buccleugh	John Deacon -	John Lipscombe.
51	Public Footpath -	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles, or the Surveyors of the Highways of the Parish of Datchet.	—	—
52	Public Roadway -	The Surveyors of the Highways of the Parish of Datchet.	—	—
53	Tenement, Garden, and Premises.	Haydock James Haydock.	Mary Ann Sturgess	Mary Ann Sturgess; Mary Fortnum.
54	Landing Place -	The Surveyors of the Highways of the Parish of Datchet.	—	—
55	Tenements, Garden, and Outbuildings, Stables, Yard, and Premises.	Haydock James Haydock.	James William West	James William West.
56	Garden - -	George Cooper -	- - -	George Cooper.
57	Dwelling House, Tenement, Yard, Malthouses, Sheds, and Outbuildings.	George Cooper -	- - -	George Cooper.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
58	Garden, Tenement, and Sheds.	George Cooper -	- - -	George Cooper.
59	Dwelling House, Tenement, Garden, Sheds, and Outbuildings.	Duke of Buccleugh -	- - -	Henry Newman.
60	Entrance Gate, Fence, and waste Ground, with public Foot-path to Eton and Slough Road.	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles, or the Surveyors of the Highways of the Parish of Datchet.	—	—
61	Tenement and Garden	Duke of Buccleugh -	- - -	George Cooper.
61*a*	Arable Land - -	Duke of Buccleugh -	- - -	George Cooper.
62	Pasture, Sheds, and Garden.	Duke of Buccleugh -	- - -	Henry Newman.
63	Pasture - -	Duke of Buccleugh -	- - -	Henry Newman.
64	Stream or Fishery -	The Earl of Harewood	- - -	Henry Newman.
65	Osier Bed or Aite -	The Earl of Harewood	- - -	Henry Newman.
66	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
67	Arable - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
68	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
69	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
70	Tenement and Garden	Charles Steward; Reverend Russell Richards.	- - -	George Vincent.
71	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
72	Arable - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
73	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
74	Osier Beds - -	The Earl of Harewood	- - -	Henry Newman.
75*a*	DatchetBridge -	The Magistrates of Bucks; Acton Tindal, Clerk of the Peace for Bucks.	—	—

CAP. LIV.

An Act for incorporating the Commissioners of the *Caledonian* Canal, and for vesting the *Crinan* Canal in the said Commissioners. [14th *August* 1848.]

'WHEREAS by an Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Twenty thousand Pounds towards defraying the Expense of making an inland Navigation from the Eastern to the Western Sea,* by Inverness *and* Fort William, *and for taking the necessary Steps towards executing the same,* certain Persons therein named were appointed Commissioners for the Purposes of the said Act, and certain Powers were granted for carrying the same into execution: And whereas by an Act passed in the Forty-fourth Year of the Reign of His said Majesty, intituled *An Act for making further Provision for making and maintaining an inland Navigation commonly called the* Caledonian *Canal, from the Eastern to the Western Sea, by* Inverness *and* Fort William, *in* Scotland, further Powers were granted to the said Commissioners to enable them to make and maintain the said Navigation: And whereas the said Canal became navigable from Sea to Sea in the Month of *October* One thousand eight hundred and twenty-two, and has been in use from that Time: And whereas an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to explain and amend Two Acts, passed in the Forty-third and Forty-fourth Years of the Reign of His late Majesty King* George *the Third, for making and maintaining an inland Navigation commonly called the* Caledonian *Canal, by establishing further Checks upon the Expenditure of Public Money for that Purpose, in certain Cases:* And whereas by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Commissioners of Her Majesty's Treasury to grant a Lease of the* Caledonian *Canal for a Term of Years, and to regulate the future Management thereof,* the Commissioners of Her Majesty's Treasury were empowered to grant or lease the said Canal in manner there prescribed: And whereas by an Act passed in the Thirty-third Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from* Loch Gilp *to* Loch Crinan *in the Shire* of Argyll, the several Persons therein named were incorporated by the Name of "The Company of Proprietors of the *Crinan* Canal," for the Purpose of making and completing the said Canal and other necessary Works, which said last-recited Act was amended by another Act passed in the Thirty-ninth Year of the Reign of His said Majesty, intituled *An Act for amending and rendering more effectual an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining a navigable Canal from* Loch Gilp *to* Loch Crinan *in the Shire of* Argyll:' And whereas, though a large Sum of Money was subscribed before the passing of the said Act of the Thirty-third Year of the Reign of His said Majesty, it was found to be wholly insufficient to complete the Works of the *Crinan* Canal, and accordingly the Sum of Twenty-five thousand Pounds was advanced to the said Company by the Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland,* by virtue of an Act passed in the said Thirty-ninth Year of the Reign of His said Majesty, intituled *An Act for empowering the Company of Proprietors of* Forth and Clyde *Navigation to repay into the Court of Exchequer in* Scotland *the Sum advanced to them for the Purpose of completing the said Navigation; for repealing so much of an Act of the Twenty-fourth Year of His present Majesty as relates to the said Company; and for enabling the Barons of the said Court of Exchequer to advance Part of the Sum so to be received to the Company of Proprietors of the* Crinan *Canal, on certain Conditions:* And whereas, pursuant to the Provisions of the said last-recited Act, all the Rates and Duties arising from the *Crinan* Canal, and all the Estate, Right, and Interest of the said Company in and to the same, and all Quays, Houses, Lands, and other Property purchased for the Purposes of the *Crinan* Canal, were assigned and made over by the said Company to the Lord Chief Baron and other Barons of the said Court of Exchequer until the said Sum of Twenty-five thousand Pounds, with Interest, should be paid and satisfied: And whereas the said Sum of Twenty-five thousand Pounds was applied towards completing the *Crinan* Canal, but being found insufficient for that Purpose, a further Sum of Twenty-five thousand Pounds was advanced to the said Company out of the Aids or Supplies granted for the Service of *Great Britain* for the Year One thousand eight hundred and five, by virtue of an Act passed in the Forty-fifth Year of the Reign of His said Majesty, intituled *An Act for authorizing the Commissioners of His Majesty's Treasury in* Great Britain *to advance a certain Sum of Money, to be applied in completing the* Crinan *Canal,* whereby it was provided that the Rates and Duties arising from the *Crinan* Canal, and all the Estate, Right, Title, and Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Property aforesaid, should remain vested in the Lord Chief Baron and other Barons of the Court of Exchequer in *Scotland* until not only the said first-mentioned Sum of Twenty-five thousand Pounds and Interest, but also the said further Sum of Twenty-five thousand Pounds, with Interest, should be satisfied and paid, in the same Manner and as fully and effectually as if another Assignment thereof had been made, which last-mentioned Sum of Twenty-five thousand Pounds was afterwards applied towards the Purposes mentioned in the said last-recited Act: And whereas by an Act passed in the Fifty-first Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain Sums of Money out of the Consolidated Fund of* Great Britain, *and for applying certain Monies therein mentioned for the Service of the Year One thousand eight hundred and eleven, and for further appropriating the Supplies granted in this Session of Parliament,* the Sum of Five thousand Pounds was granted to His Majesty for effecting the

43 G. 3. c. 102.
44 G. 3. c. 62.
6 G. 4. c. 15.
3 & 4 Vict. c. 41.
33 G. 3. c. 104.
39 G. 3. c. xxvii.
39 G. 3. c. lxxi.
45 G. 3. c. 85.
51 G. 3. c. 117.

'Repairs which were then necessary in consequence of the Inundation of the *Crinan* Canal in the Year 'One thousand eight hundred and eleven; and the said Sum of Five thousand Pounds having been 'soon afterwards received from the Lords Commissioners of the Treasury, the same was applied accord- 'ingly, and the Tolls, Rates, and Duties arising from the *Crinan* Canal, and all the Estate, Right, Title, 'and Interest of the said Company in and to the same, and the Quays, Houses, Lands, and other Pro- 'perty aforesaid, were assigned to the said Lord Chief Baron and other Barons of the Court of Exchequer 'in *Scotland* until the said Sum of Five thousand Pounds, with Interest, should be paid and satisfied: 'And whereas by virtue of an Act passed in the Fifty-sixth Year of the Reign of His said Majesty,
56 G. 3. c. 135. 'intituled *An Act for authorizing the Barons of the Court of Exchequer in* Scotland *to order the* 'Payment of a certain Sum of Money, to be applied in completing the Crinan *Canal*, the Sum of 'Nineteen thousand four hundred Pounds was paid to the Commissioners of the *Caledonian* Canal, by 'the Receiver General of *Scotland*, out of the public Money in his Hands, to be applied, after Payment 'of the Charges and Expenses of obtaining the said last-recited Act, in completing and repairing the '*Crinan* Canal and other Works connected therewith, in such Manner as the said Commissioners should 'appoint; and by the said Act it was enacted that the Rates and Duties arising from the *Crinan* Canal, 'and all the Estate, Right, Title, and Interest of the said Company in and to the same, and the Quays, 'Houses, Lands, and other Property therein mentioned, should remain vested in the said Lord Chief 'Baron and other Barons of the Court of Exchequer in *Scotland* until not only the said several Sums 'of Twenty-five thousand Pounds, Twenty-five thousand Pounds, and Five thousand Pounds, and Interest 'for the same respectively, but also the said Sum of Nineteen thousand four hundred Pounds, with 'Interest, should be paid or satisfied, in the same Manner and as fully and effectually as if another 'Assignment thereof had been made: And whereas, in obedience to a Minute issued by the Lords 'Commissioners of Her Majesty's Treasury on the Twentieth Day of *August* in the Year One thousand 'eight hundred and thirty-three, by virtue of an Act passed in the Third Year of the Reign of His late
3 & 4 W. 4. c. 13. 'Majesty King *William* the Fourth, intituled *An Act to provide for the Execution of the Duties per-* 'formed by the Barons of Exchequer *in* Scotland *in relation to the Public Revenue, and to place the* 'Management of the Assessed Taxes and Land Tax *in* Scotland *under the Commissioners for the Affairs* 'of Taxes, the remaining Barons of the said Court of Exchequer in *Scotland* divested themselves of 'the Rates and Duties arising from the *Crinan* Canal, the Canal itself, and all the Estate, Right, Title, 'and Interest of the aforesaid Company in and to the same, and the Quays, Houses, Lands, and other 'Property thereof, and conveyed the same and every Part thereof to the King's Remembrancer and 'Auditor of Exchequer in *Scotland* for the Time being: And whereas the said Sum of Nineteen thou- 'sand four hundred Pounds was applied towards the Expenses mentioned in the said recited Act of 'the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, aforesaid: And whereas 'the Commissioners of the *Caledonian* Canal, although originally appointed under the said Act only to 'superintend the Expenditure of the said Grant of Nineteen thousand four hundred Pounds, have, with 'the Sanction of the Lords Commissioners of Her Majesty's Treasury for the Time being, continued to 'manage the Affairs of the *Crinan* Canal ever since: And whereas the public Debt on the *Crinan* 'Canal amounts altogether to the Sum of Seventy-four thousand four hundred Pounds, without calcu- 'lating the Interest, which has been long accumulated, and might be claimed: And whereas the Revenue 'derived from the *Crinan* Canal has been since its Construction and is now scarcely sufficient to defray 'the Cost of maintaining the Canal in efficient working Order, and there is no Prospect of any Augmen- 'tation of such Revenue, except by an Adjustment of the Duties leviable, and by the Expenditure of 'large Sums of Money, as considerable Repairs are still necessary to render this Navigation safe and 'permanently useful: And whereas, considering the heavy public Debt now due by the said Company 'of Proprietors, and the lengthened Period of Time which has elapsed since the Commencement of such 'Debt, and also considering the present State of the Revenue derived from the *Crinan* Canal, and the 'necessary Expenditure thereon, it is just and reasonable that the said Canal and Works connected 'therewith should be held at the Disposal of the Commissioners of Her Majesty's Treasury, freed and 'discharged from all the Right, Title, Interest, Claim, and Equity of the said Company of Proprietors, or 'of any Person or Persons claiming from or through them: And whereas it would be expedient and 'advantageous if the Commissioners of the *Caledonian* Canal were incorporated in manner herein-after 'mentioned: And whereas it appears to the said Commissioners of Her Majesty's Treasury to be 'essential that the *Crinan* Canal and Works connected therewith should be vested in the Commissioners 'of the *Caledonian* Canal, in order that both Navigations may be united under the same Management:'

So much of recited Acts of 43 & 44 G. 3. as relates to appointing Commissioners null and void.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts of the Forty-third and Forty-fourth Years of the Reign of His said Majesty King *George* the Third as relates to the Appointment of Commissioners for the Purpose of carrying out the Provisions of the said Acts shall from and after the passing of this Act be null, void, and of no Effect, and the Commission itself shall cease to exist.

New Commissioners incorporated.

II. And be it enacted, That the Right Honourable the Speaker of the House of Commons for the Time being, the Chancellor of the Exchequer for the Time being, the Lord High Admiral for the Time being, or the senior of the Commissioners for executing the Office of Lord High Admiral for the Time being, the Vice President of the Board of Trade for the Time being, the Lord Advocate for the Time being, *William Gibson Craig* Esquire (so long as he shall be One of the Lords of Her Majesty's Treasury), *James Loch* Esquire, *Alexander Milne* Esquire, *Duncan Macneill* Esquire (or the Member for

for the County of *Argyll* for the Time being), *Neill Malcolm* Esquire, *Alexander Campbell* Esquire, *Edward Ellice* junior, Esquire, *James Murray Grant* Esquire, and *Evan Baillie* Esquire, and such other Person or Persons as shall or may be appointed as herein-after mentioned, shall be and are hereby united into One Body Politic and Corporate by the Name and Style of "The Commissioners of the *Caledonian* Canal," and by that Name shall have perpetual Succession, and a Common Seal, with Power to change, break, and make new the same as they shall judge expedient, and by that Name shall and may sue and be sued, and may acquire, hold, and enjoy, and also acquire and dispose of Lands and Property, heritable and moveable, real and personal.

Power to Her Majesty to appoint other Commissioners.

III. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate and appoint by Sign Manual such other Persons as She or They may think proper, but not exceeding Eight in the whole, to be Commissioners in addition to the Commissioners before named; and in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the Commissioners it shall be lawful for Her Majesty, Her Heirs and Successors, to nominate and appoint by Sign Manual such Person or Persons as She or They may think proper to supply such Vacancy or Vacancies, One of the Lords of Her Majesty's Treasury for the Time being always being One of the Commissioners.

Caledonian Canal vested in the Commissioners.

IV. And be it enacted, That from and after the passing of this Act the said *Caledonian* Canal, and all Warehouses, Buildings, Wharfs, Reservoirs, Lands, Tenements, and Hereditaments connected therewith, and all Chattels, Moveable Property, and Effects thereto belonging, shall be and hereby are subject to the existing Debts, Liabilities, and Engagements, Contracts, Obligations, and Incumbrances, affecting the same, vested in the Commissioners, and the Commissioners shall have and be seised and possessed of and are hereby invested with such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, and Control, as are mentioned, directed, given, granted, prescribed, and established in and by the said recited Acts of the Forty-third and of the Forty-fourth Years of the Reign of His said Majesty King *George* the Third, of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and of the Third and Fourth Years of the Reign of Her present Majesty, to every Intent and Purpose whatsoever, with respect to the Commissioners of the *Caledonian* Canal before the passing of this Act; and the Commissioners shall have and be entitled unto the full Benefit and Advantage of and be subject to all and every the Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Matters, and Things contained in the said last-mentioned Acts (except such Parts thereof as are hereby varied and altered) in such and the same Manner and as fully and effectually, to all Intents and Purposes, as if all the said Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Matters, and Things were herein repeated and re-enacted.

Crinan Canal vested in the Commissioners.

V. And be it enacted, That from and after the passing of this Act the Tolls and Rates arising from the *Crinan* Canal, and also the Canal itself, and all the Estate, Right, Title, and Interest in and to the same, and all Quays, Houses, Lands, Privileges, Easements, and Appurtenances belonging or appertaining thereunto, shall be and become the Property of and the same are hereby transferred to and vested in the Commissioners, freed and discharged from all Rights, Equity, or Claim of the said Company of Proprietors of the *Crinan* Canal, or of any Person or Persons claiming through them, except as herein-after provided; and the Commissioners shall thenceforth have and enjoy all the Rights, Powers, and Authorities for levying, taking, altering, and managing the Tolls, Rates, and Duties leviable on the *Crinan* Canal, and all other Rights, Powers, and Authorities now or at any Time heretofore possessed or enjoyed by the said Company of Proprietors, and shall and may henceforth undertake and exercise the Management and Administration of the *Crinan* Canal, and of every thing connected therewith, in as full and ample a Manner as now appertains to them with regard to the *Caledonian* Canal under or by virtue of the said last-mentioned Acts and of this Act; and from and after the passing of this Act all Right of Management or Interference, and all Interest of any other Parties whatsoever, of or in the *Crinan* Canal, and the Works and Appurtenances thereof or belonging thereto, and the Tolls and Rates arising therefrom, shall to all Intents and Purposes, except as herein-after provided, cease and determine.

Crinan Canal to revert to the Company on the Debt being paid.

VI. Provided always, and be it enacted, That if the said Company of Proprietors shall at any Time within Twenty Years from the passing of this Act pay or cause to be paid into Her Majesty's Treasury the said Sum of Seventy-four thousand four hundred Pounds, with legal Interest thereon, and also all such Sums of Money as the Commissioners shall have expended in improving and keeping in repair the *Crinan* Canal and Works connected therewith, over and above the Amount of the Tolls and Rates which shall in the meantime have been received from the said Canal, then and in such Case the Tolls and Rates arising from the said Canal, and also the said Canal itself, and all the Estate, Right, Title, and Interest in and to the same, and all Quays, Houses, Lands, Privileges, Easements, and Appurtenances belonging or appertaining thereunto, shall revert to and again become the Property of and be vested in the said Company of Proprietors, freed and discharged from all Claims on the Part of Her Majesty's Treasury, in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been passed: Provided nevertheless, that all Agreements, Acts, and Things entered into, made, or done by the Commissioners from and after the passing of this Act, and until such Resumption of Possession by the said Company of Proprietors as aforesaid, shall be good, valid, and binding on all Parties, anything herein-before contained to the contrary notwithstanding.

VII. And

Interpretation of Act.

VII. And be it enacted, That in this Act the Words "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal hereby incorporated, unless there be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LV.

An Act for consolidating the Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services with the Office of Paymaster General, and for making other Provisions in regard to the consolidated Offices. [14th *August* 1848.]

48 G. 3. c. 1.

'WHEREAS by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King 'George the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills*, 'Provision was made for the Appointment by the Commissioners of the Treasury of a Paymaster or 'Paymasters, and such other Officers and Clerks as they might deem necessary, for performing the 'Duties connected with the paying off of Exchequer Bills and the Interest thereupon: And whereas 'under the said Act Paymasters have been appointed, who are herein-after referred to as the Paymasters 'of Exchequer Bills: And whereas by an Act passed in the Fourth Year of the Reign of His late

4 & 5 W. 4. c. 15.

'Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His* '*Majesty's Exchequer at* Westminster, Provision was made for the Appointment by the Commissioners 'of the Treasury of a Paymaster or Officer, with such Number of Clerks and Assistants as the said 'Commissioners might deem requisite, for the Payment of Salaries, Allowances, and Incidents, and other 'Charges previously payable in detail at the Exchequer, under the Authority of Parliament, or under 'the Royal Sign Manual, or under the Authority of the Commissioners of the Treasury duly authorized 'by Law to order such Payments, and for carrying on and executing the several Duties connected with 'or incident to such Payments: And whereas under the last-mentioned Act a Paymaster has been 'appointed, who is herein-after referred to as the Paymaster of Civil Services: And whereas it is 'expedient to provide for the Execution of the Duties of the Paymasters appointed under the said

5 & 6 W. 4. c. 35.

'Acts by the Office of Her Majesty's Paymaster General, constituted under an Act passed in the Sixth 'Year of the Reign of His late Majesty King *William* the Fourth:' Be it therefore enacted by the

Power to Treasury to abolish Offices of Paymasters of Exchequer Bills and of Civil Services.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to abolish the Offices of the Paymasters of Exchequer Bills and of the Paymaster of Civil Services, and to make Provision for the Discharge of the Duties now executed in those Offices by the Office of Her Majesty's Paymaster General.

Duties of abolished Offices transferred to Paymaster General.

II. And be it enacted, That from after the Abolition of the said Offices, and the Transfer of the Duties thereof to Her Majesty's Paymaster General, all the Interests, Titles, Powers, Authorities, Privileges, and Duties now vested in, or either by Law or Usage exercised by, the said Offices so abolished respectively, shall be and the same are hereby declared to be transferred to and vested in and may be exercised by the said Paymaster General, or by such Person or Persons as may be duly authorized from Time to Time to perform the Duties of such Paymaster General, in as full and ample a Manner to all Intents and Purposes as they were vested in and might have been exercised by the Paymasters of Exchequer Bills and Paymaster of Civil Services respectively.

Letters of Attorney to continue in force.

III. And be it enacted, That no Letter of Attorney or other Authority for the Payment or Receipt of all or any Part of any Salary, Allowance, Incident, or other Charge now payable by the said Paymaster of Civil Services shall be invalidated or revoked by the Abolition of the Office of such Paymaster, but every such Letter of Attorney and other Authority shall continue in force and may be acted upon in relation to and by the said Paymaster General in the same Manner as the same might have been acted upon in relation to and by the Paymaster of Civil Services if his Office had not been abolished.

Treasury to make new Regulations for Office of Paymaster General.

IV. 'And whereas by reason of the Transfer of the Duties of the said Offices to the Office of Her 'Majesty's Paymaster General it will be necessary that new Regulations should be prescribed for the 'Government of the Office of Her Majesty's Paymaster General:' Be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby empowered to prescribe such Rules and Regulations, and to issue such Orders from Time to Time in all Matters and Things relating to the said Office, for the Safety, Economy, and Advantage of the public Service, as they shall see fit, which Rules, Regulations, and Orders shall be of full Force and Authority, and shall be observed by the Comptroller General of Her Majesty's Exchequer, and by the Governor and Company of the Bank of *England*, and by all Bodies and Persons whatsoever, in relation to all Matters and Things therein contained.

Regulations to be laid before Parliament.

V. And be it enacted, That a Return, setting forth all Rules, Regulations, and Orders which shall have been prescribed and issued by the Commissioners of Her Majesty's Treasury in relation to the Duties of the said Office, shall be laid before Parliament within Six Weeks from the Date of the Issue thereof, if Parliament be then sitting, and if not then sitting within Six Weeks from the Day of the next ensuing Meeting of Parliament.

VI. 'And

VI. 'And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty King 'George the Fourth, intituled *An Act for transferring the Management of* Greenwich *Out-Pensioners,* 'and certain Duties in Matters of Prize, to the Treasurer of the Navy, whereby it was directed that the 'said Treasurer of the Navy should keep a separate Account at the Bank of *England* of all Monies 'received and paid by him on account of Per-centage upon Prizes and otherwise in relation to Naval 'Prize Services as therein mentioned; and such Account is now kept at the Bank of *England* under the 'Title of the Paymaster General's Naval Prize Account: And whereas it is expedient that such separate 'Account of Monies received and paid for Naval Prize Services should hereafter be kept in the Books of 'Her Majesty's Paymaster General, and not at the Bank of *England*:' Be it therefore enacted, That after the passing of this Act the Governor and Company of the Bank of *England* shall, on being required so to do by Her Majesty's Paymaster General, transfer the Balance of the said Naval Prize Account to the Cash Account opened in the Books of the said Governor and Company of the Bank of *England* in the Name of the Paymaster General for the Time being. 10 G. 4. c. 26. Balance of Naval Prize Account to be transferred to Paymaster General.

VII. 'And whereas the Sum of One hundred thousand Pounds Three *per Centum* Consolidated Bank 'Annuities, arisen from unclaimed and forfeited Shares of Army Prize Money, is now standing in an 'Account in the Books of the Governor and Company of the Bank of *England*, in the Names of '"The Right Honourable *Thomas Babington Macaulay*, Her Majesty's Paymaster General, and *William* 'George Anderson Esquire, Accountant in the Office of Her Majesty's Paymaster General:" And 'whereas it is expedient to vest the said Stock in the Paymaster General and the Secretary at War for 'the Time being, subject to the Direction of the Commissioners of *Chelsea* Hospital:' Be it therefore enacted, That there shall be opened an Account in the Books of the Governor and Company of the Bank of *England*, to be intituled "The Stock Account of the Paymaster General and Secretary at War, as Trustees for the Army Prize Fund," and such Account shall be a public Account; and upon the Death, Resignation, or Removal of both or either of them the said Paymaster General and Secretary at War for the Time being, and upon the Appointment of their or his Successors or Successor, the Balance of the said Account shall vest in the then Paymaster General and Secretary at War jointly, and when and so long as the Office of one only of them the said Paymaster General and Secretary at War shall be vacant, the said Balance shall vest in the other of them the said Paymaster General or Secretary at War for the Time being, without any Transfer or Act in any of the Cases aforesaid. Vesting Army Prize Stock in the Paymaster General and Secretary at War for the Time being.

VIII. And be it enacted, That from the passing of this Act the said Sum of One hundred thousand Pounds Three *per Centum* Consolidated Bank Annuities standing in the Names of the said *Thomas Babington Macaulay* and *William George Anderson* shall stand transferred to the said Account, so that the same may be held by the said Paymaster General and Secretary at War, subject nevertheless to the Direction of the said Commissioners of *Chelsea* Hospital as to the Application thereof; and the said *Thomas Babington Macaulay* and *William George Anderson* respectively are hereby released from all Claim whatsoever on account of the said Stock, or anything heretofore done in relation to the same. As to Transfer of the Stock.

IX. And be it enacted, That it shall be lawful for the said Paymaster General and Secretary at War, and during the Vacancy of the Office of either of them then for the other of them the Paymaster General or Secretary at War for the Time being, by Letter of Attorney duly executed and attested as is required by Law, to authorize all or any of the Cashiers of the Bank of *England* from Time to Time to sell and transfer all or any Part of the Stock for the Time being standing on the Account herein-before authorized to be opened, and to purchase Stock on the said Account, and to receive the Dividends due and to become due on Stock standing in the said Account, and by the said Letters of Attorney, or by Writing under their or his Hands or Hand, to direct the Application of the Monies to be received in respect of such Sales and Dividends; and every such Power of Attorney shall be exempted from Stamp Duty, and it shall not be necessary for the Governor and Company or the said Cashiers to require any Evidence of the Direction of the Commissioners of *Chelsea* Hospital as to the Matters so authorized by such Letters of Attorney and Directions of the said Paymaster General and Secretary at War, or, during the Vacancy of the Office of either of them, by such Letters of Attorney and Directions of the other of them the Paymaster General or Secretary at War for the Time being. Power to grant Power of Attorney for Purchase or Sale of Stock, and for Receipt of Dividends. Power of Attorney exempt from Stamp Duty.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. LVI.

An Act to repeal so much of an Act of the Third and Fourth Years of Her present Majesty, to re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*, as relates to the Use of the *English* Language in Instruments relating to the Legislative Council and Legislative Assembly of the Province of *Canada*. [14th *August* 1848.]

'WHEREAS by an Act passed in the Session of Parliament held in the Third and Fourth Years of 'Her present Majesty, intituled *An Act to re-unite the Provinces of* Upper *and* Lower Canada, 'and for the Government of Canada, it is amongst other things enacted, that from and after the said 'Re-union of the said Two Provinces, all Writs, Proclamations, Instruments for summoning and calling 'together the Legislative Council and Legislative Assembly of the Province of *Canada*, and for 'proroguing and dissolving the same, and all Writs of Summons and Elections, and all Writs and Public 'Instruments whatsoever relating to the said Legislative Council and Legislative Assembly, or either of 'them, and all Returns to such Writs and Instruments, and all Journals, Entries, and written or printed 3 & 4 Vict. c. 35.

'Proceedings,

'Proceedings, of what Nature soever, of the said Legislative Council and Legislative Assembly, and of 'each of them respectively, and all written or printed Proceedings and Reports of Committees of the 'said Legislative Council and Legislative Assembly respectively, shall be in the *English* Language only: 'Provided always, that the said Enactment should not be construed to prevent translated Copies of any 'such Documents being made, but no such Copy should be kept among the Records of the Legislative 'Council or Legislative Assembly, or be deemed in any Case to have the Force of an original Record: 'And whereas it is expedient to alter the Law in this respect, in order that the Legislature of the 'Province of *Canada*, or the said Legislative Council and Legislative Assembly respectively, may have 'Power to make such Regulations herein as to them may seem advisable:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as is herein-before recited shall be repealed.

So much of recited Act as enacts that all Writs, &c. shall be in English repealed.

II. And be it enacted, That this Act, or any Part thereof, may be repealed, altered, or varied at any Time during the present Session of Parliament.

Act may be amended, &c.

CAP. LVII.

An Act to enable Her Majesty to exchange the Advowson of the Vicarage of *Stoneleigh* in the County of *Warwick* for the Advowsons of the Rectory of *Yoxall* in the County of *Stafford* and the Perpetual Curacy of *Hunningham* in the County of *Warwick*. [14th *August* 1848.]

'WHEREAS the Queen's most Excellent Majesty in right of Her Crown is seised of the Advowson 'of the Vicarage of *Stoneleigh* in the County of *Warwick*, in the Diocese of *Worcester*, with the 'District Church of *Westwood Heath* annexed thereto: And whereas by an Indenture of Settlement, 'bearing Date the Fifth Day of *November* One thousand eight hundred and twelve, and made between 'the Reverend *Thomas Leigh* Clerk (since deceased) of the First Part, *James Henry Leigh* Esquire '(since also deceased) of the Second Part, *Chandos Leigh* Esquire, now the Right Honourable *Chandos* 'Lord *Leigh* (only Son and Heir Apparent of the said *James Henry Leigh*), of the Third Part, *George* '*Kinderley* and *William Domville* Gentlemen of the Fourth Part, *Thomas Graham* and *William* '*Bentham* Esquires of the Fifth Part, and *George Talbot* Esquire, the Reverend *Theophilus Leigh* '*Cooke* Clerk, and *Edward Hyde East* Esquire of the Sixth Part, the Advowson of the Rectory of '*Yoxall* in the County of *Stafford* and the Piece of Land in the Parish of *Yoxall* which is described in 'the Schedule to this Act annexed, and the Advowson of the Perpetual Curacy of *Hunningham* in the 'County of *Warwick* aforesaid, and the Piece of Land near the Church of *Hunningham*, containing 'Two Acres Two Roods and Thirty-six Perches, or thereabouts, also described in the said Schedule, 'together with the Manor of *Stoneleigh*, and divers Estates and Hereditaments, being the Family Estates 'of the late Lord *Leigh*, including the greater Part of the Parish of *Stoneleigh* aforesaid, and the Mansion 'House called *Stoneleigh Abbey*, are limited to certain Uses or Trusts in strict Settlement, under which 'the said *Chandos* Lord *Leigh* is Tenant for Life in possession; and in the said Indenture is contained 'a Power for the Trustees or Trustee of the said Settlement, at the Request and by the Direction of the 'said *Thomas Leigh*, *James Henry Leigh*, and *Chandos* Lord *Leigh*, or the Survivors or Survivor of 'them, to exchange all or any Part of the Manors, Lands, and Hereditaments thereby settled for other 'Hereditaments in *England* or *Wales*, to be settled to the Uses and upon the Trusts thereby declared 'of the Hereditaments thereby settled: And whereas the said *Chandos* Lord *Leigh* has expended the 'Sum of Two thousand one hundred Pounds and upwards in or towards the Erection and Endowment of 'the District Church at *Westwood Heath* in the Parish of *Stoneleigh* aforesaid, the Patronage whereof is 'vested in the Vicars of *Stoneleigh* for the Time being, and in providing a Cottage and Garden for the 'Use of the Incumbent of the said District Church; and the said *Chandos* Lord *Leigh* has also erected 'Schools in the Neighbourhood of the said District Church, and still chiefly if not wholly maintains the 'same: And whereas the said *Chandos* Lord *Leigh* hath proposed to the Queen's most Excellent Majesty 'that the said Piece or Parcel of Land in the Parish of *Yoxall* described in the said Schedule shall be 'annexed to the Rectory of *Yoxall* as and for Part of the Glebe of the said Rectory, and that the said 'Piece of Land in the Parish of *Hunningham* also described in the said Schedule shall be annexed to the 'Perpetual Curacy of *Hunningham* as and for the Glebe of the said Perpetual Curacy, and to serve as 'the Site of any Residence hereafter to be erected for the Incumbent of such Curacy, and that the 'Advowsons of the said Rectory of *Yoxall* and Perpetual Curacy of *Hunningham* shall be vested in Her 'Majesty, Her Heirs and Successors, in right of the Crown, in exchange for the Advowson of the 'Vicarage of *Stoneleigh*, of which Her Majesty is so seised as aforesaid, and hath proposed that such 'Exchange shall be effected under the Power of Exchange in the said Indenture of Settlement con- 'tained: And whereas the yearly Value of the said Rectory of *Yoxall*, (including the Piece of Land 'herein-before mentioned and proposed to be annexed to the same Rectory,) and of the said Perpetual 'Curacy of *Hunningham*, (including the Piece of Land herein-before mentioned and proposed to be 'annexed to the same Curacy,) amounts to the Sum of Six hundred and four Pounds Fourteen Shillings 'and Sixpence or thereabouts: And whereas the yearly Value of the said Vicarage of *Stoneleigh* and of 'the said District Church of *Westwood Heath*, so partly erected and also endowed by the said *Chandos* 'Lord *Leigh* as aforesaid, amounts to the Sum of Five hundred and eighty-four Pounds Twelve Shillings 'and Sixpence or thereabouts, and consequently the said proposed Exchange would be for the Benefit of

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'the Crown; but no Power exists by Law whereby Her Majesty is enabled to effect the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, and they are hereby authorized and empowered, with the Consent in Writing of the Commissioners for the Time being of Her Majesty's Treasury, or any Three of them, for and on behalf of Her Majesty, Her Heirs and Successors, to grant and convey to the Trustees or Trustee for the Time being of the said recited Indenture of Settlement of the Fifth Day of *November* One thousand eight hundred and twelve (in whom such Power of Exchange is vested as aforesaid), and their or his Heirs, the perpetual Advowson of the Vicarage of *Stoneleigh* in the County of *Warwick*, freed and discharged from all Estate, Right, and Interest therein of Her Majesty, Her Heirs and Successors, in exchange for the Perpetual Advowson of the Rectory of *Yoxall* in the County of *Stafford* and the Advowson of the Perpetual Curacy of *Hunningham* in the County of *Warwick*, nevertheless to such of the Uses and upon and for such of the Trusts, Powers, and Provisions in and by the said Indenture of Settlement declared and contained of and concerning the said Advowson of the Rectory of *Yoxall* and the said Advowson of the Perpetual Curacy of *Hunningham* respectively as shall be then subsisting and capable of taking effect; and upon such Grant or Conveyance being made by the said Commissioners on behalf of Her Majesty as aforesaid it shall be lawful for the Trustees or Trustee for the Time being of the said recited Indenture of Settlement of the Fifth Day of *November* One thousand eight hundred and twelve (in whom the Right to exercise the Power of Exchange in the said Indenture of Settlement contained is or shall be then vested), at such Request and by such Direction as are by the said Indenture of Settlement required on any Exchange to be made under the said Power, and notwithstanding such Inequality of Value as aforesaid, and they or he are and is hereby empowered and directed to convey to Her Majesty, Her Heirs and Successors, all those the said Perpetual Advowson of the Rectory of *Yoxall* and the said Advowson of the Perpetual Curacy of *Hunningham*, with their respective Rights, Members, and Appurtenances, in exchange for the said Advowson of the Vicarage of *Stoneleigh;* and the Conveyance so to be made to Her Majesty, Her Heirs and Successors, by the said Trustees or Trustee as last aforesaid, shall be enrolled in the Office of the Keeper of Land Revenue Records and Inrolments, and immediately after such Conveyance shall have been made and executed by the said Trustees or Trustee as aforesaid the Advowsons of the said Rectory of *Yoxall* and Perpetual Curacy of *Hunningham* respectively shall be vested in Her Majesty, Her Heirs and Successors, in right of the Crown, freed and discharged from all Estates, Rights, Titles, Charges, Claims, and Demands whatsoever of the said Trustees or Trustee, or of the said *Chandos* Lord *Leigh*, or any of his Ancestors, or of any other Persons or Person whomsoever; and the Patronage and Right of Presentation of and to the said Rectory and Perpetual Curacy respectively shall thereafter be exercised on behalf of Her Majesty, Her Heirs and Successors, by such Person or Persons by whom the Patronage and Right of Presentation to the Vicarage of *Stoneleigh* would or might have been exercised if the Advowson of the said Vicarage had not been conveyed away from Her Majesty in exchange as aforesaid.

Commissioners of Woods empowered to convey the Advowson of Stoneleigh in exchange for the Advowsons of Yoxall and Hunningham.

II. And be it enacted, That when such Exchange shall have been so effected as aforesaid the Advowson of the Vicarage of *Stoneleigh* shall be in all respects subject to such Rights, Estates, and Interests of all Persons whomsoever as the Advowson of the Rectory of *Yoxall* and the Advowson of the Perpetual Curacy of *Hunningham* were subject to immediately before such Exchange, and shall in all respects go and remain in lieu of and be substituted for the said Advowsons so to be conveyed to Her Majesty in exchange as aforesaid.

Advowson of Stoneleigh to be subject to same Estates as Yoxall and Hunningham.

III. And be it enacted, That immediately on the Completion of the said Exchange as aforesaid the said Trustees or Trustee for the Time being exercising the said Power as aforesaid shall and they are hereby empowered and directed to convey to the Rector of *Yoxall* and his Successors, Rectors of *Yoxall* for ever, the Piece or Parcel of Land in the Parish of *Yoxall* described in the Schedule to this Act annexed, with all and singular the Appurtenances thereunto belonging, to be for ever thereafter annexed to the said Rectory of *Yoxall*, as Part of the Glebe thereof, and also to convey to the Perpetual Curate of *Hunningham* and his Successors, Perpetual Curates of *Hunningham* aforesaid, for ever, the Piece or Parcel of Land in the Parish of *Hunningham* also described in the said Schedule, with all and singular the Appurtenances thereunto belonging, to be for ever thereafter annexed to the said Perpetual Curacy of *Hunningham*, as the Glebe thereof; and the Conveyances of such Glebe Lands respectively shall be registered in the Registry of the Diocese wherein the said Rectory and Perpetual Curacy are situate.

Lands in Schedule to be annexed to Rectory of Yoxall and Curacy of Hunningham respectively.

IV. And be it enacted, That all Grants, Conveyances, Deeds, and other Instruments to which the Queen's Majesty, Her Heirs and Successors, or the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be Parties, for carrying into execution and completing the Exchange and Annexations hereby authorized to be made, shall be subject to the same Provisions and Regulations as to Enrolment or otherwise, and have the same Exemption from *ad valorem* and other Stamp Duties, as if the same had been made for the Sale or Exchange of Lands belonging to Her Majesty in right of Her Crown, under the Powers and Provisions of the Acts now in force for the Management and Improvement of the Land Revenues of the Crown in *England*.

Grants to be subject to the Regulations of the Land Revenue Acts.

THE SCHEDULE.

Parish of YOXALL, County of STAFFORD.

A Piece of Pasture Land, containing 2A. 3R. 8P., abutting Eastward upon the Garden of the Rectory of Yoxall in the Parish of Yoxall, Southward upon a public Road there from Yoxall to Hamstall, Westward upon Lands of George Turner, and Northward upon Lands of Elizabeth and Mary Sharp, as the said Piece or Parcel of Land is now or late was in the Tenure or Occupation of the Reverend Edward Willes, Clerk, Rector of the said Parish of Yoxall, or of his Under-tenants.

Parish of HUNNINGHAM, County of WARWICK.

A Piece or Parcel of Pasture Land, containing 3A. 2R. 36P., or thereabouts, adjoining to the Churchyard of the Parish of Hunningham, and Parcel of a Close there called the Moat Close, abutting Northward and Eastward upon Lands of the said Chandos Lord Leigh, South upon Lands of Mrs. Umbers, and West in part upon Lands of Mrs. Turner, in other Part upon the said Churchyard, and in the remaining Part upon other Lands of the said Chandos Lord Leigh, being the Residue of the said Close called the Moat Close; the West Boundary Fence where the same abuts upon the Moat Close to be made and for ever maintained by the said Chandos Lord Leigh, his Heirs and Assigns for ever.

CAP. LVIII.

An Act to authorize for Ten Years, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society. [14th *August* 1848.]

'WHEREAS under an Order in Council, bearing Date the Thirteenth Day of *August* One thousand eight hundred and seventeen, the Naval Medical Supplemental Fund Society was established for the Relief of Widows of Medical Officers in the Royal Navy, and certain Rules and Regulations were thereby made and prescribed for the Government, Regulation, and Management of the said Society and the Funds thereof: And whereas certain Pensions and Annuities have been and are paid and payable by, and Premiums have been and are paid and payable to, the said Society, and it is expedient that the Rate of the said Pensions, Annuities, and Premiums now paid or payable should be continued during the Continuance of this Act, unless it be found expedient to increase or reduce the Rate thereof, as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Amount or Rate of Pensions and Annuities now paid and payable by, and the Rate of Premiums now paid and payable to, the said Society, shall, during the Continuance of this Act, continue to be paid and payable by and to the said Society, unless the Lord High Admiral, or the First Commissioner for executing the Office of Lord High Admiral for the Time being, as Patron of the said Soceity, and the Secretary of the Admiralty for the Time being, as President of the said Society, shall deem it expedient at any Time or Times to increase or reduce the same, in which Case it shall be lawful for the Lord High Admiral or the said First Commissioner, and the said Secretary, and they are hereby authorized and empowered, to increase or reduce at any Time and from Time to Time, by Writing under their respective Hands, as the Exigencies of the Case may seem to them requisite, the Amount of the Annuity now or hereafter payable by the said Society to Widows or other Claimants, provided that the Amount of the Annuities be not thereby rendered less than Two Thirds of the Amount which is now paid, and also to increase or reduce the Rates of Premium which now are or shall be paid to the said Society for or in respect of any Annuity, so that the Amount of the Premium shall not exceed the Rates established by the said Order in Council: Provided always, that nothing in this Act contained shall render it obligatory on any Person to commence or continue the Payment of the full or reduced Amount of any such Premiums of Insurance as aforesaid.

Amount or Rate of Pensions and Annuities now paid by, and Premiums paid to, the Society shall continue to be paid, unless the Patron and President shall think fit to vary the same.

Proviso.

Term of Act.

II. And be it enacted, That this Act shall take effect and continue in force for Ten Years from the passing thereof, and from thence to the End of the then next Session of Parliament.

Public Act.

III. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LIX.

An Act for the more speedy Trial and Punishment of Juvenile Offenders in *Ireland*. [14th *August* 1848.]

'WHEREAS, in order in certain Cases to ensure the more speedy Trial of Juvenile Offenders in *Ireland*, and to avoid the Evils of their long Imprisonment previously to Trial, it is expedient to allow of such Offenders being proceeded against in a more summary Manner than is now by Law provided, and to give further Power to bail them:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

this present Parliament assembled, and by the Authority of the same, That every Person who shall, subsequently to the passing of this Act, be charged with having committed, or having attempted to commit, or with having been an Aider, Abettor, Counsellor, or Procurer in the Commission of any Offence in *Ireland*, which now is or hereafter shall or may be by Law deemed or declared to be Simple Larceny, or punishable as Simple Larceny, and whose Age at the Period of the Commission or attempted Commission of such Offence shall not, in the Opinion of the Justices before whom he or she shall be brought or appear as herein-after mentioned, exceed the Age of Fourteen Years, shall, upon Conviction thereof, upon his own Confession or upon Proof before any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place in Petty Sessions assembled, at the usual Place and in open Court, be committed to the Common Gaol or House of Correction within the Jurisdiction of such Justices, there to be imprisoned, with or without hard Labour, for any Term not exceeding Three Calendar Months, or, in the Discretion of such Justices, shall forfeit and pay such Sum, not exceeding Three Pounds, as the said Justices shall adjudge, or, if a Male, shall be once privately whipped, either instead of or in addition to such Imprisonment, or Imprisonment with hard Labour; and the said Justices shall from Time to Time appoint some fit and proper Person to inflict the said Punishment of whipping, when so ordered to be inflicted out of Prison: Provided always, that if such Justices, upon the hearing of any such Case, shall deem the Offence not to be proved, or that it is not expedient to inflict any Punishment, they shall dismiss the Party charged, on finding Surety or Sureties for his future good Behaviour, or without such Sureties, and then make out and deliver to the Party charged a Certificate under the Hands of such Justices, stating the Fact of such Dismissal, and such Certificate shall and may be in the Form or to the Effect set forth in the Schedule hereto annexed in that Behalf: Provided also, that if such Justices shall be of opinion, before the Person charged shall have made his or her Defence, that the Charge is from any Circumstance a fit Subject for Prosecution by Indictment, or if the Parent or next Friend of the Person charged shall, upon his or her being called upon to answer the Charge, object to the Case being summarily disposed of under the Provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the Case in all respects as if this Act had not been passed.

Persons in Ireland not exceeding 14 Years of Age committing certain Offences may be summarily convicted by Two Justices.

If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties.

If Charge is thought fit for Indictment, &c. Case to be dealt with as if Act not passed.

II. And be it enacted, That any Two or more Justices of the Peace for any County, Riding, Division, Borough, Liberty, or Place in Petty Sessions assembled, and in open Court, before whom any such Person as aforesaid charged with any Offence made punishable under this Act shall be brought or appear, are hereby authorized to hear and determine the Case under the Provisions of this Act: Provided always, that any One or more Divisional Justice or Justices of *Dublin* Metropolis, sitting at any Divisional Police Office within such Police District, shall and may, within his or their Jurisdictions, hear and determine every Charge under this Act, and exercise all the Powers herein contained, in like Manner and as fully and effectually as Two or more Justices of the Peace in Petty Sessions assembled as aforesaid can or may do by virtue of the Provisions in this Act contained.

Justices may determine Cases under this Act.

One Dublin Justice may, in certain Cases, perform Acts usually done by Two in Petty Sessions.

III. And be it enacted, That every Person who shall have obtained such Certificate of Dismissal as aforesaid, and every Person who shall have been convicted under the Authority of this Act, shall be released from all further or other Proceedings for the same Cause.

Proceedings under this Act to bar further Proceedings.

IV. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That where any Person whose Age is alleged not to exceed Fourteen Years shall be charged with any such Offence, on the Oath of a credible Witness, before any Justice of the Peace, such Justice may issue his Summons or Warrant to summon or to apprehend the Person so charged to appear before any Two Justices of the Peace in Petty Sessions assembled as aforesaid, at a Time and Place to be named in such Summons or Warrant.

Mode of compelling the Appearance of Persons punishable on summary Conviction.

V. And be it enacted, That any Justice or Justices of the Peace, if he or they shall think fit, may remand for further Examination or for Trial, or suffer to go at large upon his or her finding sufficient Surety or Sureties, any such Person as aforesaid charged before him or them with any such Offence as aforesaid; and every such Surety shall be bound by Recognizance, to be conditioned for the Appearance of such Person before the same or some other Justice or Justices of the Peace for further Examination, or for Trial before Two or more Justices of the Peace in Petty Sessions assembled as aforesaid, or for Trial at some Superior Court, as the Case may be; and every such Recognizance may be enlarged from Time to Time by any such Justice or Justices to such further Time as he or they shall appoint; and every such Recognizance which shall not be enlarged shall be discharged without Fee or Reward, when the Party shall have appeared according to the Condition thereof.

Power to One Justice to remand for further Examination, and admit to Bail.

VI. And be it enacted, That every Fine imposed by any Justice or Justices under the Authority of this Act shall be awarded to the Use of the public Hospital or Infirmary of the County in which the Offence in respect of which such Fine shall be imposed may have been committed, and shall be accounted for in like Manner and subject to the same Regulations as all other Fines imposed by any Justice or Justices of the Peace in *Ireland*.

Application of Fines.

VII. And be it enacted, That it shall be lawful for any Justice of the Peace, by Summons, to require the Attendance of any Person as a Witness upon the hearing of any Case before Two Justices under the Authority of this Act, at a Time and Place to be named in such Summons; and such Justice may require and bind by Recognizance all Persons whom he may consider necessary to be examined touching the Matter of such Charge to attend at the Time and Place to be appointed by him, and then and there to give Evidence upon the hearing of such Charge; and in case any Person so summoned or required or bound as aforesaid shall neglect or refuse to attend in pursuance of such Summons or Recognizance,

As to the summoning and Attendance of Witnesses.

then, upon Proof being first given of such Person's having been duly summoned as herein-after mentioned, or bound by Recognizance as aforesaid, it shall be lawful for the Justices before whom any such Person ought to have attended to issue their Warrant to compel his Appearance as a Witness.

As to Service of Summons.

VIII. And be it enacted, That every Summons issued under the Authority of this Act may be served by delivering a Copy of the Summons to the Party, or by delivering a Copy of the Summons to some Inmate at such Party's usual Place of Abode; and every Person so required by any Writing under the Hand or Hands of any Justice or Justices to attend and give Evidence as aforesaid shall be deemed to have been duly summoned.

Form of Conviction.

IX. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any such Offence as herein-before mentioned may cause the Conviction to be drawn up in the Form of Words set forth in the Schedule to this Act annexed, or in any other Form of Words to the same Effect, which Conviction shall be good and effectual to all Intents and Purposes.

No Conviction void for Want of Form, nor to be removed by Certiorari.

X. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Convictions to be returned to the Quarter Sessions.

XI. And be it enacted, That the Justices of the Peace before whom any Person shall be convicted under the Provisions of this Act shall forthwith thereafter transmit the Conviction and Recognizances to the Clerk of the Peace for the County, Borough, Liberty, or Place wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the Court of General Quarter Sessions of the Peace; and the said Clerk of the Peace shall transmit to the Chief or Under Secretary of the Lord Lieutenant of *Ireland* a monthly Return of the Names, Offences, and Punishments mentioned in the Convictions, with such other Particulars as may from Time to Time be required.

No Forfeiture upon Convictions under this Act, but presiding Justices may order Restitution of Property.

XII. And be it enacted, That no Conviction under the Authority of this Act shall be attended with any Forfeiture, but whenever any Person shall be deemed guilty under the Provisions of this Act it shall be lawful for the presiding Justices to order Restitution of the Property in respect of which such Offence shall have been committed to the Owner thereof or his Representatives; and if such Property shall not then be forthcoming, the same Justices, whether they award Punishment or dismiss the Complaint, may inquire into and ascertain the Value thereof in Money, and, if they think proper, order Payment of such Sum of Money to the true Owner by the Person or Persons convicted, either at one Time or by Instalments at such Periods as the Court may deem reasonable.

Recovery of Penalties.

XIII. And be it enacted, That whenever any Justices of the Peace shall adjudge any Offender to forfeit and pay a pecuniary Penalty under the Authority of this Act, and such Penalty shall not be forthwith paid, it shall be lawful for such Justices, if they shall deem it expedient, to appoint some future Day for the Payment of such Penalty, and to order the Offender to be detained in safe Custody until the Day so to be appointed, unless such Offender shall give Security to the Satisfaction of such Justices for his or her Appearance on such Day; and such Justices are hereby empowered to take such Security, by way of Recognizance or otherwise, at their Discretion; and if at the Time so appointed such Penalty shall not be paid, it shall be lawful for the same or any other Justices of the Peace, by Warrant under their Hands and Seals, to commit the Offender to the Common Gaol or House of Correction within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, reckoned from the Day of such Adjudication, such Imprisonment to cease on Payment of the said Penalty.

Proceedings against Persons acting under this Act.

XIV. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action or Prosecution, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action or Prosecution; and in any such Action or Prosecution the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action or Prosecution after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in such Action, the Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

Extent of Act.

XV. And be it enacted, That this Act shall extend to *Ireland* only.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE of FORMS to which this Act refers.

Form of Certificate of Dismissal.

to wit. } We of Her Majesty's Justices of the Peace for the County of [*or* I, a Divisional Justice of the Police District of Dublin Metropolis, *as the Case may be*,] do hereby certify, That on the Day of in the Year of our Lord at in the said County of *M.N.* was brought before us the said Justices [*or* me *or* us, the said Justice *or* Justices], charged with the following Offence, (that is to say,) [*here state briefly the Particulars of the Charge*,] and that we the said Justices [*or* I the said Justice] thereupon dismissed the said Charge.

Given under our Hands [*or* my Hand] this Day of .

Form of Conviction.

to wit. } Be it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and at in the County of [*or* Riding, Division, Liberty, City, *&c.*, *as the Case may be*], *A.O.* is convicted before us *J.P.* and *Q.R.*, Two of Her Majesty's Justices of the Peace for the said County [*or* Riding, *&c.*], [*or* me *S.T.*, a Divisional Justice, *or* us, Divisional Justices, of the Police District of Dublin Metropolis, *as the Case may be*,] for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be, but without setting forth the Evidence*] ; and we the said *J.P.* and *Q.R.* [*or* I the said *S.T.*] adjudge the said *A.O.* for his said Offence to be imprisoned in the [*or* to be once privately whipped, with or without Imprisonment, or Imprisonment with hard Labour, *or* to be imprisoned in the and there kept to hard Labour for the Space of] ; [*or* we [*or* I] adjudge the said *A.O.* for his said Offence to forfeit and pay] [*here state the Penalty actually imposed*], and in default of Payment of the said Sum to be imprisoned in the [*or* to be imprisoned in the and there kept to hard Labour] for the Space of unless the said Sum shall be sooner paid.

Given under our Hands and Seals [*or* my Hand and Seal] the Day and Year first above mentioned.

CAP. LX.

An Act to alter the Duties payable upon the Importation of Spirits or Strong Waters.

[14th *August* 1848.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to alter certain Duties of Customs*, certain Duties of Customs were imposed upon the Importation of Spirits or Strong Waters: And whereas it is expedient that so much of the said Act as imposes such Duties should be repealed, and that other Duties should be raised and levied in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties on Spirits and Strong Waters imposed by the said recited Act shall be and they are hereby repealed; and that from and after the passing of this Act, in lieu thereof, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the following Duties; that is to say, Spirits or Strong Waters, for every Gallon of such Spirits or Strong Waters of any Strength not exceeding the Strength of Proof by *Sykes*'s Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, that is to say, Spirits or Strong Waters, the Produce of any *British* Possession in *America*, not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer; 10 & 11 Vict. c. 23.

After the passing of this Act the Duties therein named shall be levied instead of those previously paid.

	s.	d.
If imported into *England*, the Gallon - - - -	8	2
— *Scotland* — - - - -	4	0
— *Ireland* — - - - -	3	0

Rum the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, not being sweetened Spirits, or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act of the Fourth Year of the Reign of Queen *Victoria*, Chapter Eight, have or shall have been fulfilled;

	s.	d.
If imported into *England*, the Gallon - - - -	8	2
— *Scotland* — - - - -	4	0
— *Ireland* — - - - -	3	0

Rum Shrub, however sweetened, the Produce of and imported from such Possessions, in regard to which the Conditions of the Act of the Fourth Year of the Reign of Queen *Victoria*, Chapter Eight, have or shall have been fulfilled, or the Produce of and imported from any *British* Possession in *America*;

	s.	d.
If imported into *England*, the Gallon - - - -	8	2
— *Scotland* — - - - -	4	0
— *Ireland* — - - - -	3	0

II. And

Duties to be under Management of Commissioners of Customs.

II. And be it enacted, That the Duties imposed by this Act shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed and applied or appropriated, under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXI.

An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of *Leicester*, and for the Severance and Consolidation of certain Benefices in the Diocese of *Norwich*, and for other Ecclesiastical Purposes. [14th *August* 1848.]

'WHEREAS the Queen's most Excellent Majesty in right of the Crown is seised or entitled to Herself, Her Heirs and Successors, of or to the Perpetual Advowson of the Rectory of *Warham All Saints* in the County of *Norfolk*, and within the Diocese of the Right Reverend *Edward* Lord Bishop of *Norwich*: And whereas the Right Honourable *Thomas William* Earl of *Leicester* is absolutely entitled to the Perpetual Advowson of the Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*, commonly called *Warham Saint Mary's*, and of the Rectory of *Waterden* annexed thereto or consolidated therewith, in the same County and Diocese; and the said *Thomas William* Earl of *Leicester* is also absolutely entitled to the Perpetual Advowson of the Vicarage of *Dunton with Doughton* otherwise *Dolton*, now commonly called *Dunton cum Duckton*, and of the consolidated Perpetual Curacies of *Longham* and *Wendling*, and to the Perpetual Advowson of the Vicarage of *Holkham*, and of the Rectory of *Egmere* consolidated therewith, all in the same County and Diocese; and the said *Thomas William* Earl of *Leicester* is also absolutely entitled to a certain Piece or Parcel of Ground in the Parish of *Dunton* aforesaid, which is described in the Schedule to this Act annexed, subject only (together with other Hereditaments) to a certain yearly Jointure Rent-charge of Three thousand Pounds assured to the Right Honourable *Juliana* Countess of *Leicester* his Wife, in case she should survive him, for her Life, and to a Term of Two hundred Years for securing the same, but which Jointure Rent-charge is amply secured by the other Hereditaments whereon the same is charged: And whereas the said Rectory of *Warham All Saints* is now vacant, the Reverend *Robert Collyer* is the Incumbent of the consolidated Rectories of *Warham Saint Mary's* and *Waterden*, the Reverend *Stephen Allen* is the Incumbent of the Vicarage of *Dunton cum Duckton*, the Reverend *Robert Howlett* is the Incumbent of the consolidated Perpetual Curacies of *Longham* and *Wendling*, and the Reverend *Alexander Napier* is the Incumbent of the consolidated Vicarage of *Holkham* and Rectory of *Egmere*: And whereas the Parishes of *Warham All Saints* and *Warham Saint Mary's* are contiguous, and contain together a Population of less than Four hundred Souls: And whereas the Parish of *Waterden*, so as aforesaid consolidated with *Warham Saint Mary's*, is situate at a Distance of Seven Miles or thereabouts from the Parish of *Warham Saint Mary's*, but is distant only One Mile or thereabouts from the Parish of *Egmere*: And whereas the Parish of *Waterden* contains a Population of Twenty-five Souls or thereabouts, and the Parish of *Egmere* contains a Population of Fifty Souls or thereabouts, and is without a Church: And whereas the net yearly Value of the Vicarage of *Dunton cum Duckton*, and the consolidated Perpetual Curacies of *Longham* and *Wendling*, is of the Amount of Two hundred and eighty-six Pounds Two Shillings and Seven-pence or thereabouts, and the net yearly Value of the Rectory of *Warham All Saints* is of the Amount of Two hundred and twenty-six Pounds Thirteen Shillings and Four-pence or thereabouts, but the said Vicarage of *Dunton cum Duckton* has no Glebe nor Vicarage House: And whereas the said *Thomas William* Earl of *Leicester* hath proposed to Her most Gracious Majesty that the Rectories of *Warham All Saints* and *Warham Saint Mary's* shall be consolidated and form One Benefice in the Patronage of the said *Thomas William* Earl of *Leicester*, and that in lieu of the Advowson of the said Rectory of *Warham All Saints* the Advowson of the said Vicarage of *Dunton cum Duckton* and consolidated Perpetual Curacies of *Longham* and *Wendling* shall become vested in Her Majesty: And whereas it hath been further proposed by the said *Thomas William* Earl of *Leicester*, at the Instance of the said *Edward* Lord Bishop of *Norwich*, that the said Rectory of *Waterden* shall be severed from the said Rectory of *Warham Saint Mary's*, and that the said Rectory of *Egmere* shall be severed from the said Vicarage of *Holkham*, and that the said Rectories of *Waterden* and *Egmere* shall be consolidated and form One Benefice in the Patronage of the said *Thomas William* Earl of *Leicester*: And whereas in furtherance of the said Proposals, and for the Equalization of the said Exchange to be made with Her Majesty, it hath been agreed by the said *Thomas William* Earl of *Leicester* that a Glebe of Four Acres or thereabouts, situate in the Parish of *Dunton*, shall be annexed to the said Vicarage of *Dunton cum Duckton*, being the Piece of Ground described in the Schedule to this Act, and that a Sum of Three hundred Pounds shall be paid by the said *Thomas William* Earl of *Leicester* into the Hands of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, to be by them accumulated for the Benefit of the said Vicarage, to the Intent that the said Fund so to be accumulated may be hereafter applied in or towards the Erection of a suitable House of Residence for the Use of the Incumbent of the said Benefice: And whereas all the aforesaid Agreements and Matters have been submitted to, and have received the Approval of, the said *Edward* Lord Bishop of *Norwich*, the Diocesan of the said several Benefices: And whereas the said Piece or Parcel of Land which is

'described

'described in the Schedule to this Act is considered as eligible to be appropriated as a Glebe for the 'Use of the Incumbent of the said Benefice: And whereas the said Sum of Three hundred Pounds is 'intended to be paid by the said *Thomas William* Earl of *Leicester* into the Hands of the said Governors 'of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, immediately 'after the passing of this Act, for the Purposes after mentioned: And whereas no Provision exists by 'Law for the Exchange of Ecclesiastical Patronage between Her Majesty seised in right of Her Crown 'and any of Her Majesty's Subjects, and it is expedient that the aforesaid Exchange and the other 'Matters and Agreements shall be carried into effect by Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so soon as the Sum of Three hundred Pounds shall have been duly paid by the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, or Administrators, into the Hands of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, the said *Robert Collyer* or his Successor, Incumbent for the Time being of the consolidated Rectories of *Warham Saint Mary Magdalen* and *Saint Mary the Virgin*, commonly called *Warham Saint Mary's*, shall become the Incumbent of the Rectory of *Warham All Saints*, without any Manner of Presentation, Institution, or Induction; and thereupon and from thenceforth the said Rectories of *Warham All Saints* and *Warham Saint Mary Magdalen* and *Saint Mary the Virgin*, commonly called *Warham Saint Mary's*, together with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature or Kind soever, thereto respectively belonging or appertaining, shall be united and consolidated to all Effects in Law whatsoever, and shall form and be One Benefice only by the Name and Style of "The Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin*, with the Rectory of *Warham All Saints* annexed," any Law or Statute to the contrary notwithstanding.

Rectories of Warham All Saints and Warham Saint Mary's consolidated.

II. And be it enacted, That the Perpetual Advowson of the said consolidated Rectories of *Warham Saint Mary Magdalen and Saint Mary the Virgin* and *Warham All Saints*, so hereby united in such Event as aforesaid, shall from and after such Consolidation as aforesaid be vested in the said *Thomas William* Earl of *Leicester* as Owner thereof, to him and his Heirs, in Fee Simple, freed and discharged from all Demand or Claim whatsoever for or on behalf of Her Majesty, Her Heirs and Successors, but to be subject nevertheless in all respects to such Estates, Charges, and Incumbrances (if any) as the said Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin* is now subject to.

Advowson of said consolidated Rectories vested in the Earl of Leicester.

III. And be it enacted, That the Perpetual Advowsons of the Vicarage of *Dunton cum Duckton* and of the consolidated Perpetual Curacies of *Longham* and *Wendling* shall from and after the Consolidation of the said Rectories of *Warham Saint Mary's* and *Warham All Saints* become and be absolutely vested in Her Majesty, Her Heirs and Successors, in right of the Crown, freed and discharged from all Demands and Claims whatsoever by or on behalf of the said *Thomas William* Earl of *Leicester*, his Heirs or Assigns, or any other Person whomsoever.

Advowsons of Vicarage of Dunton and Curacies of Longham and Wendling vested in Her Majesty.

IV. And be it enacted, That from and after such Consolidation as aforesaid the said Piece or Parcel of Land in the said Parish of *Dunton*, particularly described in the Schedule to this Act, together with the new House of Residence for the Incumbent, and other Erections and Buildings, when the same shall be built from such Fund as aforesaid or otherwise, and all Yards, Gardens, Ways, Roads, Easements, and Appurtenances thereto belonging or in anywise appertaining, shall be annexed to the said Vicarage of *Dunton cum Duckton* as the Glebe and Vicarage House, or Site for the Vicarage House, of the same Benefice, and be held, used, occupied, and enjoyed by the Incumbent thereof, and his Successors for ever, freed and discharged of and from all Claim and Demand whatsoever by or on behalf of the said *Thomas William* Earl of *Leicester*, or any of his Ancestors, or any other Person whomsoever claiming from or through him or them.

Glebe and Site for Vicarage House annexed to Vicarage of Dunton.

V. And be it enacted, That the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy shall stand possessed of and interested in the said Sum of Three hundred Pounds when so paid to them, upon trust to lay out and accumulate the same at Compound Interest in such Manner as they shall think fit, and as they are lawfully authorized to lay out and accumulate Funds similarly applicable, and upon further Trust from Time to Time or at any Time to lay out and expend the said Sum of Three hundred Pounds and the Accumulation thereof in or towards the building and Erection of a suitable Vicarage House and Offices for the Use of the Incumbent for the Time being of the said Vicarage of *Dunton cum Duckton*, and that such Vicarage House and Offices shall be erected and built in or upon some Part of the said Piece or Parcel of Land annexed as a Glebe to the said Benefice as herein is provided, and that the Receipt of the Treasurer of the said Governors shall be sufficient Evidence of the Payment of the said Sum of Three hundred Pounds.

Application of the Money to be paid to the Governors of Queen Anne's Bounty.

VI. And be it enacted, That from and after the Consolidation of the said Rectories of *Warham Saint Mary's* and *Warham All Saints*, the said Rectory of *Waterden*, with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature and Kind soever, thereto belonging or appertaining, shall be severed from the said Rectory of *Warham Saint Mary Magdalen and Saint Mary the Virgin;* and that the said Rectory of *Egmere*, with all and singular the Tithes, Rent-charges in lieu of Tithes, Fruits, Payments, Oblations, Obventions, Rights, and Emoluments, of what Nature and Kind soever, thereto belonging or appertaining, shall be severed from the said Vicarage of *Holkham;* and the said Rectories of *Waterden* and *Egmere* shall for ever

Rectory of Waterden severed from Rectory of Warham Saint Mary's, and united with Rectory of Egmere severed from Vicarage of Holkham.

ever hereafter be consolidated together and form One Benefice only by the Name and Style of "The Rectory of *Egmere* with the Rectory of *Waterden* annexed," any Law or Statute to the contrary notwithstanding; and the said *Alexander Napier* or his Successor, Incumbent for the Time being of the consolidated Vicarage of *Holkham* and Rectory of *Egmere*, shall thereupon become the Incumbent of the said Rectory of *Egmere* with the Rectory of *Waterden* annexed, and without any further Presentation, Institution, or Induction, and shall continue to be the Incumbent of the Vicarage of *Holkham*, and the same Vicarage shall thereafter become a separate Benefice; and the Incumbent for the Time being of the said consolidated Rectories of *Egmere* and *Waterden* shall have, receive, and take all and singular the Fruits, Tithes, Rent-charges in lieu of Tithes, Profits, Oblations, Obventions, and all other Ecclesiastical Rights and Emoluments whatsoever to the said Rectories respectively belonging and appertaining, and accustomed to be paid to or enjoyed by the respective Rectors thereof, and shall bear, pay, and discharge all Dues, Rates, and Sums of Money payable in respect of the said Rectories respectively; and the Perpetual Advowson of the said consolidated Rectories of *Egmere* with *Waterden* annexed, as well as the Perpetual Advowson of the said Vicarage of *Holkham*, shall remain or be vested in the said *Thomas William* Earl of *Leicester*, his Heirs and Assigns, as Owners thereof, subject nevertheless to all and singular such Rights, Estates, Charges, and Incumbrances (if any) as the same are subject to at the passing of this Act.

Act inoperative if no Payment to Governors of Queen Anne's Bounty within Three Months.

VII. Provided always, and be it enacted, That every Clause, Matter, and Thing herein-before contained shall be void unless the Sum of Three hundred Pounds herein-before mentioned shall be duly paid by the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, or Administrators, into the Hands of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, within Three Calendar Months from the passing of this Act.

General Saving.

VIII. Saving always to all Persons, Bodies Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than the Queen's most Excellent Majesty, Her Heirs and Successors, and the said *Thomas William* Earl of *Leicester*, his Heirs, Executors, Administrators, and Assigns, and the Lord Bishop of *Norwich* and his Successors for ever, and the Incumbents of the Rectory of *All Saints*, the consolidated Rectories of *Warham Saint Mary's* and *Waterden*, and of the Rectory of *Warham Saint Mary's and Warham All Saints* when so consolidated as aforesaid, the consolidated Vicarage of *Holkham* and Rectory of *Egmere*, the Rectory of *Egmere* with the Rectory of *Waterden* annexed when so consolidated as aforesaid, and the Vicarage of *Holkham* when so disunited as aforesaid, and their respective Successors as aforesaid Incumbents for the Time being of the said respective Rectories, Vicarages, and Perpetual Curacies,) all such Estate, Right, Title, Interest, Trust, Claim, and Demand whatsoever in, to, or out of the said Advowsons and other Premises hereby respectively vested and settled as aforesaid as they or any of them had before the passing of this Act, or could have had in case this Act had not been made.

SCHEDULE to which the foregoing Act refers.

SCHEDULE.

ALL that Piece or Parcel of Land in the Parish of Dunton in the County of Norfolk containing by Admeasurement Four Acres (Part whereof is now used for Cottage Gardens), bounded on the North by the Lynn Road, on the East by the Road leading from Creake to Rainham, on the South by Dunton Churchyard, and on the West by Lands of the Earl of Leicester; the Width of the said Piece or Parcel of Ground from East to West at the North End thereof being One hundred and six Yards or thereabouts, and at the South End thereof adjoining Dunton Churchyard Sixty-one Yards or thereabouts, and the Length thereof from North to South on the East and West Sides thereof being Two hundred and thirty-two Yards or thereabouts.

CAP. LXII.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [14th *August* 1848.]

7&8 G. 4. c. 75. 9 G. 4. c. 38. 2&3 W. 4. c. 127. 3&4 W. 4. c. 95. 6&7 W. 4. c. 80.

'WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to appoint Commissioners for carrying into execution several Acts granting an Aid to His Majesty by a Land Tax to be raised in* Great Britain, *and continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions in* England: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty, intituled *An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited:* And whereas another Act was passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for appointing additional Commissioners to put in execution the Acts for granting an Aid to His Majesty by a Land Tax, and continuing the Duties on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the Sixth and Seventh Years of the Reign of His said late Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the*

Duties

'*Duties on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts granting a Land Tax, and Duties on Personal Estates, Offices, and Pensions:* And whereas another Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes:* And whereas it is expedient to appoint additional Persons to put in execution the several Acts for granting an Aid to Her Majesty by a Land Tax in *Great Britain*, and several other Acts for continuing or granting to Her Majesty Rates and Taxes:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Persons herein-after named shall and may and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of *Great Britain* herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth; (that is to say,)

1 & 2 Vict. c. 57.

7 & 8 Vict. c. 79.

Appointment of additional Commissioners.

[*Here follow the Names of the Commissioners for England, Wales, and Scotland.*]

II. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, and in the said several recited Acts, and in any other Act in force in relation to any Acts, Matters, and Things to be done by Commissioners of Land Tax, shall extend to this Act, and to the Commissioners named therein, and shall be construed therewith, as fully and effectually to all Intents and Purposes whatsoever, as if the same had been severally and separately repeated and re-enacted in this Act, and made Part thereof.

Powers of former Acts extended to this Act.

CAP. LXIII.

An Act for promoting the Public Health. [31st *August* 1848.]

'WHEREAS further and more effectual Provision ought to be made for improving the sanitary Condition of Towns and populous Places in *England* and *Wales*, and it is expedient that the Supply of Water to such Towns and Places, and the Sewerage, Drainage, cleansing, and paving thereof, should, as far as practicable, be placed under one and the same local Management and Control, subject to such general Supervision as is herein-after provided:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act may from Time to Time be applied, in manner herein-after provided, to any Part of *England* and *Wales*, except the Parts next herein-after mentioned; (that is to say,) the City of *London* and the Liberties thereof, the Parts within the Limits of certain Commissions of Sewers bearing Date at *Westminster* the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and forty-seven, also the Parts within the Limits of a certain other Commission of Sewers bearing Date at *Westminster*, the Fourth Day of *December* in the Year last aforesaid, and the Parts subject to the Jurisdiction of the Commissioners acting in the Execution of an Act of the Fifth Year of the Reign of King *George* the Fourth, for (amongst other things) more effectually paving, lighting, watching, cleansing, and regulating the *Regent's Park*, and in the Execution of the several Acts for extending the Jurisdiction of such Commissioners.

Parts to which this Act may be applied.

II. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; (that is to say,)

Interpretation of Terms:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number: "Number:"

Words importing the Masculine Gender shall include Females: "Gender:"

The Word "Person" and Words applying to any Person or Individual shall apply to and include Corporations, whether aggregate or sole: "Person:"

The Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure: "Lands:" "Premises:"

The Word "Owner" shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent: "Owner:"

The Expression "Rack Rent" shall mean Rent which is not less than Two Thirds of the full net annual Value of the Property out of which the Rent arises; and the full net annual Value shall be taken to be the Rent at which the Property might reasonably be expected to let from Year to Year, free from all usual Tenant's Rates and Taxes, and Tithe Commutation Rent-charge (if any), and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expenses (if any) necessary to maintain the same in a State to command such Rent: "Rack Rent:"

"Month:" The Word "Month" shall mean Calendar Month:

"Commissioners of the Treasury:" The Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being:

"Superior Courts:" The Expression "Superior Courts" shall include Her Majesty's Superior Courts of Record at *Westminster*, and the Court of Common Pleas of the County Palatine of *Lancaster*, and the Court of Pleas of the County of *Durham*:

"Justice:" The Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice" arises:

"Two Justices:" The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions, or One Stipendiary or Police Magistrate acting in any Police Court, for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices" arises:

"Court of General or Quarter Sessions:" The Expression "Court of General or Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace having Jurisdiction over the whole or any Part of the District or Place, as the Case may be, in which the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises:

"Arbitrators:" The Word "Arbitrators" shall include a single Arbitrator; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire:

"Oath:" The Word "Oath" shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath:

"Corporate Borough:" The Expression "Corporate Borough" shall mean any Corporate Borough mentioned in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of Municipal Corporations in* England *and* Wales, and any Borough incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act:

5 & 6 W. 4. c. 76.

"District:" The Word "District" shall mean the entire Area, Places, or Parts of Places comprised within the Limits of any District to which this Act or any Part thereof shall be applied by Order in Council or Provisional Order of the General Board of Health, sanctioned by Parliament:

"Corporate District:" The Expression "Corporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are exercised and executed by the Council of a Corporate Borough:

"Noncorporate District:" The Expression "Noncorporate District" shall mean a District in which the Powers, Authorities, and Duties of the Local Board of Health of the District are not exercised and executed by the Council of a Corporate Borough:

"Street:" The Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of any District:

"House:" The Word "House" shall include Schools, Factories, and other Buildings in which more than Twenty Persons are employed at One Time:

"Drain:" The Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom, with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed:

"Sewer:" The Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies:

"Slaughter-house:" The Term "Slaughter-house" shall mean and include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, and any Building or Place used for slaughtering Cattle, Horses, or Animals of any Description for Sale:

"Waterworks Company:" The Expression "Waterworks Company" shall mean any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit:

"Waterworks:" The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company:

"The Local Board of Health:" The Expression "the Local Board of Health" shall mean the Persons authorized to execute in each District all or any of the Powers, Authorities, and Duties vested in or imposed upon the Local Board of Health by this Act:

"The Clerk," &c. The Expressions "the Officer of Health," "the Clerk," "the Treasurer," "the Surveyor," "the Inspector of Nuisances," shall mean the Persons respectively appointed to be or authorized to execute the Offices of the Officers of Health, Clerk, Treasurer, Surveyor, and Inspector of Nuisances respectively in each District for the Purposes of this Act.

Mode of citing this Act. III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Public Health Act, 1848."

IV. And

General Board of Health.

General Board of Health to be constituted.

IV. And be it enacted, That the First Commissioner for the Time being of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, together with such Two other Persons as Her Majesty by Warrant under the Royal Sign Manual may be pleased to appoint, shall be and constitute a Board for superintending the Execution of this Act, and shall be called "The General Board of Health," and shall have and execute all the Powers and Duties vested in or imposed on such Board by this Act, and the said First Commissioner shall be the President of the said Board; and Her Majesty may from Time to Time, at Her Pleasure, remove all or any of the Persons so appointed by Her, and appoint others in their Stead; and the Powers and Duties vested in the said Board by this Act may be exercised and executed by any Two Members thereof; and during any Vacancy in the said Board the continuing Members or Member thereof may act as if no Vacancy had occurred: Provided always, that the said General Board of Health shall be continued only for Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

Power to General Board of Health to appoint Officers and Servants, and to cause a Seal to be made.

V. And be it enacted, That the said Board may from Time to Time appoint a Secretary and such Clerks and Servants as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary for the Purposes of this Act; and every Person so appointed shall be removable at the Pleasure of the said Board; and the said Board shall cause to be made a Seal for their Use in the Execution of this Act, and Documents or Copies of Documents purporting to proceed from them, and to be signed by any Two or more of them, and to be sealed or stamped with such Seal, shall be received as *primâ facie* Evidence in all Courts and Places whatsoever.

Power to appoint Superintending Inspectors, subject to Approval of Treasury.

VI. And be it enacted, That the General Board of Health may from Time to Time appoint so many proper Persons as they, subject to the Approval of the Commissioners of Her Majesty's Treasury, may deem necessary, to be Superintending Inspectors for the Purposes of this Act; and every Person so appointed shall have all the Powers, Duties, and Liabilities vested in or imposed upon any Superintending Inspector by this Act, and shall assist in the Superintendence and Execution of this Act, when, where, and in such Manner as the said Board shall direct, and shall be removable at their Pleasure.

Power to Treasury to grant Salaries, &c. to General Board of Health, Superintending Inspectors, &c.

VII. And be it enacted, That there shall be paid to such One of the Members of the General Board of Health, not being the President, as Her Majesty shall direct, and to the said Secretary, Clerks, and Servants, such Salaries or Wages, and to the said Superintending Inspectors such Allowances, as shall from Time to Time be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose: Provided always, that the Allowance to a Superintending Inspector shall not exceed the Sum of Three Pounds Three Shillings for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the Commissioners of Her Majesty's Treasury may allow to any Superintending Inspector such reasonable travelling and other Expenses as may be incurred by him in the Performance of the Duties of his Office under this Act, in addition to his said Allowance.

Preliminary Inquiry.

Upon Petition of a certain Proportion of Householders, &c., or when the Deaths in any City, &c. appear upon the Registrar-General's Returns to be above a certain Proportion, Superintending Inspector to make local Inquiry.

VIII. And be it enacted, That from Time to Time after the passing of this Act, upon the Petition of not less than One Tenth of the Inhabitants rated to the Relief of the Poor of any City, Town, Borough, Parish, or Place having a known or defined Boundary, not being less than Thirty in the whole, or where it shall appear or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths from the Deaths registered in a Period of not less than Seven Years that the Number of Deaths annually in any City, Town, Borough, Parish, or Place during the Period in respect whereof such Return shall have been made have on an Average exceeded the Proportion of Twenty-three to a Thousand of the Population of such City, Town, Borough, Parish, or Place, the General Board of Health may, if and when they shall think fit, direct a Superintending Inspector to visit such City, Town, Borough, Parish, or Place, and to make public Inquiry, and to examine Witnesses, as to the Sewerage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such City, Town, Borough, Parish, or Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, or having relation to the Purposes of this Act, also as to the natural Drainage Areas, and the existing municipal, parochial, or other local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Board may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty, or making a Provisional Order, as herein-after mentioned.

Inspector to give Notice of Inquiry, and report to General Board the Result of the same.

IX. And be it enacted, That before proceeding upon such Inquiry the said Inspector shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry will relate, and by causing such Notice to be affixed on the Doors of the principal Churches, Chapels, public Buildings, and Places where public Notices are usually affixed within such Parts, and in such other Manner as may appear to the said Inspector to be necessary; and so soon as can be after the Completion of such Inquiry he shall report in Writing to the General Board of Health, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid, and upon any other Matters with respect to which he may deem it expedient to report for the Purposes of this Act; and if upon such Report it appear to the said General Board that the Boundaries which may be most advantageously adopted for the Purposes of this Act are not the same as those of the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, they shall cause the same or some other Superintending Inspector to visit the Parts within the Boundaries proposed

Upon such Report General Board may, if they think fit, cause Inspector

to make further Inquiries respecting Boundaries, and present a further Report, which shall be published, &c.

proposed to be adopted for the Purposes of this Act, and, after having given such Notice as is hereinbefore prescribed, to hear all Persons desirous of being heard before him upon the Subject of the said Report, and to make such further Inquiry and Report to the said Board as they may direct; and upon the Presentation of such Report or further Report the said Board shall cause Copies thereof respectively to be published in the Parts to which such Report or further Report respectively relate, in such Manner as they may direct, and shall also cause other Copies thereof respectively to be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any Local Act of Parliament in force within such Parts for lighting, paving, cleansing, watching, regulating, supplying with Water, or improving such Parts, or any of them, or in anywise relating to the Purposes of this Act, and with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish, the whole or Part of which may be affected thereby; and if such Report or further Report relate to Parts not being within any Corporate Borough the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and the Copies so published or deposited shall be accompanied by a Notice stating that within a certain Time, not being less than One Month from the Time of such Publication and Deposit, written Statements may be forwarded to the said Board with respect to any Matter contained in or omitted from the said Report or further Report, or any Amendment proposed to be made therein; and all such Statements shall be deposited with such Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, and with such Churchwardens or Overseers respectively, in like Manner as the said Copies, and shall, together with such Copies, be open to public Inspection from the Hour of Eleven in the Forenoon till the Hour of Three in the Afternoon every Day during the Time specified in the last-mentioned Notice, *Sundays*, *Christmas Days*, *Good Fridays*, and Days appointed for General Fasts or Thanksgivings only excepted; and any Town Clerk, Clerk to Justices, Clerk to the Board of Guardians, Churchwardens, or Overseers who shall refuse to receive any Document or Copy of any Document directed to be deposited with him or them as aforesaid, or to allow such Inspection, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and after the Expiration of such last-mentioned Notice the said Board may, if they think fit, direct such further Inquiry and Report as to them may seem necessary and proper.

Application of the Act.

Cases in which Act shall be put in force by Order of Her Majesty in Council.

X. And be it enacted, That if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board of Health to be expedient that this Act or any Part thereof should be applied to the City, Town, Borough, Parish, or Place with respect to which Inquiry has been made, upon the Petition of such Inhabitants as aforesaid, and within the same Boundaries as those of such City, Town, Borough, Parish, or Place, and within which there is no Local Act of Parliament in force for paving, lighting, (otherwise than for the Profit of Proprietors or Shareholders,) cleansing, watching, regulating, supplying with Water, or improving such City, Town, Borough, Parish, or Place, or any Part thereof, or in anywise relating to the Purposes of this Act, they shall report to Her Majesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that this Act or any Part thereof shall be applied to and be put in full Force and Operation within such City, Town, Borough, Parish, or Place; and if after such Inquiry or further Inquiry as aforesaid it appear to the said General Board to be expedient that this Act or any Part thereof should be put in force within Boundaries not being the same as those of the City, Town, Borough, Parish, or Place from which the said Petition proceeded, or within Boundaries where no Petition has been presented from such Inhabitants as aforesaid, or within any City, Town, Borough, Parish, or Place in which any such Local Act of Parliament as aforesaid is in force, they shall make a Provisional Order under their Hands and Seal of Office accordingly, with such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any such Local Act, and the Repeal, Alteration, Extension, or future Execution of the same, and in all respects whatsoever as they may think necessary under all the Circumstances of the Case; and such Provisional Order shall be published in the Parts to which the same relates in such Manner as the said General Board may direct, and shall be deposited with the Town Clerk of any Corporate Borough affected thereby, and with the Clerk to the Commissioners or Trustees acting under any such Local Act, also with the Clerk to the Justices acting for any Petty Sessional Division in which such Parts may be, and with the Clerk of the Board of Guardians of the Union or Parish the whole or Part of which may be affected thereby; and if such Provisional Order relate to Parts not being within any Corporate Borough, the said Board shall cause other Copies of the same to be deposited with the Churchwardens or Overseers of the Poor of any Parish in which such Parts or any of them may be; and in case it shall be enacted by any Act of Parliament hereafter to be passed that the whole or Part of any Provisional Order or Orders of the General Board of Health shall be confirmed and be absolute, the whole or Part of such Provisional Order or Orders which shall be so confirmed shall be as binding and of the like Force and Effect as if the same had been expressly enacted by Parliament, and every such Act shall be deemed a Public General Act; but no such Provisional Order shall have any Force or Effect, nor shall this Act or any Part thereof be applied in either of the Cases last aforesaid, except for the Purposes of such Inquiry, further Inquiry, Report, or Provisional Order, without the previous Authority of Parliament; and no such Provisional Order, or any altered or amended Order, shall be made with respect to any Local Act of Parliament under which any Waterworks Company is empowered to construct Waterworks or supply Water for their own Profit, without the Consent of the Waterworks Company empowered by

Cases in which Act shall be put in force by Provisional Order of General Board, and sanctioned by Parliament.

Exception with respect to certain Local Acts for supplying Water.

such

such Local Act first had and obtained: Provided always, that, except for the Purposes of Main Sewerage no Corporate Borough or any Part thereof shall be included in any District not exclusively consisting of the whole or Part of One such Borough without the previous Consent of the Council under the Common Seal of the Borough; but nothing herein contained shall be construed to require such Consent to the Constitution of a District exclusively consisting of the whole or Part of One such Borough for all or any of the Purposes of this Act, nor to hinder or prevent the Application of all or any of the Provisions of this Act to Parts exclusively consisting of the whole or Part of One such Borough, although the same Parts or any of them may have been already included within a District for the Purposes of Main Sewerage: Provided also, that, except for the Purposes of Main Sewerage, no Parts beyond the Boundaries of a Corporate Borough shall be included in any District comprising the whole or Part of any such Borough, except upon the Petition of a Majority of the Owners of Property and Rate-payers who would be qualified to vote in the Election of Members of a Local Board of Health for the Parts proposed to be so included; but nothing herein contained shall be construed to require such Petition in order to the Constitution of a District exclusively consisting of Parts not within the Boundaries of any such Borough, nor to hinder or prevent the Application of all or any of the Provisions of this Act to a District exclusively consisting of such last-mentioned Parts, although the same Parts, or any of them, may have been already included within a District for the Purposes of Main Sewerage.

Consent of Town Council, &c. in certain Cases.

Preliminary Inquiry (continued).

XI. And be it enacted, That from and after the making of any such Order in Council, or the passing of any Act of Parliament confirming any Provisional Order of the General Board of Health, the Costs, Charges, and Expenses especially incurred by or under the Direction of the said General Board, or of any Superintending Inspector, in relation to any Inquiry or further Inquiry as aforesaid, shall, to such Extent and Amount as the Commissioners of Her Majesty's Treasury by Order under their Hands may think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as shall from Time to Time remain unpaid.

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates.

Local Boards of Health.

XII. And be it enacted, That in every District exclusively consisting of the whole or Part of One Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall be, by the Council of the Borough within and for such District the Local Board of Health under this Act, and such Council shall exercise and execute the Powers, Authorities, and Duties of such Local Board according to the Laws for the Time being in force with respect to Municipal Corporations in *England* and *Wales;* and in every District exclusively consisting of Two or more of such Boroughs, or of One or more of such Boroughs and also of Part of any other such Borough or Boroughs, or exclusively consisting of Part of Two or more of such Borough or Boroughs, the Mayors for the Time being of the Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order as aforesaid to be selected by each of such Councils respectively out of their own Number, or from Persons qualified to be Councillors of the Borough in respect of which the Selection is to be made, and shall be named and selected by such Councils accordingly, shall, within and for such District be the Local Board of Health under this Act; and in every District comprising the whole or Part of any such Borough or Boroughs, and also Parts not within the Boundaries of any such Borough, the Mayor or Mayors for the Time being of the Borough or Boroughs whereof the whole or Part is within such last-mentioned District, and such Number of other Persons as shall be fixed by such Provisional Order to be selected by such Council or each of such Councils respectively out of their own Number, or from the Persons qualified to be Councillors of the Borough in respect whereof the Selection is to be made, and shall be named and selected by such Council or Councils accordingly, shall, together with such Number of Persons as shall be elected as herein-after mentioned in respect of such Noncorporate Parts, be, within and for such District, the Local Board of Health under this Act; and the first Selection by any such Council in pursuance of this Act shall be made on a Day to be appointed by Parliament; and each Person selected by the Council out of their own Number shall be a Member of the Local Board with which he is selected to act so long as he continues without Re-election to be Member of the Council from whom he was selected, and no longer; and each Person selected by the Council otherwise than out of their own Number shall be a Member of the Local Board with which he is selected to act for One Year from the Date of his Selection, and no longer; and in case of any Vacancy in the Number selected some other Person or Persons (as the Case may require) shall be selected by the Council by whom the Person or Persons causing the Vacancy was or were selected, within One Month after the Occurrence of the Vacancy; and the Meeting of any Council at which any Selection as aforesaid is made in pursuance of this Act shall to all Intents and Purposes be deemed to be a Meeting held in pursuance of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for the Regulation of Municipal Corporations in* England *and* Wales.

Town Council to be the Local Board in Districts consisting of One Borough, &c.

Selection, &c. of Local Boards by Town Councils.

Selection of Part of Local Board by Town Councils, and Part by Owners and Rate-payers.

5 & 6 W. 4. c. 76.

Election of Members of Local Board by Owners and Rate-payers.

XIII. And be it enacted, That *in every District comprising the whole or Part of any Corporate* Borough or Boroughs as aforesaid, *and also any Part or Parts not within the Boundaries of any Corporate* Borough or Boroughs, such Number of Persons, *qualified as herein-after prescribed, as shall be* fixed by such Provisional Order as aforesaid to be elected for such Part or Parts, *or for each of such Parts* respectively, shall from Time to Time be elected in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, together with the Persons selected as aforesaid in respect of

Local Boards of Health.

of the Corporate Parts of such District, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, but being a District to which this Act may be applied by Order of Her Majesty in Council, such Number of Persons, qualified as herein-after prescribed in this Behalf, as shall be fixed by such Order in Council, shall be elected, in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and in every District not comprising the whole or Part of any Corporate Borough or Boroughs, and being a District to which this Act cannot be applied without the Authority of Parliament, such Number of Persons, qualified as herein-after prescribed, as shall be fixed by such Provisional Order as aforesaid, shall be elected in such Manner and by such Owners of Property and Rate-payers as herein-after mentioned, to be, and shall be, within and for such District, the Local Board of Health under this Act; and the First Election for any District or Part of a District shall take place on a Day to be appointed by Order of Her Majesty in Council or by Parliament (as the Case may require); and One Third of the Number elected for the whole or any Part or Parts of a District respectively shall go out of Office on such Day in each Year subsequently to that of the First Election as shall be appointed by such Order in Council or Provisional Order as aforesaid (as the Case may require); and the Order in which the Persons first elected shall go out of Office shall be regulated by each Local Board: Provided always, that if the Number of Persons to be elected be not divisible by Three the Proportion to go out of Office in each Year shall be regulated by such Order in Council or Provisional Order (as the Case may require) so that as nearly as may be One Third shall go out of Office in each Year; and if the Number of Persons to be elected for any Part of a District be less than Three the Persons elected shall go out of Office on such Day in each Year, or at such other Period not being less than a Year, as such Order in Council or Provisional Order (as the Case may require) shall direct; but no Person elected shall in any Case continuously remain in Office for more than Three Years; and on the Days appointed for going out of Office a Number of Persons shall be elected equal to the Number of those so going out, and so many others as may be necessary to complete the full Number of the Local Board of Health in respect of which the Election is to be made.

Regulations as to the Number of Persons to be selected or elected Members of Local Boards.

In case of Vacancies, remaining Members may act.

Persons both selected and elected, &c. to serve in respect of One Title only.

XIV. And be it enacted, That the Number of Persons to be selected or elected for the whole or any Part of a District shall from Time to Time be regulated by such Order in Council or Provisional Order as aforesaid (as the Case may require), due regard being had to the Size and Circumstances of each District as may appear to be just and proper; and that any Member of the Local Board of Health, after going out of Office, resigning, or otherwise ceasing to be such Member, may, if otherwise qualified, be again selected or elected (as the Case may require); and in the event of any Vacancy in the Number of Persons elected, by Death, Resignation, or otherwise, between the Times appointed for Election as aforesaid, or if at any Time the said Local Board be without its full Number of Members, the remaining Members shall continue and be as competent to act until the Time appointed for Election, or until the full Number is selected or elected, (as the Case may require,) as if no Vacancy had occurred; and if any Person be both selected and elected to be a Member of the Local Board of Health, he shall, within Three Days after Notice thereof from the Clerk, choose, or in default of such Choice, the Local Board of which he is so selected and elected to be Member shall determine, the Title in respect of which he shall serve, and immediately upon such Choice or Determination the Person so selected and elected shall be deemed to be Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon become vacant.

Members elected for Part of a Sewerage District to constitute separate Board for other Purposes of the Act.

XV. Provided always, and be it enacted, That if any Corporate Borough or Part thereof be included only for the Purposes of Sewerage in any District comprising any Part or Parts not within the Boundaries of any such Borough, and the last-mentioned Part or Parts, or any of them, be constituted a District or Districts for any other Purposes of this Act, the Persons elected for such Sewerage District shall, within and for the separate District within which they shall have been so elected, be and constitute the Local Board of Health, in the same Manner and as fully to all Intents and Purposes as if they had been expressly elected to constitute the same.

Qualification of elected Members.

XVI. And be it enacted, That every Person elected as aforesaid shall at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, be resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and be seised or possessed of Real or Personal Estate, or both, to such Value or Amount as shall be fixed by such Order in Council or Provisional Order as aforesaid (as the Case may require), within the Limits next herein-after provided, or be so resident, and rated to the Relief of the Poor of some Parish, Township, or Place of which some Part is within such District or Part of a District, upon such annual Value as shall be fixed by such Order in Council or Provisional Order (as the Case may require), within the Limits next herein-after provided: Provided always, that it shall not be lawful to require that any Person be seised or possessed as aforesaid to a Value or Amount exceeding One thousand Pounds, or to require that any Person be rated upon an annual Value exceeding Thirty Pounds; provided also, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which if equally divided between them would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected; but the same Property shall not at the same Time qualify both the Owner and the Occupier thereof.

XVII. And

Local Boards of Health.

XVII. And be it enacted, That no Person elected as aforesaid, or selected by any Council otherwise than out of their Number, shall act as Member of the Local Board of Health (except in administering the following Declaration) until he shall have made and signed before Two or more other Members for the District for which he is elected a Declaration in Writing to the Effect following; (that is to say,)

Declaration to be made by Members of Local Boards before acting.

'I *A. B.* do solemnly declare, That I am seised or possessed of Real or Personal [*or* Real and Personal] Estate to the Value or Amount of [*or* that I am rated to the Relief of the Poor] of upon the annual Value of .

(Signed) *A. B.*

'Made before us, *C. D.* and *E. F.*, Members of the Local Board of Health for the District of this Day of .'

False Declaration a Misdemeanor.

And such Declaration shall be made and signed by the Person making the same, and shall be filed and kept by the Clerk; and any Person who shall falsely or corruptly make and subscribe the said Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Person neglecting to make Declaration or to act for Three Months to cease to be a Member.

XVIII. And be it enacted, That any Person elected as aforesaid, or selected by any Council otherwise than out of their own Number, who neglects to make and subscribe the Declaration required by this Act for the Space of Three Months next after his Selection or Election, and any Person selected or elected under this Act who during Three successive Months is absent from all Meetings and Committees of the Local Board of Health of which he is elected or selected to be Member, shall be deemed to have refused to act, and shall cease to be a Member of such Local Board, and his Office as such shall thereupon become vacant.

Disqualifications.

XIX. And be it enacted, That no Bankrupt, Insolvent, or other Person not qualified as aforesaid shall be capable of being elected as aforesaid; and if any Person, after being so elected or selected by any Council otherwise than out of their own Number, shall lose or discontinue to hold his Qualification, or shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or shall compound with his Creditors, or if any Member selected or elected under this Act shall accept or hold any Office or Place of Profit under the Local Board of Health of which he is Member, or shall in any Manner be concerned in any Bargain or Contract entered into by such Board, or participate in the Profit thereof, or of any Work done under the Authority of this Act in or for the District for which he is Member, then and in every such Case such Person shall, except in the Cases next herein-after provided, cease to be such Member, and his Office as such shall thereupon become vacant; and any Person who, not being duly qualified to act as Member of the said Local Board, or who has not made and subscribed the Declaration required of him by this Act, or who after being disqualified or disabled from acting by any Provision of this Act shall so act, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and in such Action it shall be sufficient for the Plaintiff to prove in the first instance that the Defendant at the Time when the Offence is alleged to have been committed acted as such Member; and the Burden of proving Qualification, and the making and Subscription of the Declaration, or negativing Disqualification by reason of Nonresidence, or not being seised or possessed of the requisite Real or Personal Estate, or both, shall be upon the Defendant: Provided always, that no Person being a Proprietor, Shareholder, or Member of any Company or Concern established for the Supply of Water or for the carrying on of any other Works of a like public Nature, shall be disabled from being, continuing, or acting as Member of the said Local Board by reason of any Contract entered into between such Company or Concern and such Board; but no such Person shall vote as Member of the said Local Board upon any Question in which such Company or Concern is interested: Provided also, that all Acts and Proceedings of any Person disqualified, disabled, or not duly qualified as aforesaid, or who has not made and subscribed the said Declaration, shall, if done previously to the Recovery of the last-mentioned Penalty, be valid and effectual to all Intents and Purposes whatsoever.

Election of Local Boards.

Qualification of Electors, and Scale of voting.

XX. And be it enacted, That at every such Election as aforesaid the Rate-payers in respect of Property in the District or Part of a District for which the Election is held, and the Owners of such Property, shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have One Vote, if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have Two Votes, if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have Three Votes, if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have Four Votes, if it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds he shall have Five Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have Six Votes; and any Person who is Owner and also *bonâ fide* Occupier of the same Property shall be entitled to vote both in respect of such Ownership and of such Occupation; and the Votes shall be given, taken, collected, and returned according to the Directions herein-after contained; and the Majority of the Votes actually collected and returned shall be binding on the District or Part of a District for which the Election is had; and whosoever shall not vote or shall not comply with such Directions shall be omitted in the Calculation of Votes, and be deemed to have had no Vote: Provided always, that the Word "Owner" and "Owners," when used in this Act in relation to the Right of voting at any Election under this Act, shall respectively be construed to mean any Person or Persons for the Time being in the actual Occupation of any Kind of Property rateable to the Relief of the Poor, and not let to him or them at a Rack Rent, or any Person or Persons receiving either on his or their own Account, or as Mortgagee

Definition of the Words "Owner" and "Owners" as applied to this Act.

Election of Local Boards.

Mortgagee or Mortgagees, or other Incumbrancer or Incumbrancers, in possession, the Rack Rent of any such Property; and no Person shall be deemed a Rate-payer or be entitled to vote as such at any such Election unless he shall have been rated to the Relief of the Poor in the District or Part of a District for which he claims to vote for the Space of One whole Year immediately preceding the Day of tendering his Vote, and shall have also paid all Rates made upon him for the Relief of the Poor in such District or Part of a District for the Period of One whole Year, and shall have also paid all such Rates, and all Rates due from him under this Act, before that Day, in such District or Part of a District, except Rates which shall have been made or become due within the Six Months immediately preceding: Provided also, that in case of Property belonging to a Corporation Aggregate, or to a Joint Stock or other Company, or to any Body of Proprietors or Undertakers, such Corporation, Company, Body of Proprietors or Undertakers respectively shall be deemed to be One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under the Common Seal (in case of a Corporation) or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Owner in respect of such Property; and no Owner whosoever shall be entitled to vote as such, unless, Fourteen Days at least previously to the Day of tendering his Vote, he shall have delivered to the Clerk, or (in case of the first Election) to such Person within the District in which the Qualification to vote is situate as shall be directed by such Order in Council or Provisional Order (as the Case may require), a Statement in Writing of his Name and Address, and containing a Description of the Nature of his Interest or Estate in the Property giving the Qualification, and a Statement of the Amount of all Rent-service (if any) which he may receive or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay the same; and no such Corporation Aggregate, Joint Stock or other Company, Body of Proprietors or Undertakers, shall be entitled to vote unless such Statement contain the Name and Address of the Proxy appointed, and a true Copy of the Appointment of such Proxy.

Elections, by whom to be conducted.

XXI. And be it enacted, That at every Election by Owners of Property and Rate-payers under this Act the Chairman of the Local Board of Health, or, in case of the first Election, such Person as shall be appointed by Order of Her Majesty in Council, or by Provisional Order of the General Board of Health, (as the Case may require,) shall have the Powers and perform the Duties vested in or imposed upon the said Chairman by this Act in relation to any such Election, and shall perform all other Duties which it may be requisite for him to perform in conducting and completing Elections under this Act; and in case the Office of Chairman shall be vacant at the Time when any such Power or Duty must be executed or performed, or in case the Chairman or Person appointed as last aforesaid, from Illness or other sufficient Cause, shall be unable to exercise or discharge such Powers or Duties, or shall be absent, or shall refuse to act, some other Person who shall be appointed (in case of the first Election) by such Order in Council or Provisional Order, or (in any other Case) by the Local Board of Health, shall exercise or perform such of the said Powers and Duties as then remain to be exercised or performed; and the said Local Board, or (in case of the first Election) the Person appointed by such Order in Council or Provisional Order, shall, before or during the Election appoint a competent Number of Persons to assist and attend upon the Chairman or the Person so appointed (as the Case may require) in conducting and completing the same.

Production of Parochial Books, &c. for Purposes of Election.

List of Voters, &c. to be made, if necessary.

XXII. And be it enacted, That the Clerk of the Board of Guardians of any Union, and the Overseers or other Officers of every Parish wholly or in part within the Parts for which any such Election shall be held, and having the Custody of any Books or Papers relating to the Election of Guardians of the Poor, or the Poor Rate Books relating to any such Parish, shall permit the same to be inspected and Copies or Extracts to be taken therefrom by the said Chairman, or (in case of the first Election) by any Person appointed by such Order in Council or Provisional Order as aforesaid; and the said Chairman may, if he shall see fit, cause to be made an alphabetical List of the Persons entitled to vote at the Election.

Publication of Notices previously to Election.

XXIII. And be it enacted, That the said Chairman shall, before every such Election, prepare, sign, and publish a Notice, which shall contain the Particulars following; that is to say, the Number and Qualification of the Persons to be elected, the Persons by whom and the Places where the Nomination Papers herein after mentioned are to be received, and the last Day on which they are to be sent, the Mode of voting in case of a Contest, and the Days on which the Voting Papers will be delivered and collected, and the Time and Place for the Examination and casting up of the Votes; and he shall also cause such Notice to be affixed on such Places in the Parts for which the Election is to be held as are ordinarily made use of for affixing thereon Notices of Parochial Business: Provided always, that whenever the Day appointed for the Performance of any Act in relation to any such Election shall be on a *Sunday*, *Christmas Day*, or *Good Friday*, or any Day appointed for public Fast or Thanksgiving, such Act shall be performed on the Day next following.

Nomination and Election of Candidates.

XXIV. And be it enacted, That any Person entitled to vote may nominate for the Office of Member of the Local Board of Health himself (if qualified to be elected), or any other Person or Persons so qualified (not exceeding the Number of Persons to be elected); and every such Nomination shall be in Writing, and shall state the Names, Residence, Calling, or Quality of the Persons nominated, and shall be signed by the Party nominating, and be sent to the said Chairman; and if the Number of Persons nominated shall be the same or less than the Number of Persons to be elected, such Persons (if duly qualified) shall be deemed to be elected, and shall be certified accordingly by the said Chairman under his Hand; but if the Number so nominated exceed the Number to be elected, the said Chairman shall cause Voting Papers,

Election of Local Boards.

Papers, in the Form contained in the Schedule (A.) to this Act annexed, to be prepared and filled up, and shall insert therein the Names of all the Persons nominated, in the Order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the Name of any Person nominated; and the said Chairman shall, Three Days before the Day of Election cause One of such Voting Papers to be delivered by the Persons appointed for that Purpose to the Address in the Parts for which the Election is to be held of each Owner and Proxy, and at the Residence of each Rate-payer entitled to vote therein: Provided always, that if any Person put in nomination shall tender to the Officer conducting the Election his Refusal in Writing to serve as a Member of the Local Board of Health, and if in consequence of such Refusal the Number of Persons nominated shall be the same as or less than the Number of Persons to be elected, all or so many of the remaining Candidates as shall be duly qualified shall be deemed to be elected, and shall be certified as such by the Chairman under his Hand.

Mode of voting.

XXV. And be it enacted, That each Voter shall write his Initials in the Voting Paper delivered to him against the Name or Names of the Person or Persons (not exceeding the Number of Persons to be elected) for whom he intends to vote, and shall sign such Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in Writing the Name of the Corporation, Company, or Body of Proprietors or Undertakers for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter against the Name of every Candidate for whom the Voter intends to vote.

Regulations as to Collection of Voting Papers.

XXVI. And be it enacted, That the said Chairman shall cause the Voting Papers to be collected on the Day of Election by the Persons appointed or employed for the Purpose in such Manner as he shall direct; but no Voting Paper shall be received or admitted unless the same have been delivered at the Address or Residence as aforesaid of the Voter within the Parts for which the Election is had, nor unless the same be collected by the Persons appointed or employed for that Purpose, except as next herein-after provided: Provided always, that if any Person qualified to vote shall not have received a Voting Paper as aforesaid, he shall, on Application before that Day to the said Chairman, be entitled to receive a Voting Paper from him, and to fill up the same in his Presence, and then and there to deliver the same to him: Provided also, that in case any Voting Paper duly delivered shall not have been collected, through the Default of the said Chairman, or the Persons appointed or employed to receive the same, the Voter in Person may deliver the same to the said Chairman before Twelve o'Clock at Noon on the Day, or the first Day, (as the Case may be,) appointed for the Examination and casting-up of the Votes.

Regulations as to Examination of Votes and Elections of Local Boards.

XXVII. And be it enacted, That the Chairman shall, on the Day immediately following the Day of the Election, and on as many Days immediately succeeding as may be necessary, attend at the Office of the Local Board of Health, and ascertain the Validity of the Votes, by an Examination of the Rate Books and such other Books and Documents as he may think necessary, and by examining such Persons as he may see fit; and he shall cast up such of the Votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the Number of such Votes for each Candidate; and the Candidates to the Number to be elected who, being duly qualified, shall have obtained the greatest Number of Votes, shall be deemed to be elected, and shall be certified as such by the said Chairman under his Hand; and to each Person so elected the said Chairman shall send or deliver Notice of such Election; and the said Chairman shall also cause to be made a List containing the Names of the Candidates, together with (in case of a Contest) the Number of Votes given for each, and the Names of the Persons elected, and shall sign and certify the same, and shall deliver such List, together with the Nomination and Voting Paper which he shall have received, to the Local Board of Health at their first or next Meeting (as the Case may be), who shall cause the same to be deposited in their Office, and the same shall, during Office Hours thereat, be kept open to public Inspection, together with all other Documents relating to the Election, for Six Months after the Election shall have taken place, without Fee or Reward; and the said Chairman shall cause such List to be printed, and Copies thereof to be affixed at the usual Places for affixing Notices of Parochial Business within the Parts for which the Election shall have been made.

Notices to be sent to Persons elected.

List of Persons elected, &c. to be transmitted to Local Boards, who shall deposit the same, which shall be open to Inspection.

Penalty upon Persons conducting Elections neglecting to comply with Provisions of this Act.

XXVIII. And be it enacted, That if the said Chairman or other Person charged with taking, collecting, or returning the Votes at any such Election as aforesaid shall neglect or refuse to comply with any of the Provisions of this Act in that Behalf, he shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds; and any Person employed for the Purposes of any such Election, by or under the said Chairman or other Person charged as aforesaid, who shall be guilty of any such Neglect or Refusal, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Defects in Election, &c. not to invalidate Proceedings.

XXIX. And be it enacted, That all Proceedings of the Local Board of Health, and of any Person acting as Member or under the Authority thereof, shall, notwithstanding any Defect in the Selection or Election of such Board or any Member thereof, be as valid and effectual as if no such Defect had ever existed.

Expenses of Elections to be defrayed out of General District Rates.

XXX. And be it enacted, That the necessary Expenses attendant upon any such Election as aforesaid, and such reasonable Remuneration to Returning Officers and other Persons for Services performed or Expenses incurred by them in relation thereto as shall from Time to Time be allowed by the Local Board of Health in that Behalf, shall be paid out of the General District Rates to be levied under this Act.

Local Board of Health in Oxford and Cambridge to consist

XXXI. Provided always, and be it enacted, That nothing herein-before contained with respect to the Appointment, Selection, or Election of any Local Board of Health, or Member thereof, shall apply to the City of *Oxford*, or the Parts within the Jurisdiction of the Commissioners for amending certain Mile-

of Oxford and Cambridge Improvement Commissioners. 52 G. 3. c. lxxii. 34 G. 3. c. civ.

ways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) or to the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the *Cambridge* Commissioners); and if the City of *Oxford*, or the Parts within the first-mentioned Jurisdiction, become a District under this Act, the same shall be called the *Oxford* District, and the said *Oxford* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act; and if the Borough of *Cambridge*, or the Parts comprised within the Jurisdiction secondly above mentioned, become a District under this Act, the same shall be called the *Cambridge* District, and the said *Cambridge* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act.

With respect to the Execution of the Act by Commissioners under Local Acts in other Cases.

XXXII. And be it declared and enacted, That whenever by any such Provisional Order as aforesaid the Commissioners or Trustees acting under any Local Act of Parliament are constituted the Local Board of Health under this Act, such Commissioners or Trustees shall, within and for the District to which such Provisional Order applies, exercise and execute the Powers, Authorities, and Duties vested in or imposed on the Local Board of Health by this Act, and so much of this Act as relates to the Appointment, Election, or Selection of Local Boards of Health shall not apply to such District.

Local Board of Health, in case of a District afterwards becoming a Corporate Borough.

XXXIII. And be it enacted, That if, after the Application of this Act to any District, the Parts constituting the District shall afterwards become or be entirely comprised within the Limits of a Corporate Borough, the Mayor, Aldermen, and Burgesses of such Borough shall from and after such Day as shall have been specified in the Charter of Incorporation in this Behalf be, by the Council of the Borough, the Local Board of Health within and for such District; and in case any Day shall have been so specified, but not otherwise, the Powers, Authorities, Duties, Property, and Liabilities of any other Persons as such Local Board shall from and after that Day absolutely cease and determine, and be vested in such Mayor, Aldermen, and Burgesses, as fully to all Intents and Purposes as if they had always been the Local Board of Health from the Time when the District was originally constituted.

Meetings, &c. of Local Boards.

Meetings of Local Boards of Noncorporate Districts, and Regulation of Business, &c.

XXXIV. And be it enacted, That the Local Board of Health of every Noncorporate District shall hold an annual Meeting and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly executing its Powers and Duties under this Act, and shall from Time to Time make Bye Laws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Board under this Act: Provided always, that no Business shall be transacted at any such Meeting unless at least One Third of the full Number of Members be present thereat, except in either of the Districts to be called the *Oxford* or *Cambridge* Districts, in which Cases Business may be transacted if at least Seven Members be present; and all Questions shall be decided by a Majority of Votes; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded; and the said Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their annual Meeting, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same the Members present shall appoint One of their Number to act as Chairman thereat; and in case the Chairman appointed as first aforesaid die, resign, or become incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer; and the Chairman at any Meeting shall have a Second or casting Vote in case of an Equality of Votes; but nothing herein contained with respect to the Appointment of Chairman shall apply to any District to be called the *Oxford* or *Cambridge* District, and in such Districts the *Oxford* or *Cambridge* Commissioners respectively shall appoint a Chairman as heretofore.

Local Boards to provide Offices for transacting Business, and cause a Seal to be made.

XXXV. And be it enacted, That the Local Board of Health shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business and that of their Officers and Servants under this Act, and (in the Case of a Noncorporate District) shall cause to be made a Seal for the Use of such Board in the Execution of this Act; and Documents or Copies of Documents purporting to proceed from the said Local Board, and to be signed by any Five or more Members thereof, and to be sealed or stamped with such Seal, or (in the Case of a Corporate District) to be sealed with the Common Seal, shall be received as *primâ facie* Evidence in all Courts and Places whatsoever.

Committees may be appointed.

XXXVI. And be it enacted, That the Local Board of Health may from Time to Time appoint out of their own Number so many Persons as they may think fit, for any Purposes which in the Opinion of the said Local Board would be better regulated and managed by means of a Committee: Provided always, that the Acts of every such Committee shall be submitted to the said Local Board for their Approval.

Local Officers.

Power to Local Boards to appoint Surveyor, Inspector of Nuisances,

XXXVII. And be it enacted, That the Local Board of Health shall from Time to Time appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer for the Purposes of this Act, and shall appoint or employ such Collectors and other Officers and Servants as may be necessary and proper for the efficient Execution of this Act, and shall make Bye Laws for regulating the Duties and Conduct of the several Officers and Servants so appointed or employed; and the said Local Board may pay, out of the General District Rates to be levied under this Act, to such Officers and Servants,

such

such reasonable Salaries, Wages, or Allowances as the said Local Board may think proper; and every such Officer and Servant shall be removable by the said Local Board at their Pleasure, subject nevertheless, in the Case of the Removal of the Surveyor, to the Approval of the General Board of Health: Provided always, that the same Person may be both Surveyor and Inspector of Nuisances; but neither the Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and whosoever offends in any of the Cases enumerated in this Proviso shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Clerk, Treasurer, &c.

Same Person may be Surveyor and Inspector of Nuisances, but not Clerk and Treasurer.

XXXVIII. And be it enacted, That no Officer or Servant appointed or employed by or under the Local Board of Health shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.

XXXIX. And be it enacted, That before any such Officer or Servant enters upon any Office or Employment under this Act by reason whereof he will or may be intrusted with the Custody or Control of Money, the Local Board of Health by whom he is appointed shall require and take from him sufficient Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, pay over the same to the Treasurer, and shall, as and when the said Local Board may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any such Rate, and the Sums respectively due from them; and every Officer and Servant appointed or employed by or acting under the said Local Board shall respectively, when and in such Manner as shall be required by such Board, make out and deliver to them a true and perfect Account in Writing of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the said Local Board all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to such Board, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode or Business, and if it appear to the last-mentioned Justices that he has failed to render any such Accounts, or to produce and deliver up any such Vouchers or Receipts, or any such Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, they may, by Warrant under their Hands and Seals, commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Accounts, and produced and deliver up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, the last-mentioned Justices may, by a like Warrant, cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress commit him to Gaol, there to remain, without Bail, for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, such Justice may without previous Summons, by Warrant under his Hand and Seal cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Officers, &c. intrusted with Money to give Security, and to account.

Summary Proceedings to be taken in case of failing to account, &c.

XL. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, appoint a fit and proper Person, being a legally qualified Medical Practitioner or Member of the Medical Profession, to be and be called the Officer of Health, who shall be removable by the said Local Board, and shall perform such Duties as the said General Board shall direct; and the same Person may be Officer of Health for Two or more Districts; and the Local Board or Boards of Health of the District or Districts respectively for which any such Officer is appointed may pay to him, out of the General

Power to appoint an Officer of Health.

Local Officers.

District Rates to be levied under this Act, such Remuneration by way of annual Salary or otherwise as the said Local Board or Boards may by Order in Writing determine and appoint, and (in case of a joint Appointment for Two or more Districts) in such Proportions as the said General Board may by Order in Writing determine and appoint: Provided always, that the Appointment and Removal of the Officer of Health shall be subject to the Approval of the said General Board.

District Maps, &c.

Map exhibiting System of Sewerage.

XLI. And be it enacted, That the said Local Board of Health may, if they shall think fit, cause to be prepared, or to procure, a Map exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act, upon a Scale to be prescribed by the General Board of Health; and every such Map shall be kept at the Office of the said Local Board, and shall at all reasonable Times be open to the Inspection of the Rate-payers of the District to which it applies.

Expense of Surveys, &c.

XLII. And be it enacted, That the Expense of Surveys, Maps, or Plans made, prepared, or procured by the Local Board of Health for the Purposes of this Act shall be defrayed out of the General District Rates to be levied under this Act.

Sewers.

Sewers, &c. vested in Local Board.

XLIII. And be it enacted, That all Sewers, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and except Sewers made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, and Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,) together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, shall vest in, belong to, and be entirely under the Management and Control of the Local Board of Health.

Power to purchase, &c. certain Sewers.

XLIV. And be it enacted, That the Local Board of Health may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers, or contract for the Use of any Sewers within their District, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the said Local Board; and in case of any such Sale, the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Local Board of Health purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Making, Alteration, and Discontinuance of Sewers vested in Local Board.

XLV. And be it enacted, That the Local Board of Health shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act; and the said Local Board may carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf, (if upon the Report of the Surveyor it should appear to be necessary,) into, through, or under any Lands whatsoever; and the said Local Board may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance; and if by reason thereof any Person is deprived of the lawful Use of any Sewer the said Local Board shall provide some other Sewer as effectual for his Use as the one of which he is so deprived.

As to cleansing and emptying Sewers, &c. by Local Board.

XLVI. And be it enacted, That the Local Board of Health shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse therefrom to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.

Penalty for making unauthorized Sewers, and building over Sewers and under Streets.

XLVII. And be it enacted, That it shall not be lawful to cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board of Health, nor to cause any Building to be newly erected over any such last-mentioned Sewer, nor to cause any Vault, Arch, or Cellar to be newly built or constructed under the Carriageway of any Street, without the written Consent of the said Local Board first had and obtained; and whosoever offends against this Enactment shall forfeit to the said Local Board the Sum of Five Pounds, and a further Penalty of Forty Shillings for every Day during which the Offence is continued after Notice in Writing from them in this Behalf; and if any Sewer, Drain, Building, Vault, Arch, or Cellar be made, erected, or constructed contrary to this Enactment the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in the summary Manner herein-after provided.

Use of Sewers by Persons beyond District.

XLVIII. And be it enacted, That any Owner or Occupier of Premises adjoining or near to but beyond the Limits of any District may cause any Sewer or Drain of or from such Premises to communicate with any

Sewers.

any Sewer of the Local Board of Health upon such Terms and Conditions as shall be agreed upon between such Owner and Occupier and such Local Board, or, in case of Dispute, as shall be settled by Arbitration in the Manner provided by this Act.

Drains, Privies, &c.

No new House to be built without Drains, &c.

XLIX. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly erected or rebuilt, unless and until a covered Drain or Drains be constructed, of such Size and Materials, and at such Level, and with such Fall as upon the Report of the Surveyor shall appear to be necessary and sufficient for the proper and effectual Drainage of the same and its Appurtenances; and if the Sea, or a Sewer of the Local Board of Health, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of the Site of the House to be built or rebuilt, the Drain or Drains so to be constructed shall lead from and communicate with such one of those Means of Drainage as the said Local Board shall direct, or if no such Means of Drainage be within that Distance, then the last-mentioned Drain or Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board shall direct; and whosoever erects or rebuilds any House or constructs any Drain contrary to this Enactment shall be liable for every such Offence to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; and if at any Time, upon the Report of the Surveyor, it appear to the said Local Board that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without any Drain, or without such a Drain or Drains communicating with the Sea or a Sewer as is or are sufficient for the proper and effectual Drainage of the same and its Appurtenances, and if the Sea, or a Sewer of the said Local Board, or a Sewer which they are entitled to use, be within One hundred Feet of any Part of such House, they shall cause Notice in Writing to be given to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to construct and lay down, in connexion with such House and One of those Means of Drainage, One or more covered Drain or Drains, of such Materials and Size, at such Level, and with such Fall as upon the last-mentioned Report shall appear to be necessary; and if such Notice be not complied with the said Local Board may, if they shall think fit, do the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided.

Local Board may, upon Report of Surveyor that any House is without a Drain, cause one to be constructed, &c.

Execution of minor Works by Overseers, &c.

As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied.

L. And be it enacted, That if it shall appear to a Majority of not less than Three Fifths of the rated Inhabitants of any Parish or Place containing less than Two thousand Inhabitants on the then last Census, in which this Act shall not have been applied by Order in Council or Provisional Order as aforesaid, assembled at a Public Meeting to be called as is herein-after provided, that it would contribute to the Health and Convenience of the Inhabitants that any Pond, Pool, open Ditch, Sewer, Drain, or Place containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, should be drained, cleansed, covered, or filled up, or that a Sewer should be made or improved, a Well dug, or a Pump provided, for the public Use of the Inhabitants, the Churchwardens and Overseers of such Parish or Place shall procure a Plan and an Estimate of the Cost of executing such Works, or any of them, and shall lay the same before another public Meeting of such rated Inhabitants, to be called as is herein-after provided; and if the same shall be approved and sanctioned by a Majority of the rated Inhabitants assembled at such last-mentioned Meeting, such Churchwardens and Overseers shall cause the Works in respect of which such Estimate shall have been made and sanctioned as aforesaid to be executed, and shall pay the Cost thereof out of the Poor Rates of such Parish or Place: Provided always, that Notice of every such Meeting shall be given by such Churchwardens and Overseers as is by this Act directed to be given by Superintending Inspectors, before proceeding upon Inquiries previously to the Application of this Act, and every such Notice shall also contain a Statement of the Works proposed or intended to be submitted for Consideration and Approval.

Drains, Privies, &c. (continued.)

Penalty for erecting Houses without Watercloset, &c.

Local Board may, upon Report of Surveyor, order Watercloset, &c. to be erected in Houses, whether built before or after this Act is applied, &c.

* LI. And be it enacted, That it shall not be lawful newly to erect any House, or to rebuild any House pulled down to or below the Floor commonly called the Ground Floor, without a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings; and whosoever offends against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of the Surveyor, it appear to the Local Board of Health that any House, whether built before or after the Time when this Act is applied to the District in which it is situate, is without a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified therein, to provide a sufficient Watercloset or Privy and an Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with, the said Local Board may, if they shall think fit, cause to be constructed a sufficient Watercloset or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in manner herein-after provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if, in the

Drains, Privies, &c.

the Opinion of the said Local Board, a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

Certain Watercloset to be constructed in Factories, &c.

LII. And be it enacted, That if at any Time it appear to the Local Board of Health, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the said Local Board may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Notice of building and rebuilding, with respect to Levels of Houses, Situation of Privies, &c.

LIII. And be it enacted, That, Fourteen Days at the least before beginning to dig or lay out the Foundations of or for any new House, or to rebuild any House pulled down to the Extent aforesaid, the Person intending so to build or rebuild shall give to the Local Board of Health written Notice thereof, together with the Level or intended Level of the Cellars or lowest Floor, and the Situation and Construction of the Privies and Cesspools to be built, constructed, or used in connexion with such House; and it shall not be lawful to begin to build or rebuild any such House, or to build or construct any such Privy or Cesspool, until the Particulars so required to be stated have been approved by the said Local Board; and in default of such Notice, or if any such House, Privy, or Cesspool be built, rebuilt, or constructed as aforesaid without such Approval, or in any respect contrary to the Provisions of this Act, the Offender shall be liable to a Penalty not exceeding Fifty Pounds; and the said Local Board may, if they shall think fit, cause such House, Privy, or Cesspool to be altered, pulled down, or otherwise dealt with as the Case may require, and the Expenses incurred by them in so doing shall be repaid by the Offender, and be recoverable from him in the summary Manner herein-after provided: Provided always, that if the said Local Board fail to signify their Approval or Disapproval of the said Particulars for the Space of Fourteen Days after receiving such Notice it shall be lawful to proceed according to such Notice if the same be otherwise in accordance with the Provisions of this Act.

Local Board to provide that Drains, Waterclosets, &c. do not become a Nuisance.

LIV. And be it enacted, That the Local Board of Health shall see and provide that all Drains whatsoever, and the Waterclosets, Privies, Cesspools, and Ashpits within their District, are constructed and kept so as not to be a Nuisance or injurious to Health; and the Surveyor may, by written Authority of the said Local Board (who are hereby empowered to grant such Authority, upon the written Application of any Person showing that the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise), and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Watercloset, Privy, Cesspool, or Ashpit is attached or belongs, enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open such Drain, Watercloset, Privy, Cesspool, or Ashpit; and if the Drain, Watercloset, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the said Local Board; but if upon such Examination such Drain, Watercloset, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Alteration or Amendment, he shall cause the Ground to be closed, and the said Local Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with, the Person to whom it is given shall be liable to a Penalty not exceeding Ten Shillings for every Day during which he continues to make default, and the said Local Board may, if they shall think fit, execute such Works, and the Expenses incurred by them in so doing shall be recoverable by them from the Owner in a summary Manner, or, by Order of the said Local Board, shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Surface Cleansing, &c.

Cleansing of Streets, Removal of Dust, &c.

LV. And be it enacted, That the Local Board of Health shall from Time to Time and at all convenient Times provide that all Streets within their District, including the Foot Pavements thereof, are properly swept, cleansed, and watered, and that all Dust, Ashes, Rubbish, Filth, Dung, and Soil thereon are collected and removed; and they may make Bye Laws with respect to the Removal by the Occupier, or (in case of his Default) by the said Local Board, of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and for preventing the Deposit thereof in or by the Side of any Street, or so as to be a Nuisance to any Person, and with respect to the Times and Manner of cleansing and emptying Waterclosets, Privies, and Cesspools.

Local Board to cause Places for Deposit of Dust, Soil, &c. to be provided.

LVI. And be it enacted, That the Local Board of Health may, in their Discretion, provide, in proper and convenient Situations, Boxes or other Conveniences for the temporary Deposit and Collection of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of the Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected by such Board; and all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish so collected by the said Local Board, or in any Convenience provided as aforesaid, shall be vested in and be sold and disposed of by such Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned; and whosoever, without the Consent of the said

Local

Local Board, collects or removes any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish belonging to them, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Surface cleansing, &c.

LVII. And be it enacted, That the Local Board of Health may, if they think fit, provide and maintain, in proper and convenient Situations, Waterclosets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the District Rates to be levied under this Act.

Public Necessaries.

Nuisances.

LVIII. And be it enacted, That the Local Board of Health shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge thereof, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the said Local Board shall execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be recoverable by them from him in a summary Manner, or by Order of the said Local Board shall be declared to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided: Provided always, that the said Local Board may order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the Special or General District Rates to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly.

Offensive Ditches, Drains, &c. to be cleansed or covered.

LIX. And be it enacted, That whosoever keeps any Swine or Pigstye in any Dwelling House, or so as to be a Nuisance to any Person, or suffers any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House for Twenty-four Hours after written Notice to him from the Local Board of Health to remove the same, and whosoever allows the Contents of any Watercloset, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and to a further Penalty of Five Shillings for every Day during which the Offence is continued; and the said Local Board shall abate or cause to be abated every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Occupier of the Premises upon which the same exists, and be recoverable from him in the summary Manner herein-after provided; and if at any Time it appear to the Inspector of Nuisances that any Accumulation of Manure, Dung, Soil, or Filth, or other offensive or noxious Matter whatsoever, ought to be removed, he shall give Notice to the Person to whom the same belongs, or to the Occupier of the Premises whereon it exists, to remove the same; and if at the Expiration of Twenty-four Hours after such Notice the same be not complied with, the Manure, Dung, Soil, or Filth, or Matter referred to, shall be vested in and be sold or disposed of by the said Local Board, and the Proceeds thereof shall be carried to the District Fund Account herein-after mentioned.

Penalties for keeping Swine, &c. in improper Situations, allowing waste Water to remain in Cellars, &c.

Removal of Filth, on Certificate of Inspector of Nuisances.

LX. And be it enacted, That if upon the Certificate of the Officer of Health (if any), or of any Two Medical Practitioners, it appear to the Local Board of Health that any House or Part thereof is in such a filthy or unwholesome Condition that the Health of any Person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any House or Part thereof would tend to prevent or check infectious or contagious Disease, the said Local Board shall give Notice in Writing to the Owner or Occupier of such House or Part thereof to whitewash, cleanse, or purify the same, as the Case may require; and if the Person to whom Notice is so given fail to comply therewith within such Time as shall be specified in the said Notice, he shall be liable to a Penalty not exceeding Ten Shillings for every Day during which he continues to make default; and the said Local Board may, if they shall think fit, cause such House, Building, or Part thereof to be whitewashed, cleansed, or purified, and the Expenses incurred by them in so doing shall be repaid by the Owner or Occupier in default, and be recoverable from either of them in the summary Manner herein-after provided.

Houses to be purified, on Certificate of Officer of Health, or of Two Medical Practitioners.

Slaughter-houses, &c.

LXI. And be it enacted, That every Building or Place used as a Slaughter-house shall, within Three Months after this Act is applied to the District in which it is situate, or, in the Case of a Building or Place newly used as a Slaughter-house after that Time, within Three Months after the Commencement of such User, be registered by the Owner or Occupier thereof at the Office of the said Local Board, in a Book which shall be kept by such Board for that Purpose; and whosoever uses or suffers to be used any Building or Place as a Slaughter-house without its being registered as required by this Act shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Ten Shillings for every Day during the Continuance of the Offence after written Notice thereof from the said Local Board.

Slaughter-houses to be registered.

LXII. And be it enacted, That the Local Board of Health may from Time to Time, if they shall think fit, provide Premises for the Purpose of being used as Slaughter-houses; and they shall make Bye Laws for and with respect to the Management and Charges for the Use of the Premises so provided, and with respect to the Inspection of all Slaughter-houses, and for keeping the same in a cleanly and proper State: Provided always, that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities of any Persons incorporated by any Local Act of Parliament passed before the passing of this Act for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, Borough, or Place.

Local Board may provide Slaughter-houses, and make Bye Laws with respect to Slaughter-houses in general.

LXIII. And

Slaughter-houses, &c.

Power to Inspector of Nuisances to enter Places used for Sale of Butcher's Meat, &c.

LXIII. And be it enacted, That the Inspector of Nuisances may, and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butcher's Meat, Poultry, or Fish, or as a Slaughter-house, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to a Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, so found, which Penalty may be recovered before Two Justices in the Manner herein-after provided with respect to Penalties the Recovery whereof is not expressly provided for.

Offensive Trades newly established to be subject to Regulation of Local Board of Health.

LXIV. And be it enacted, That the Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Horses, or Animals of any Description, Soap-boiler, Tallow-melter, Tripe-boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place, after this Act is applied to the District in which such Building or Place is situate, without the Consent of the Local Board of Health, unless the said General Board shall otherwise direct; and whosoever offends against this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Bye Laws with respect to any such Businesses so newly established as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof.

Act not to affect present Law as to Nuisances.

LXV. And be it declared and enacted, That nothing in this Act shall be construed to render lawful any Act, Matter, or Thing whatsoever which but for this Act would be deemed to be a Nuisance, nor to exempt any Person from any Liability, Prosecution, or Punishment to which he would have been otherwise subject in respect thereof.

Lodging Houses.

Common Lodging Houses to be registered.

LXVI. And be it enacted, That it shall not be lawful to keep any common public Lodging House unless the same be registered as next herein-after mentioned; and the Local Board of Health shall cause a Register to be kept, in which shall be entered the Name of every Person applying to register any common Lodging House kept by him, and the Situation of every such House; and the said Local Board shall from Time to Time make Bye Laws, for fixing the Number of Lodgers who may be received into each House so registered, for promoting Cleanliness and Ventilation therein, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the Person keeping any such Lodging House shall give Access to the same when required by any Persons who shall produce the written Authority of the said Local Board in this Behalf, for the Purpose of inspecting the same, or for introducing or using therein any disinfecting Process, and the Expenses incurred by the said Local Board in so introducing or using any disinfecting Process shall be recoverable by them in a summary Manner from the Person keeping the Lodging House in which the same shall have been used or introduced; and whosoever shall receive Lodgers in any common Lodging House without having registered the same as required by this Act, or shall refuse to admit therein, at any Time between the Hour of Eleven in the Forenoon and the Hour of Four in the Afternoon, any Person authorized by the said Local Board as last aforesaid, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Neglect.

Occupation of Cellars, &c.

Cellars, &c. newly built not to be let as Dwelling Rooms; nor to be let at all except under certain Conditions.

LXVII. And be it enacted, That it shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of this Act, or which shall not have been so let or occupied before the passing of this Act; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least Three Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Two Feet and Six Inches wide in every Part, nor unless the same be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, kept and provided according to the Provisions of this Act, nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the Case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as Part of the same Letting or Occupation, in which Case the external Window may be of any Dimensions, not being less than Four Superficial Feet in Area clear of the Sash Frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, for Hire or Rent, any Vault, Cellar, or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after

Occupation of Cellars, &c.

after Notice in Writing from the Local Board of Health in this Behalf: Provided always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room a clear Space of Six Inches at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act: Provided also, that the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the passing of this Act, come into force or operation until the Expiration of One Year from the passing of this Act, nor within any District until the Expiration of Six Months from the Time when this Act shall have been applied thereto; and all Churchwardens and Overseers of the Poor shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Act not in force until Expiration of a certain Time, as to Cellars, &c.

Churchwardens, &c. to give Notice of Enactment.

Management of Streets.

LXVIII. And be it enacted, That all present and future Streets, being or which at any Time become Highways within any District, and the Pavements, Stones, and other Materials thereof, and all Buildings, Implements, and other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office of Surveyor of Highways, shall vest in and be under the Management and Control of the said Local Board of Health; and the said Local Board shall from Time to Time cause all such Streets to be levelled, paved, flagged, channelled, altered, and repaired, as and when Occasion may require, and they may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they may think fit, and place and keep in repair Fences and Posts for the Safety of Foot Passengers; and whosoever wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any such Street, without the Consent of the said Local Board, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, and a further Sum not exceeding Five Shillings for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Management of Streets vested in Local Board.

Power to compel paving, &c. of private Streets.

LXIX. And be it enacted, That in case any present or future Street, or any Part thereof, (not being a Highway,) be not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, such Board may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a Time to be specified in such Notice; and if such Notice be not complied with, the said Local Board may, if they shall think fit, execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or in case of Dispute as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

Certain Streets not Highways to be deemed such, and repaired by Local Board.

LXX. And be it enacted, That if any present or future Street, not being a Highway at the Time when this Act is applied to the District in which it is situate, be sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Local Board of Health, the said Local Board may, if they shall think fit, by Notice in Writing put up in any Part of the Street, declare the same to be a Highway, and thereupon the same shall become a Highway, and be from Time to Time repaired by them out of the Rates levied in that Behalf under the Authority of this Act; and every such Notice shall be entered amongst the Proceedings of the said Local Board: Provided always, that no Street shall become a Highway as last aforesaid if within One Month after Notice in Writing shall have been put up as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall by Notice in Writing to the said Local Board object thereto.

Power to require Gas and Water Pipes to be moved.

LXXI. And be it enacted, That if and when for the Purposes of this Act the Local Board of Health deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act; and if such Notice be not complied with the said Local Board may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Management of Streets.

Notice to be given to Local Board before laying out new Streets, who shall fix the Levels and Widths thereof.

LXXII. And be it enacted, That One Month at the least before any Street is newly laid out as aforesaid written Notice shall be given to the Local Board of Health, showing the intended Level and Width thereof; and the Level and Width of every such Street shall be fixed by the said Local Board, and it shall not be lawful to lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width so fixed, unless, upon Disapproval by the said Local Board of the Level or Width specified in such Notice, the General Board of Health shall otherwise direct; and whosoever shall lay out, make, or build upon any such Street otherwise than in accordance with the Level and Width fixed by the said Local Board, or approved by the said General Board, shall be liable for every such Offence to a Penalty not exceeding Twenty Pounds for every Day during which he shall permit or suffer such Street to continue to be so improperly laid out, made, or built upon; and the said Local Board may, if they shall think fit, cause any such Street laid out or made at a Level or Width otherwise than in accordance with the Level and Width so fixed or approved as aforesaid, or any Building built in any such Street otherwise than in accordance with such Level and Width, to be altered in such Manner as the Case may require, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner: Provided always, that if no such Level or Width be fixed, and no Approval or Disapproval of the Level or Width proposed be signified by the said Local Board within One Month from the last-mentioned Notice, the intended Street may be laid out and made upon the Level and of the Width specified in such Notice, if the same be otherwise in accordance with the other Provisions of this Act.

Local Board may purchase Premises in order to improve Streets.

LXXIII. And be it enacted, That the said Local Board may, by Agreement, purchase any Premises for the Purpose of widening, opening, enlarging, or otherwise improving any Street; and any Part of the Premises so purchased which shall not be wanted for that Purpose shall be resold at the best Price that can be gotten for the same, and the Proceeds of such Resale shall be carried to the District Fund Account herein-after mentioned.

Public Pleasure Grounds.

Places of public Recreation, &c.

LXXIV. And be it enacted, That the Local Board of Health, with the Approval of the said General Board, may provide, maintain, lay out, plant, and improve Premises for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

Supply of Water.

Local Board to provide sufficient Supplies of Water, and may erect Waterworks, &c.

Water may be kept constantly under Pressure.

Local Board not to construct Waterworks, &c. if any Waterworks Company within their District be able and willing to supply Water upon Terms.

LXXV. And be it enacted, That the Local Board of Health may provide their District with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the said Local Board may from Time to Time, with the Approval of the General Board of Health, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the General Board of Health, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

Local Board may require that Houses be supplied with Water, &c. in certain Cases.

LXXVI. And be it enacted, That if upon the Report of the Surveyor it appear to the Local Board of Health that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding Two-pence *per* Week, the said Local Board shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Local Board may, if they shall think fit, do such Works and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of Two-pence *per* Week, in manner herein-after provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same; and the Expenses incurred by them in doing such Works as last aforesaid shall be Private Improvement Expenses, and be recoverable as such in the Manner herein-after provided.

LXXVII. And

Water for public Baths, or trading or manufacturing Purposes.

LXXVII. And be it enacted, That the Local Board of Health may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Wash-houses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the said Local Board and the Persons desirous of being so supplied.

Maintenance and Construction of public Cisterns for gratuitous Use.

LXXVIII. And be it enacted, That the Local Board of Health may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the said Local Board may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Borough Rates.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

LXXIX. And be it enacted, That whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Local Board of Health, or constructed, continued, or maintained under this Act, in any Parish or Place in which there shall be no Local Board of Health, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the said Local Board, or so constructed, continued, or maintained in any such Parish or Place, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the said Local Board, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the said Local Board, or in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

LXXX. And be it enacted, That whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Local Board of Health, or in any Reservoir, Conduit, Aqueduct, or other Waterworks constructed, continued, or maintained under this Act in any Parish or Place in which there shall be no Local Board of Health, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the said Local Board or under their Management or Control, or whereby any Water of or contained in any such Reservoir, Conduit, Aqueduct, or other Waterworks so constructed, continued, or maintained in any such Parish or Place as aforesaid shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the said Local Board, or, in the Case of a Parish or Place in which there shall be no Local Board of Health, to the Churchwardens and Overseers of the Poor, to be by them applied in aid of the Rate for the Relief of the Poor of such Parish or Place; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the said Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the said Local Board for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the said Local Board be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Local Board for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the said Local Board in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the said Local Board may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the said Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.

and on Proprietors of Gasworks, &c.

Reception Houses for the Dead.

Power to provide Premises for the Dead previously to Interment.

LXXXI. And for the Purpose of preventing the manifold Evils occasioned by the Retention of the Dead in the Dwellings of the Poor, be it enacted, That the Local Board of Health may, if they shall think fit, provide, fit up, and make Bye Laws with respect to the Management and Charges for the Use of Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the said Local Board may, upon proper Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Bye Laws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

Burial Grounds.

Burial Grounds, &c. dangerous to Health may be prohibited.

LXXXII. And be it enacted, That if upon the Representation of the Local Board of Health, and after Inquiry and Report by a Superintending Inspector, notified to the Lord Bishop of the Diocese, and made, notified, and published in manner herein-before directed with respect to the Inquiry and Report of Superintending Inspectors previously to the Constitution of a District under this Act, and after Inquiry by such other Ways and Means as the General Board of Health may think fit to direct, the said General Board shall certify (such Certificate to be published in the *London Gazette*, and in some One or more of the public Newspapers usually circulated within the District,) that any Burial Ground situate within any District to which this Act is applied is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within any such District is dangerous to the Health of Persons frequenting the same by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury or permit or suffer to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever, after Notice of such Certificate, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of Twenty Pounds.

As to Interments within Churches or Burial Grounds newly erected or formed.

LXXXIII. And be it enacted, That no Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in any District after the passing of this Act, and no Burial Ground shall be made or formed within any District after the passing of this Act, without the Consent of the General Board of Health first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before the passing of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

Purchase, &c. of Lands.

Power to Local Boards to purchase Lands, &c. under 8 & 9 Vict. c. 18.

LXXXIV. And be it enacted, That the Local Board of Health, by Agreement, may purchase, or take upon Lease, sell, or exchange, any Lands or Premises for the Purposes of this Act; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Local Board of Health mentioned in this Act; and all Lands and Premises which shall be purchased, hired, or taken on Lease by the Local Board of Health of any Noncorporate District shall be conveyed, demised, and assured to such Local Board and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate.

Contracts.

Contracts by Local Board.

LXXXV. And be it enacted, That the Local Board of Health may enter into all such Contracts as may be necessary for carrying this Act into execution; and every such Contract whereof the Value or Amount shall exceed Ten Pounds shall be in Writing, and (in the Case of a Noncorporate District) sealed with the Seal of the Local Board by whom the same is entered into, and signed by Five or more Members thereof, and (in the Case of a Corporate District) sealed with the Common Seal, and shall specify the Work, Materials, Matters, or Things to be furnished, had, or done, the Price to be paid, and the Time or Times within which the Contract is to be performed, and shall fix and specify some pecuniary Penalty to be paid in case the Terms of the Contract are not duly performed; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Local Board by whom the same is executed, and their Successors, and upon all other Parties thereto, and their Executors, Administrators, Successors, or Assigns, to all Intents and Purposes: Provided always, that the said Local Board may compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract, or in any Bond or otherwise, for such Sums of Money or other Recompence as to such Local Board may seem proper: Provided also, that before contracting for the Execution of any Works under the Provisions of this Act the said Local Board shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years, or otherwise: Provided also, that before any Contract of the Value or Amount of One hundred Pounds or upwards is entered into by the said Local Board Ten Days public Notice at the

Composition for Penalties in respect of Breach of Contracts.

Estimates to be made before commencing Works.

As to Contracts above the Value of 100*l*.

the least shall be given expressing the Nature and Purpose thereof, and inviting Tenders for the Execution of the same; and the said Local Board shall require and take sufficient Security for the due Performance of the same.

Rates.

Special District Rate.

LXXXVI. And be it enacted, That whenever any Expenses are incurred or to be incurred by the Local Board of Health in making, enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by this Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, a Rate or Rates, to be called Special District Rates, of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding Thirty Years, as the said Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the new Sewer was made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just.

District Fund Account to be kept.

General District Rate.

LXXXVII. And be it enacted, That the Treasurer shall keep a separate Account, to be called "The District Fund Account," and the Monies carried to such Account under the Directions of this Act shall be applied by the Local Board of Health in defraying such of the Expenses incurred or to be incurred by the said Local Board in carrying this Act into execution, and not otherwise expressly provided for, as they may think proper; and the said Local Board shall from Time to Time, when and as often as Occasion may require, make and levy, in addition to any other Rate, a Rate or Rates to be called "General District Rates," for defraying such Expenses as are charged upon that Rate by this Act, and such other Expenses of executing this Act in any District as are not provided for by any other Rate, or defrayed out of the said District Fund Account.

Property assessable to Special and General District Rates.

If in any District there be no Rate for Relief of the Poor, Rates shall be made in manner prescribed by 6 & 7 W.4. c.66.

LXXXVIII. And be it enacted, That the said Special and General District Rates shall be made and levied upon the Occupier (except in the Cases herein-after provided) of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act; and for the Purpose of making any such Assessment the Local Board of Health, or any Person appointed by them so to do, may from Time to Time, at all reasonable Times, inspect, take Copies of, or make Extracts from any Rate for the Relief of the Poor within their District, or any Assessments by which the same are made; and whosoever, having the Custody of such last-mentioned Rate or Assessment, refuses to permit such Inspection, or the taking of any such Copy or Extract, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor the said Special and General District Rates shall be made upon an Estimate of the net annual Value of the several Premises liable thereto, in such District or Part of a District, by a fit Person appointed by the Local Board of Health in that Behalf, and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments: Provided also, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal, or Towing Path for the same, or as a Railway, constructed under the Powers of any Act of Parliament, for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof: Provided also, that if within any District or Part of a District any Kind of Property shall before the passing of this Act have been exempted from rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General or Special District Rates under this Act.

Exemptions under Local Acts.

Rates may be prospective or retrospective.

Assessment to District Rates in case of unoccupied Premises.

Apportionment of Rates between outgoing and incoming Tenants, &c.

LXXXIX. And be it enacted, That the Local Board of Health may make and levy the said Special and General District Rates, or any or either of them, prospectively, in order to raise Money for the Payment of future Charges and Expenses, or retrospectively in order to raise Money for the Payment of Charges and Expenses which may have been incurred at any Time within Six Months before the making of the Rate; and if at the Time of making any General or Special District Rate any Premises in respect of which the Rate may be made are unoccupied, such Premises shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the same whilst they continue to be unoccupied; and if any such Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same shall have been fully paid, the Name of the incoming Tenant shall be inserted in the Rate, and thereupon so much of the Rate as at the Commencement of his Tenancy may be in proportion to the Remainder of the said Period shall be collected, recovered, and paid in the same Manner in all respects as if the Premises had been occupied at the Time when the Rate was made; and if any Owner or Occupier assessed or liable to any such Rate cease to be Owner or Occupier of the Premises in respect whereof he is so assessed or liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay only such Part of the Rate as shall be in proportion

Rates.

proportion to the Time during which he continues to be such Owner or Occupier; and in every such Case, if any Person afterwards become Owner or Occupier of the Premises during Part of the said Period, he shall pay such Part of the Rate as shall be in proportion to the Time during which he continues to be such Owner or Occupier, and the same shall be recovered from him in the same Manner as if he had been originally assessed or liable; and the said Local Board may from Time to Time divide their District, or any Street therein, into One or more Parts, for all or any or either of the Purposes of this Act, and make a separate Assessment upon any such Part for and in respect of all or any of the Purposes for which the same is formed; and every such Part, so far as relates to the Purposes in respect of which such separate Assessment is made, shall be exempt from any other Assessment under this Act: Provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Parts of a District in common the same shall be apportioned between them in a fair and equitable Manner.

Parts of District may be separately assessed.

Private Improvement Rates.

XC. And be it enacted, That whenever the Local Board of Health have incurred or become liable to any Expenses which by this Act are or by the said Local Board shall be declared to be Private Improvement Expenses, the said Local Board may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates, to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, in such Period not exceeding Thirty Years as the said Local Board shall in each Case determine: Provided always, that whenever any Premises in respect of which any Private Improvement Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of the Premises so long as the same continue to be unoccupied.

Proportion of Private Improvement Rate may be deducted from Rent.

XCI. And be it enacted, That if the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rack Rent he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him such Proportion of Three Fourths of the Rate as his Rent bears to the Rack Rent; and if the Landlord from whose Rent any Deduction is made under the Provision last aforesaid is himself liable to the Payment of Rent for the Premises in respect of which the Deduction is made, and holds the same for a Term of which less than Twenty Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him such Proportion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years is unexpired) of the same Premises both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Redemption of Special District and Private Improvement Rates.

XCII. Provided always, and be it enacted, That at any Time before the Expiration of the Period for which any Special District Rate or Private Improvement Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the Local Board of Health the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same.

Water Rate.

XCIII. And be it enacted, That whenever and so long as any Premises are supplied with Water by the Local Board of Health, for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, except as herein-after provided; and the Rate so made shall be assessed upon the net annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water by a separate Pipe: Provided always, that in any District to be called the *Oxford* or *Cambridge* District the Local Board of Health, with the Consent of the said General Board, may supply Water to any Hall, College, or Premises of the University within such District, upon such Terms with respect to the Mode of paying for such Supply as shall from Time to Time be agreed upon between such University, or any Hall or College thereof, and the said Local Board.

Agreements with Universities.

Water Rate payable in advance.

Power to stop Water in case of Nonpayment of Rates.

XCIV. And be it enacted, That the said Water Rate shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Water Rate due from him, upon Demand, the Local Board of Health may prevent the Water from flowing into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided always, that the stopping or cutting off any Supply of Water by the said Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

Composition for and Recovery of Rates upon Tenements under the annual Value of Ten Pounds, &c.

XCV. Provided always, and be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Local Board of Health may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less

Rates.

less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the said Local Board shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due, or from Time to Time becoming due, from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be, as against the Owner in default, a sufficient Discharge for Rent.

Power to reduce or remit Rates on account of Poverty.

XCVI. Provided also, and be it enacted, That it shall be lawful for the Local Board of Health to reduce or remit the Payment of any Rate on account of the Poverty of any Person liable to the Payment thereof.

Act not to affect existing Agreements between Landlord and Tenant.

XCVII. Provided also, and be it enacted, That nothing in this Act shall alter, interfere with, or affect any Lease, Contract, or Agreement which shall have been made or entered into between Landlord and Tenant before this Act is applied to the District in which the Premises are situate in respect of which the Lease, Contract, or Agreement was made.

Estimate to be prepared before making Rates.

XCVIII. And be it enacted, That the Local Board of Health, before proceeding to make any General or Special District Rate or Private Improvement Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to public Inspection during Office Hours thereat.

Notice of Rate.

XCIX. And be it enacted, That public Notice of Intention to make any General or Special District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board of Health, in the Week immediately before the Day on which the Rate is intended to be made, and at least Seven Days previously thereto; but in case of Proceedings to levy or recover any Rate it shall not be necessary to prove that such Notice was given.

Rates to be open to Inspection.

C. And be it enacted, That any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Description of Owner or Occupier in Rates if his Name be unknown.

CI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Rates may be amended.

CII. And be it enacted, That the Local Board of Health may from Time to Time amend any Rate made in pursuance of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name inserted, or by inserting the Name of any Person who ought to have been assessed, or by striking out the Name of any Person who ought not to have been assessed, or by raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated, or by making any other Alteration which will make the Rate conformable to the Provisions of this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that any Person who may feel himself aggrieved by any such Amendment shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made, and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until Seven Days after such Notice shall have been given to him.

Rates made under this Act to be published as Poor Rates, and collected as Local Board shall appoint.

Justices may summon Persons for Non-

CIII. And be it enacted, That all Rates made or collected under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and shall be made in such Manner and Form, and be collected by such Persons, and either together or separately, or with any other Rate or Tax, as the Local Board of Health shall from Time to Time appoint; and if any Person assessed to any such Rate fail to pay the same when due, and for the Space of Fourteen Days after the same shall have been lawfully demanded in Writing, any Justice may and he is hereby empowered to summon the Defaulter to appear before him, or any other Justice, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and

in

payment, and in default may recover by Distress.

in case the Defaulter fail to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the same to be levied by Distress of the Goods and Chattels of the Defaulter: Provided always, that if no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such Warrant is granted, and it so appear upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall endorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County or Jurisdiction; and if any Person quit or be about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuse to pay the same after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may and he is hereby empowered to summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fail to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter.

Form of Distress Warrant.

Penalty upon Constables refusing to levy.

CIV. And be it enacted, That Warrants of Distress for the Recovery of any Rate payable under the Authority of this Act may be in the Form contained in the Schedule (D.) annexed to this Act, or to the like Effect; and any Constable authorized by any such Warrant who shall neglect or refuse to make Distress or Sale pursuant to the same, after being required so to do by a Collector of the District in which the Rate in arrear was made, shall be liable to a Penalty not exceeding Five Pounds.

Quota of Rates to be paid by the Universities, &c.

CV. Provided always, and be it enacted, That nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of *Oxford* and *Cambridge* respectively to contribute in the Proportion and Manner specified in any Local Act under which the *Oxford* and *Cambridge* Commissioners respectively now act towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference shall arise between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University shall contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by the General Board of Health: Provided also, that all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any such Local Act.

Evidence of Rates.

CVI. And be it enacted, That the Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as *primâ facie* Evidence of the making and Validity of the Rates mentioned therein.

Mortgage of Rates.

Rates may be mortgaged.

CVII. And be it enacted, That the Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act, borrow and take up at Interest, on the Credit of the Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Rates upon the Credit of which the Sums are borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be repaid the Sums so advanced, with Interest, without any Preference over the others of them by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that the Money borrowed under the Authority of this Act shall be borrowed only for Works of a permanent Nature, and shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under this Act within the District or Part of the District for or in respect of which such Money shall be borrowed, and shall (as far as practicable) be borrowed upon the Credit of the respective Rates applicable to the Works, Matters, or Things in respect of which the Money is required; and the Money borrowed for the Purpose of defraying any Costs, Charges, or Expenses incurred or to be incurred in respect of Part of a District only shall be charged (as far as practicable) upon the Credit of any separate Rates made or to be made for the Purposes of such Part; and in case any such Costs, Charges, or Expenses shall apply to or be incurred in respect of Two or more of such Parts, the Money borrowed in respect of the same shall be equitably apportioned by the Local Board upon any Rates made or to be made for the Purposes of such Parts respectively.

No Priority amongst Mortgagees.

Commissioners of Public Works may make Advances to Local Boards under 5 & 6 Vict. c. 9.

CVIII. And be it enacted, That the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes,* and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, may, if they shall think fit, make Advances to the Local Board of Health of any District for the Purposes of this Act, upon the Security of the Rates

to

to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rates. *Mortgage of Rates.*

CIX. And be it enacted, That if the Local Board of Health can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order, with the Consent of the Mortgagee, to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage. Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CX. And be it enacted, That if at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board of Health are unable to pay off the same, they may, if they shall think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Costs, Charges, and Expenses incurred by the Local Board of Health in the Execution of this Act. Power to borrow Money to pay off former Mortgages.

CXI. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed, truly stating the Date, Consideration, and the Time and Place of Payment, and shall (in the Case of a Noncorporate District) be sealed with the Seal of the Local Board of Health by or on the Part of whom the same is executed, and be signed by Five or more Members thereof, (or in the Case of a Corporate District) be sealed with the Common Seal, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Mortgages upon each Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Description of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds. Form of Mortgage. Register of Mortgages.

CXII. And be it enacted, That any Mortgagee or other Person entitled to any such Mortgage may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date and the Consideration for the Transfer; and such Transfers may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Local Board of Health a Register of the Transfers of Mortgage charged upon each Kind of Rate, and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby. Transfer of Mortgages. Register of Transfers.

CXIII. And be it enacted, That the Interest secured by any Mortgage authorized to be made under this Act shall, unless otherwise provided, be paid half-yearly; and in order to pay off any Monies borrowed and secured by any such Mortgage, the Local Board of Health shall in every Year, until the same be paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the Way of Compound Interest or otherwise; and whenever the said Local Board are enabled to pay off One or more of the Mortgages charged upon the same Property or Rate, and are not able to pay off the whole of the Mortgages so charged, they shall, in default of Arrangement between the Local Board of Health and the Mortgagees, decide by Lot the Order in which the same shall be paid off. Interest to be paid half-yearly. Mortgage Debts to be paid off by means of a Sinking Fund.

CXIV. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage of Rates made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee or other Person entitled thereto may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint in Writing under their Hands and Seals some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing Receiver may be appointed in certain Cases.

to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees or other Persons to whom there may be due, after such Lapse of Time and Demand as last aforesaid, Monies collectively amounting to that Sum.

Bye Laws.

Bye Laws of Local Board not to be in force till confirmed by Secretary of State.

CXV. And be it enacted, That all Bye Laws made by the Local Board of Health under and for the Purposes of this Act shall be in Writing under their Seal, and the Signature of any Five or more of their Number, or (in the Case of a Corporate District) under the Common Seal; and the said Local Board may by any such Bye Laws impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Board; and the said Local Board may alter or repeal any such Bye Laws by any subsequent Bye Laws, sealed and signed or (in case of a Corporate District) sealed as last aforesaid: Provided always, that all such Bye Laws imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that no such Bye Laws shall be repugnant to the Laws of *England* or to the Provisions of this Act, and the same shall not be of any Force or Effect unless and until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same, as he may think proper: Provided also, that no such Bye Laws shall be confirmed unless

Notice of Confirmation, &c.

Notice of Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the District to which such Bye Laws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Bye Laws shall be kept at the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of the Rate-payers of the District to which such Bye Laws relate, without Fee or Reward; and the Clerk shall furnish every such Rate-payer who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Bye Laws to be printed, &c.

CXVI. And be it enacted, That all Bye Laws made by the Local Board of Health in pursuance of this Act shall be printed, and hung up in the Office of the said Local Board; and Copies thereof shall be delivered to any Rate-payer of the District to which such Bye Laws relate, upon his Application for the same.

Powers transferred, &c.

Local Board to be Surveyors of Highways;

but existing Surveyors to recover Rates in arrear.

CXVII. And be it enacted, That the Local Board of Health within the Limits of their District shall, exclusively of any other Person whatsoever, execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, Duties, and Liabilities as any Surveyor of Highways in *England* is now or may hereafter be invested with or be liable to by virtue of his Office by the Laws in force for the Time being, except in so far as such Powers, Duties, or Authorities are or may be inconsistent with the Provisions of this Act; and the Inhabitants of any District shall not in respect of any Property situate therein be liable to the Payment of Highway Rate or other Payment, not being a Toll, in respect of making or repairing Roads or Highways within any Parish, Township, or Place, or Part of any Parish, Township, or Place, situate beyond the Limits of such District: Provided always, that the several Persons who at the Time when this Act is applied to any District are Surveyors of Highways within the same District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred by them as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction; and the Surplus (if any) shall be paid by them to the Treasurer, and carried to the District Fund Account mentioned in this Act: Provided also, that neither the Allowance by Justices, nor the Signature by the Local Board of Health, shall be necessary in the Case of any Rate made by the Local Board of Health under this Act.

Existing Liabilities to make Sewers, &c. not to be discharged.

CXVIII. And be it enacted, That, notwithstanding the Application of this Act to any District, the Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea, or of paving or flagging or putting in order any Street or Part thereof within the District, shall, if incurred previously to the Time when this Act is so applied, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

General Superintendence.

Mortgage of Rates, &c.

CXIX. And be it enacted, That it shall not be lawful for the Local Board of Health to borrow or take up at Interest any Sum or Sums of Money upon the Credit of any Rates authorized to be made or collected under this Act, without the previous Consent of the General Board of Health.

Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the General Board.

CXX. And be it enacted, That if in any Case in which the Local Board are empowered to recover any Expenses incurred by them in a summary Manner, or to declare such Expenses to be Private Improvement Expenses, any Person shall deem himself to be aggrieved by the Decision of the said Local Board thereupon, he may, within Seven Days after Notice of such Decision, address a Memorial to the said General Board, stating the Grounds of his Complaint; and the said General Board may make such Order in the Matter as to them may seem equitable, and the Order so made shall be binding and conclusive upon the said Local Board; and if the said Local Board shall have proceeded to recover such Expenses in a summary Manner, the said General Board may, if they shall think fit, direct the said Local Board to pay to the Person so proceeded against such Sum as they may consider to be a just Compensation for the Loss, Damage, or Grievance thereby sustained by him.

CXXI. And

General Superintendence.

Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c.

CXXI. And be it enacted, That during any Inquiry by a Superintending Inspector under this Act he may and he is hereby empowered to summon before him any Persons whomsoever, and to examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District or Place to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds: Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than Ten Miles from his Place of Abode.

As to Audit of Accounts.

CXXII. And be it enacted, That the Accounts of the Receipts and Expenditure of the Local Board of Health shall be audited and examined once in every Year at the least, at such Time or Times as shall be appointed by such Local Board, in case of a Corporate District, by the Auditors of the Corporate Borough whereof the whole or Part is within such District; and in case of a District exclusively consisting of the whole or Part of Two or more Corporate Boroughs, or of One or more of such Boroughs, and also of Part of any such Borough or Boroughs, by such Two of the Auditors for the Time being of the Corporate Boroughs respectively whereof the whole or Part is within such District as shall from Time to Time be appointed by the Local Board of Health; and in case of any other District as soon as can be after the Twenty-fifth Day of *March* in every Year, by the Auditor of Accounts relating to the Relief of the Poor for the District for the Audit of such Accounts, or for the Parish or Union in which such District under this Act is comprised, or if any District under this Act be partly situate in Two or more Parishes, Unions, or Districts for the Audit of Accounts, by such One of the Auditors for the Time being of the Parishes, Unions, or Districts for the Audit of Accounts (whereof the whole or Part is within such District under this Act) as shall from Time to Time be appointed by the Local Board of Health; and for the Purposes of any Audit and Examination of Accounts under this Act, every such Auditors or Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they or he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them or him at any such Audit and Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall be liable for every Neglect or Refusal to a Penalty of Forty Shillings, and if he falsely or corruptly make or sign any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and all Accounts certified by the Auditors or Auditor acting under this Act shall be final and conclusive to all Intents and Purposes; and such Auditors or Auditor shall in respect of each Audit be paid by the Local Board of Health, out of the General District Rates levied under this Act, such reasonable Remuneration as they shall from Time to Time by Order in Writing determine and appoint: Provided always, that before each Audit and Examination of Accounts under this Act the Clerk shall give Ten Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers usually circulated within the District for which the Audit and Examination will be made; and a Copy of the Accounts to be audited and examined shall be deposited in the Office of the Local Board of Health, and be open during Office Hours thereat to the Inspection of all Persons interested, for Seven Days before the Audit and Examination; and all such Persons shall be at liberty to take Copies of or Extracts from the same without Fee or Reward; and within Fourteen Days after the Audit and Examination shall have been completed the Auditors or Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk, who shall cause the same to be deposited in the Office of the Local Board of Health, and to be published in some One or more of the public Newspapers usually circulated in the District to which it relates.

Power to Auditor to require Production of Books, &c.

Penalty on Persons for Neglect.

Accounts previous to Audit to be deposited, and open to Inspection, &c.

Arbitration.

Mode of referring to Arbitration.

CXXIII. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment when made on the Behalf of the Local Board of Health shall (in the Case of a Non-corporate District) be under their Seal and the Hands of any Five or more of their Number, or under the Common Seal in case of a Corporate District, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the

Arbitration.

Space of Fourteen Days after any such Matter shall have arisen, and Notice in Writing by one Party who has himself duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

Death, &c. of One of several Arbitrators;

of single Arbitrator.

CXXIV. And be it enacted, That if before the Determination of any Matter so referred any Arbitrator die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf the remaining Arbitrator may proceed *ex parte;* and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

Appointment of Umpire by the Parties;

by Quarter Sessions.

CXXV. And be it enacted, That in case there be more than One Arbitrator the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire, and if the Person appointed to be Umpire die, or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within which Award must be made.

CXXVI. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission or from the Day on which the Umpire shall have been appointed (as the Case may be).

Power to Arbitrator to require Production of Documents.

As to Costs of Reference.

Submission may be made a Rule of Court.

CXXVII. And be it enacted, That any Arbitrator, Arbitrators, or Umpire, appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators, or of the Umpire (in case the Matters referred are determined by an Umpire under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Declaration to be made by Arbitrator and Umpire.

CXXVIII. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my 'Skill and Ability, hear and determine the Matters referred to me under the Public Health Act, '1848. *A.B.*'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

Legal Proceedings.

Recovery of Damages, &c.

CXXIX. And be it enacted, That in all Cases in which the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner the same may be ascertained by and recovered before Two Justices, together with such Costs of the Proceedings as the Justices may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels by Warrant under the Hands and Seals of the Justices making the Adjudication; and any Penalty imposed by or under the Authority of this Act, or any Bye Law made under this Act, the Recovery whereof is not otherwise expressly provided for, may, upon Proof on Oath of the Offence in respect of which the Penalty is alleged to have been incurred, be recovered before Two Justices, together with such Costs of the Proceedings as they may think proper; and if the Sums adjudged be not paid by the Party against whom the Adjudication is made the same may be levied by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of the Justices making the Adjudication; and such Justices or either of them may order that any Offender convicted as last aforesaid be detained and kept in safe Custody until Return can be conveniently made to the last-mentioned Warrant, unless he give sufficient Security, by way of Recognizance or otherwise, for his Appearance on the Day appointed by the Return, such Day not being more than Eight Days from the Time of taking the Security; and if before issuing such Warrant, or upon the Return thereof, it appear to the Satisfaction of the last-mentioned Justices that no sufficient Distress can be had within their Jurisdiction, they may, by Warrant under their Hands

Legal Proceedings.

Hands and Seals, cause the Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid.

Form of Conviction.

CXXX. And be it enacted, That the Justices before whom any Person is convicted of any Offence against the Provisions of this Act may cause the Conviction to be drawn up according to the Form and Directions contained in the Schedule (E.) annexed to this Act, or to the like Effect; and any Conviction so drawn up shall be valid and effectual to all Intents and Purposes.

Mode of proceeding before Justices.

CXXXI. And be it enacted, That in proceeding before any Justice or Justices under the Provisions of this Act, in any Case in which the Mode of proceeding is not specially prescribed, any One Justice may summon the Party charged to appear before the Justice or Justices by whom the Matter is to be determined at a Time and Place to be named; and upon the Appearance of the Party charged, or in his Absence upon Proof of Service of the Summons upon him personally, or by leaving a Copy thereof at his last known Place of Abode or Business, the last-mentioned Justice or Justices may hear and determine the Matter, and for that Purpose examine the Parties or any of them, and their Witnesses, on Oath; and the Costs of all such Proceedings shall be in the Discretion of the last-mentioned Justice or Justices; and where in this Act any Sum of Money whatsoever is directed to be levied by Distress and Sale of the Goods and Chattels of any Party, the Overplus arising from such Sale shall, after satisfying such Sum, and the Costs and Expenses of the Distress and Sale, be returned to him, on Demand; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall he be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

Distress how to be levied; not unlawful for Want of Form.

Justices, though Members of Local Board, may act.

CXXXII. And be it enacted, That Justices of the Peace, being also Members of any Local Board of Health, may, if acting in Petty Sessions, notwithstanding their being such Members, exercise the Jurisdiction vested in them as such Justices under this Act.

Common Informers not to sue without Consent of Attorney General.

CXXXIII. And be it enacted, That no Proceedings for the Recovery of any Penalty incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or the Local Board of Health in whose District the Offence is committed, or by the Churchwardens and Overseers of the Poor (where any such Penalty is directed to be paid to the Churchwardens and Overseers of the Poor), without the Consent in Writing of Her Majesty's Attorney General first had and obtained; and that no such Penalty shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Calendar Months after the Commission or Occurrence of the Offence upon which the Penalty attaches; and if the Application of the Penalty be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder to the Local Board of Health of the District in which the Offence was committed: Provided always, that if the said Local Board be the Informer they shall be entitled to the whole of the Penalty recovered, and all Penalties or Sums recovered on account of any Penalty by them shall be paid over to the Treasurer, and shall by him be placed to the District Fund Account mentioned in this Act.

Penalties to be sued for within Six Months.

Application of Penalties.

Liability to Penalty not to relieve from other Liabilities.

CXXXIV. And be it declared and enacted, That, notwithstanding the Liability of any Person to any Penalty under the Provisions of this Act, he shall not be relieved from any other Liability to which he would have been subject if this Act had not been passed.

Appeal to Quarter Sessions.

CXXXV. And be it enacted, That any Person who shall think himself aggrieved by any Rate made under the Provisions of this Act, or by any Order, Conviction, Judgment, or Determination of or by any Matter or Thing done by any Justice or Justices, in any Case in which the Penalty imposed or the Sum adjudged shall exceed the Sum of Twenty Shillings, may appeal to the Court of General or Quarter Sessions holden next after the making of the Rate objected to, or Accrual of the Cause of Complaint; but the Appellant shall not be heard in support of the Appeal, unless within Fourteen Days after the making and Publication of the Rate appealed against, or Accrual of the Cause of Complaint, he give to the Local Board of Health or Justice or Justices by whose Act he may think himself aggrieved Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal; and the said Court, upon hearing and finally determining the Matter of the Appeal, shall and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents and Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid before the Sessions holden as last aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Power of Sessions upon Appeals against Rates.

CXXXVI. And be it enacted, That the said Court of General or Quarter Sessions shall upon Appeals under this Act against any Rate have the same Power to amend or quash any Rate or Assessment, and to award Costs between the Parties to the Appeal, as is or may by Law be vested in any Court of General or Quarter Sessions with respect to amending or quashing any Rate or Assessment, or awarding Costs, upon Appeals with respect to Rates for the Relief of the Poor; and the Costs awarded by the said Court under this Act may be recovered in the same Manner in all respects as Costs awarded upon the last-mentioned Appeals: Provided always, that, notwithstanding the quashing of any Rate appealed against, all Monies charged by such Rate shall, if the Court before whom the Appeal is heard think fit so to order,

Legal Proceedings.

order, be levied as if no Appeal had been made, and such Monies, when paid, shall be taken as Payment on account of the next effective Rate for the Purposes in respect of which the quashed Rate was made.

No Rate or Proceeding to be quashed for Want of Form, &c.

CXXXVII. And be it enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, nor any Order, Award, or other Matter or Thing whatsoever made, done, or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari or other Writ or Process whatsoever into any of the Superior Courts.

Proceedings in case of Noncorporate Districts.

CXXXVIII. And be it enacted, That the Local Board of Health of any Noncorporate District may sue and be sued in the Name of the Clerk for the Time being for or concerning any Contract, Matter, or Thing whatsoever relating to any Property, Works, or Things vested or to become vested in them by reason of the Provisions of this Act, or relating to any Matter or Thing whatsoever entered into or done, or intended to be entered into or done by them, under the Provisions of this Act; and in any Action of Ejectment brought or prosecuted by such Local Board it shall be sufficient to lay the Demise in the Name of the said Clerk; and in Proceedings by or on the Part of such Local Board against any Person for stealing or wilfully injuring or otherwise improperly dealing with any Property, Works, or Things belonging to them or under their Management, it shall be sufficient to state generally that the Property or Thing in respect of which the Proceeding is instituted is the Property of the said Clerk, and all legal Proceedings by, on the Part of, or against such Local Board, under this Act, may be preferred, instituted, and carried on in his Name; and no Proceedings whatever shall abate or be discontinued by the Death, Resignation, or Removal of the Clerk, or by reason of any Change or Vacancy in such Local Board by Death, Resignation, or otherwise: Provided always, that the Clerk in whose Name any such Action or Suit, Complaint, Information, or Proceeding, may be brought, preferred, instituted, or defended as aforesaid, shall be fully reimbursed out of the General District Rates to be levied under this Act all such Costs, Charges, Damages, and Expenses as he shall or may be or become liable to pay, sustain, or be put unto by reason of his Name being so used.

Actions, &c. in Name of Clerk.

Mode of describing Property of Local Board.

Actions, &c. not to abate.

Clerk to be reimbursed Expenses.

Notice of Action.

CXXXIX. And be it enacted, That no Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the General Board of Health, nor against the Local Board of Health, or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, for any thing done or intended to be done under the Provisions of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered to him, or left at their or his Office or usual Place of Abode, clearly and explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and any Person to whom any such Notice of Action is given as aforesaid may tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted may plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, the Defendant may, by Leave of the Court, at any Time before Trial, pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) may plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Limitation of Actions.

Venue.

General Issue.

Tender of Amends, &c.

Money may be paid into Court.

Persons acting in execution of Act not to be personally liable.

CXL. And be it enacted, That no Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector, or any Member of the said Local Board, or by the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the said Local Board, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Miscellaneous.

Orders in Council and Provisional Orders may be amended, and Districts extended.

CXLI. And be it enacted, That Her Majesty may from Time to Time alter or amend any Order in Council made under or in pursuance of the Provisions of this Act, by any subsequent Order in Council, in such Manner as Her Majesty, by and with the Advice of Her Privy Council, may think proper; and if at any Time it appear to the General Board of Health that any Provisional Order made by them under this Act should be altered or amended, or that the Boundaries of any District should be altered or extended, they shall make a Provisional Order under their Hands and Seal of Office accordingly: Provided always, that no Order in Council or Provisional Order as last aforesaid shall be made until such Proceedings have been taken in and with respect to the District and Parts to be affected thereby as are herein-

herein-before required to be taken previously to the original Constitution of a District under this Act; and no such Provisional Order shall be of any Force or Effect without the previous Authority of Parliament, as herein-before prescribed with respect to Provisional Orders made under this Act. *Miscellaneous.*

Publication of Orders in Council, &c.

CXLII. And be it enacted, That all Orders in Council under this Act shall take effect and be in full Force and Operation within the District to which they apply from and after a Day which shall be specified in such Orders for that Purpose; and a Copy of every such Order shall be published in the *London Gazette*, and shall be laid before Parliament in the Month of *January* in every Year, if Parliament be then sitting, or if Parliament be not then sitting then within One Week after the next Meeting thereof; and whenever any Provisional Order of the General Board of Health is submitted to Parliament for Confirmation, the said General Board shall present to both Houses of Parliament a Copy of all Reports of any Superintending Inspector with respect to the Parts to which the Provisional Order relates, and of all Memorials forwarded to the said General Board with respect to such Reports.

Reports of Superintending Inspectors, &c. to be laid before Parliament.

Entry upon Lands for the Purposes of this Act.

CXLIII. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Local Board of Health may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the Local Board of Health, or any Member thereof, the Surveyor and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, Local Board, Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment, unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Compensation in case of Damage by Local Board.

CXLIV. And be it enacted, That full Compensation shall be made, out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Sewers, &c. of Commissioners of Sewers, private Watercourses, &c. not to be used without Consent.

CXLV. And be it declared and enacted, That nothing in this Act shall be construed to authorize the Local Board of Health to use, injure, or interfere with any Sluices, Flood Gates, Sewers, Groynes, Sea Defences, or other Works already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing Path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors or Undertakers of any Canal or Navigation, shall or may be interested, without Consent in Writing first had and obtained; and that nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Local Board may allow Owners Time for Repayment of Expenses.

CXLVI. And be it enacted, That in any Case in which the Local Board of Health may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the said Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such annual Instalments, not being less than One Thirtieth Part of the entire Sum, together with Interest at the Rate of Five Pounds in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment be allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

False Evidence punishable as Perjury.

CXLVII. And be it enacted, That every Person who upon any Examination on Oath under the Provisions of this Act shall wilfully and corruptly give false Evidence shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury.

Penalty for obstructing Officers, defacing Boards, &c.; upon Occupiers preventing

CXLVIII. And be it enacted, That whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board of Health, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board upon which any Bye Law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local or General Board of Health, be liable for every such Offence to a Penalty not exceeding Five Pounds; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this

Act,

Execution of Works.

Act, any Justice to whom Application is made in this Behalf shall, by Order in Writing (which may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect), require such Occupier to permit the Execution of the Works required to be executed, provided that the same appear to such Justice to be such as are necessary for the Purpose of obeying or carrying into Effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board of Health to state the Name of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, any Justice may, on Oath made before him of such Request and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Occupiers to disclose Owners Name.

Consents of Board of Health and Local Board to be in Writing.

CXLIX. And be it enacted, That whenever the Consent, Sanction, or Approval or Authority of the General Board of Health is required by the Provisions of this Act, the same shall be in Writing under their Seal and the Hands of Two or more Members thereof; and whenever the Consent, Sanction, Approval, or Authority of the Local Board of Health is so required the same shall (in the Case of a Noncorporate District) be in Writing under their Seal and the Hands of Five or more of them, or (in case of a Corporate District) under their Common Seal.

Service of Notice upon Local Board; upon Owners and Occupiers.

CL. And be it enacted, That any Summons, Notice, Writ, or Proceeding of any Kind whatsoever to be served upon the Local Board of Health may be so served by being left at or sent through any Post Office, directed to the Local Board of Health at their Office, or by being delivered there to the Clerk personally; and in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown,) upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier, (and in case of the Owner also, if his Residence be unknown,) it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided always, in the Case of Notices to the Owner, that although his Place of Abode be known to the Local Board of Health, yet, if it be not within the Limits of their District, it shall be sufficient for them to transmit any Notice, directed to him by Name, through the Post.

Exemptions from Stamp Duty.

CLI. And be it enacted, That no Advertisement inserted or caused to be inserted by the General or Local Board of Health in the *London Gazette* or any Paper or Publication under this Act, or for the Purpose of carrying the same into effect, nor any Deed, Award, Submission, Instrument, Contract, Agreement, or Writing made or executed by the said General or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever; and in case any Vault, Cellar, or underground Room of any House containing, at the Time of the passing of this Act, Seven Windows or Lights only, shall have been let or occupied separately as a Dwelling before the passing of this Act, without any external Window, or such an external Window as is required by the Provisions of this Act with respect to the letting and Occupation of Vaults, Cellars, and underground Rooms, and it shall become necessary, by reason of such Provisions, to make such an external Window as is required thereby, in order that such Vault, Cellar, or underground Room may lawfully be let or occupied separately as a Dwelling, the making only of such external Window shall not render any Person liable in respect of such House to the Duties payable for a House having Eight Windows or Lights, anything in any Act of Parliament to the contrary notwithstanding.

Exemption from Window Duty in certain Cases.

Amendment of Act, &c.

CLII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Voting Paper.

District of

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Rate-payer.

Directions

Directions to the Voter.

The Voter must write his Initials against the Name of every Person for whom he votes, and must sign this Paper.

If the Voter cannot write he must affix his Mark, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against the Name of every Person for whom the Voter intends to vote.

If a Proxy vote he must in like Manner write his Initials, sign his own Name, and state in Writing the Name of the Corporation or Company for whom he is Proxy.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Names of the Nominators.	Address of the Nominators.

I vote for the Persons in the above List against whose Names my Initials are placed.

Signed _____

or The Mark of _____

Witness to the Mark.

or _____ Proxy for _____

SCHEDULE (B.)

Form of Mortgage of Rates.

By virtue of the Public Health Act, 1848, the Local Board of Health for the District of in consideration of the Sum of paid to the Treasurer of the said District by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing by virtue of the said Act from [*the Rates mortgaged*] as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said Principal Sum shall be repaid on the Day of at [*Place of Payment*]. Dated this Day of One thousand eight hundred and

[*In case of a Noncorporate District, to be signed by Five Members at least of the Local Board of Health, and sealed with their Seal; in case of a Corporate District, to be sealed with the Common Seal.*]

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage bearing Date the Day of and made by the Local Board of Health for the District of for securing the Sum of and Interest thereon at per Centum per Annum [*or if such Transfer be by Endorsement on the Mortgage, insert, instead of the Words immediately following the Word "Assigns," the within Security*], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

SCHEDULE (D.)

Form of Distress Warrant.

To *A.B.* Collector of Rates, and to all Constables and Peace Officers.

County of [*or* Borough, *&c.*] to wit. } Whereas Complaint hath been duly made by *A.B.*, One of the Collectors for the District of under and by virtue of the Public Health Act, 1848, that *C.D.* of, *&c.* hath not paid and hath refused to pay the Sum of duly assessed upon him in and by a certain Rate bearing Date on or about the Day of in the Year of our Lord One thousand eight hundred and although the same hath been duly demanded of him: And whereas it appears to me *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the said County [*or* Borough, *&c.*], as well upon the Oath of the said *A.B.* as otherwise,

otherwise, that the said Sum of hath been duly demanded in Writing by him from the said *C.D.*, and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said *C.D.* hath been duly summoned to appear before me to show Cause why the said Sum should not be paid by him, and not having shown to me any sufficient Cause why the same should not be paid, These are therefore, in Her Majesty's Name, to command you to levy the said Sum of and also the Sum of the Costs of proceeding to obtain this Warrant, by Distress and Sale of the Goods and Chattels of the said *C.D.*, and your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the Overplus (if any), on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said *C.D.*, that then you certify the same to me, together with this Warrant, to the end that such further Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, the Day of in the Year of our Lord

(Signed) *E.F.* (L.S.)

SCHEDULE (E.)

Form of Conviction.

County of [*or* Borough, *&c.*] *to wit.* } Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me [*or* us] One [*or* Two] of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*here describe the Offence generally, and the Time and Place when and where committed, in the Words of this Act, or as near thereunto as may be*], contrary to the Public Health Act, 1848; and I [*or* we] do adjudge that the said *A.B.* hath forfeited for his said Offence the Sum of [*Amount of Penalty adjudged*], and that he do pay to *C.D.* the further Sum of as and for his Costs in this Behalf.

Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.

(Signed) (L.S.)

(L.S.)

SCHEDULE (F.)

Form of Order to permit Execution of Works by Owners.

County of [*or* Borough, *&c.*] to wit. } Whereas Complaint hath been made to me, *E.F.* Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of by *A.B.*, Owner, within the Meaning of the Public Health Act, 1848, of certain Premises, to wit, a House [*as the Case may be*] situate in Street [*as the Case may be*] in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the Works generally, according to Circumstances, for instance, thus:* constructing and laying down, in connexion with the said House, a covered Drain, so as to communicate with a [Sewer *or* Drain] of the Local Board of Health of the District of [*or* a Sewer, *&c.* which the Local Board of Health of the District of are entitled to use, *as the Case may require*], such Sewer being within One hundred Feet of the said House]: And whereas the said *C.D.*, having been duly summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

E.F. (L.S.)

C A P. LXIV.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies. (*a*) [31st *August* 1848.]

(*a*) 3 & 4 *Vict. c.* 110. *continued, as in Title.*

C A P. LXV.

An Act to suspend until the First Day of *October* One thousand eight hundred and forty-nine the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [31st *August* 1848.]

[*This Act is the same, except as to Dates, as* 10 & 11 *Vict. c.* 68.]

C A P. LXVI.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads. (*a*) [31st *August* 1848.]

(*a*) 4 & 5 *Vict. c.* 59. *continued, as in Title.*

CAP.

CAP. LXVII.

An Act for further continuing until the First Day of *August* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. [31st *August* 1848.]

'WHEREAS by an Act passed in the Tenth and Eleventh Years of the Reign of Her present 'Majesty, intituled *An Act to amend the Law as to Ecclesiastical Jurisdiction in* England, it was 'enacted, that certain of the Provisions therein contained should continue until the First Day of *August* 'One thousand eight hundred and forty-eight, and if Parliament were then sitting until the End of the 'then Session of Parliament: And whereas it is expedient that the said Provisions should be further 'continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said recited Act shall continue until the First Day of *August* One thousand eight hundred and forty-nine, and thenceforth to the End of the then next Session of Parliament.

10 & 11 Vict. c. 98.

Certain Provisions of recited Act further continued.

II. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXVIII.

An Act for extending to *Ireland* an Act passed in the last Session of Parliament, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees.* [31st *August* 1848.]

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for better* 'securing Trust Funds, and for the Relief of Trustees, and it is expedient to extend certain of 'the Provisions of the said Act to *Ireland*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Trustees, Executors, Administrators, or other Persons having in their Hands any Monies belonging to any Trust whatsoever, or the major Part of them, shall be at liberty, on filing an Affidavit shortly describing the Instrument creating the Trust, according to the best of their Knowledge and Belief, to pay the same, with the Privity of the Accountant General of the High Court of Chancery, or of the Accountant General of the Court of Exchequer in *Ireland*, into the Bank of *Ireland*, to the Account of such Accountant General in the Matter of the particular Trust (describing the same by the Names of the Parties as accurately as may be, for the Purpose of distinguishing it), in trust to attend the Orders of the said Courts respectively, and that all Trustees or other Persons having any Annuities or Stocks standing in their Name in the Books of the Governor and Company of the Bank of *Ireland*, or of any Canal Company in *Ireland*, or any Government or Parliamentary Securities standing in their Names, or in the Names of any deceased Persons of whom they shall be personal Representatives, upon any Trusts whatsoever, or the major Part of them, shall be at liberty to transfer or deposit such Stocks or Securities into or in the Name of the said Accountant General, with his Privity, in the Matter of the particular Trust (describing the same as aforesaid), in trust to attend the Orders of the said Courts respectively; and in every such Case the Certificate of the Accountant General of such Payment, or of the Transfer or Deposit of such Stocks or Securities, shall be a sufficient Discharge to such Trustees or other Persons for the Money so paid or the Stocks or Securities so transferred or deposited.

10 & 11 Vict. c. 96.

Trustees may pay Trust Monies, or transfer Stocks and Securities, into the Court of Chancery or Exchequer in Ireland.

Certificate of Accountant General to be sufficient Discharge.

II. And be it enacted, That such Orders as shall seem fit shall be from Time to Time made by the said Court of Chancery or Court of Exchequer, in respect of the Trust Monies, Stocks, or Securities so paid in, transferred, and deposited as aforesaid, and for the Investment and Payment of any such Monies, or of any Dividends or Interest on any such Stocks or Securities, and for the Transfer and Delivery out of any such Stocks and Securities, and for the Administration of any such Trusts generally, upon a Petition to be presented in a summary Way, without Bill, by such Party or Parties as to the Court shall appear to be competent and necessary in that Behalf, and Service of such Petition shall be made upon such Person or Persons as the Court shall see fit and direct; and every Order made upon any such Petition shall have the same Authority and Effect, and shall be enforced and subject to Rehearing and Appeal in the same Manner, as if the same had been made in a Suit regularly instituted in the Court; and if it shall appear that any such Trust Funds cannot be safely distributed without the Institution of One or more Suit or Suits, the Lord Chancellor or Master of the Rolls, or the said Court of Exchequer, may direct any such Suit or Suits to be instituted.

Courts of Chancery or Exchequer to make Orders on Petition, without Bill, for Application of Trust Monies and Administration of Trust.

III. And be it enacted, That if upon any Petition presented in the Matter of the said Act it shall appear to the Court or Judge before whom such Petition shall be heard that any Monies, Annuities, Stocks, or Securities are vested in any Persons as Trustees, Executors, or Administrators, or otherwise, upon Trusts within the Meaning of this Act, and that the major Part of such Persons are desirous of transferring, paying, or delivering the same to the Accountant General of the High Court of Chancery, or to the Accountant General of the Court of Exchequer in *Ireland*, under the Provisions of this Act, but that for any Reason the Concurrence of the other or others of them cannot be had, it shall be lawful for the said Courts of Chancery and Exchequer respectively to order and direct that such Transfer, Payment, or Delivery be made by the major Part of such Persons without the Concurrence of the other or others of them; and where any such Monies or Government or Parliamentary Securities shall be deposited with any Banker, Broker, or other Depository, it shall be lawful for such Courts respectively

Where Concurrence of all the Trustees, &c. cannot be procured, the Court or Judge empowered to order Transfer of Monies, &c. by the major Part of such Trustees, &c.

as aforesaid to make such Order for the Payment or Delivery or Transfer of such Monies, Government or Parliamentary Securities, to the major Part of such Trustees, Executors, Administrators, or other Persons as aforesaid, or otherwise, for the Purpose of being paid or delivered or transferred to the said Accountant General, as to the said Courts respectively shall seem meet; and every Transfer of any Annuities, Stocks, or Securities, and every Payment of Money or Delivery of Securities, in pursuance of any such Order, shall be as valid and effectual as if the same had been made on the Authority or by the Act of all the Persons entitled to the Annuities, Stocks, or Securities so transferred or the Monies or Securities so paid or delivered respectively, and shall fully protect and indemnify the Governor and Company of the Bank of *Ireland*, and all other Persons acting under or in pursuance of such Order.

Lord Chancellor and Court of Exchequer may make Orders for Payment, &c.

IV. And be it enacted, That the Lord Chancellor, with the Assistance of the Master of the Rolls, shall have Power and is hereby authorized to make such Orders as from Time to Time shall seem necessary for better carrying the Provisions of this Act into effect; and the said Court of Exchequer shall have the like Power and Authority in respect to Payments, Transfers, or Deposits made to or with the Accountant General of that Court.

Money paid not liable to Usher's Poundage.

V. And be it enacted, That no Money so paid into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery, or paid out under any Order made under this Act by the Lord Chancellor or Master of the Rolls, shall be liable to Usher's Poundage.

Affidavit to state Payment of Legacy Duty.

VI. And be it enacted, That every Affidavit to be made on the Occasion of any Payment of Money or Transfer or Deposit of Stocks or Securities under this Act by any personal Representative shall state that the Legacy Duty, if any payable thereon, has been duly paid.

Construction of "Lord Chancellor."

VII. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXIX.

An Act to repeal so much of an Act of the Parliament of *Ireland* of the Twenty-third and Twenty-fourth Years of King *George* the Third, "for the more effectually punishing such "Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, "and who shall be guilty of other Offences therein mentioned, and for making Satisfaction to "the Parties injured," as relates to the making of Satisfaction to the Parties injured; and to substitute other Provisions in lieu thereof; and to repeal the Provisions of the Acts which give Remedies against any Hundreds or Baronies in *Ireland* in respect of Robbery.

[31st *August* 1848.]

'WHEREAS by an Act passed in the Parliament of *Ireland* in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured*, it is amongst other things enacted, that if any Persons, unlawfully, riotously, and tumultuously assembled together, shall at any Time after the passing of the said Act wilfully and maliciously pull down, demolish, set fire to, or destroy, or shall begin to pull down, demolish, set fire to, or destroy, any Storehouse, Mill, Granary, Corn-stack, or other Place where Corn, Grain, Meal, Malt, Flour, or Potatoes are usually stored or kept for Exportation or Sale, or shall unlawfully enter or break into, or unlawfully attempt to enter or break into, any such Storehouse, Mill, Granary, or other Place, or take, carry away, throw abroad, or spoil, or attempt by Force to take, carry away, throw abroad, or spoil, any Corn, Meal, Malt, Flour, or Potatoes which shall be stored or kept therein, or shall unlawfully enter on board any Ship, Vessel, or Boat wherein any Corn, Grain, Meal, Malt, Flour, or Potatoes shall be laden, and wilfully take, carry away, cast overboard, destroy, or damage any of the said Articles laden therein, or wilfully cut, injure, spoil, or take away the said Ship, Vessel, or Boat, or the Rigging, Furniture, Tackle, or Rudder thereof, or any Part of such Ship, Vessel, or Boat, Rigging, Furniture, or Tackle, or unlawfully, wilfully, and by Force obstruct or prevent, or endeavour to obstruct or prevent, the loading or carrying any of the said Articles on board any Ship, Vessel, or Boat, or shall unlawfully, wilfully, and by Force prevent or endeavour to prevent any Ship, Vessel, or Boat laden therewith, or in which any of said Articles shall be laden, from sailing, or shall unlawfully, wilfully, and knowingly, and by Force stop, seize, detain, take, or drive away any Horse, Car, Cart, Carriage, or Boat laden with any of the said Articles on the Way to or from any Mill, Store, Granary, or Market, Sea-port, or Place of Shipping, with a View or Intent to prevent the Corn, Grain, Meal, Malt, Flour, Bread, Biscuit, or Potatoes therein or laden thereon, or any Part thereof, from being taken to the House, Vessel, Storehouse, Place, or Person to which it was intended to be carried, or shall wilfully kill or maim any Horse or Horses or other Beast or Beasts laden therewith, or shall wilfully and forcibly cut or otherwise break or destroy any of the Sacks, or scatter or throw abroad any of the aforesaid Articles, wherewith such Car, Cart, Carriage, Horse, or Boat is or shall be laden, or take away or distribute, or compel the Owner, Driver, or Conductor thereof to distribute, sell, or otherwise dispose of any such Article wherewith such Car, Cart, Carriage, Boat, Horse, or other Beast is laden, or any Part thereof, or shall wilfully destroy any Weir, Sluice, Mill Dam, Drain, or Outwork belonging or appertaining to any Mill, every such Person so offending in any

23 & 24 G. 3. (I.)

'of the said Matters, and all Persons unlawfully, riotously, or tumultuously assembled, who shall aid or 'assist in the Commitment or the attempting to commit any of the said Offences, being thereof lawfully 'convicted, shall be adjudged Felons, and shall suffer such Punishment as in the said Act provided; and 'that all Damages which shall be sustained by means of any of the Offences aforesaid, or by any Violence 'committed against or contrary to the said Act, shall and may be recovered by Action to be brought in 'any of His Majesty's Courts of Record in this Kingdom (wherein no Essoign, Protection, Wager of 'Law, or Imparlance shall be allowed,) by the Person or Persons injured, his, her, or their Executors 'or Administrators, against the Chief or any other Magistrate of the County of the Town or City if the 'said Injury or Violence shall have been committed in the County of a Town or City, or against any One 'or more of the Inhabitants of the Parish in any County if the said Injury or Violence shall have been 'committed in any Parish not being in a County of a Town or City; and if on such Action Judgment 'shall be given for the Plaintiff or Plaintiffs, the Damages recovered on such Judgment, together with 'the Costs, shall be levied as therein-after directed, and paid to the Plaintiff or Plaintiffs, his, her, or 'their Executors or Administrators: And whereas great Expenses are incurred in proceeding by Action 'at Law in pursuance of the Provisions of the said recited Act, and it is expedient that such Damages 'should be recoverable by shorter, less expensive, and more summary Proceedings:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as provides that any Damages sustained by means of any of the Offences therein stated, or by any Violence committed against or contrary to the said recited Act, may be recovered by Action to be brought in any of Her Majesty's Courts of Record in *Ireland*, against the Chief or any other Magistrate of any County of a Town or City, or against any One or more of the Inhabitants of any Parish in any County, or as relates to the Proceedings in any such Action, or to the Recovery of such Damages, shall be and is hereby repealed, save and except as to any Action or Proceeding heretofore commenced for any such Damages sustained by any such Offence or Violence heretofore committed.

So much of recited Act as relates to Proceedings in Actions and Recovery of Damages repealed.

II. And be it enacted, That all Damages which have heretofore been sustained, or shall at any Time after the passing of this Act be sustained, by any Person or Persons, by means of any of such Offences against the said recited Act, or by any Violence committed against or contrary to the same, shall and may be recovered by like Applications and Proceedings, and by like Presentments of the Grand Jury of the County, County of a City, or County of a Town, in which any such Offence or Violence shall have been committed, and subject to like Traverses, and subject to like Provisions, and in like Manner in all respects as by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland, or by an Act of the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, respectively, is or are provided in relation to the Application for or Recovery of Compensation for Losses or Damages sustained by any Person or Persons by means of the mischievously or wantonly setting fire to, burning, or destroying any House, Outhouse, or other Building, or any Haggard, Corn, Hay, Straw, or Turf, or the maliciously setting fire to, burning, or sinking any Boat or Barge laden with Corn or other Provisions, or the maliciously killing, maiming, houghing, or injuring any Horse, Mule, Ass, or Swine, or any Horned Cattle or Sheep, or the maliciously damaging, injuring, or destroying any Bank, Gate, Lock, Weir, Sluice, Bridge, Dam, or other Work belonging to any Person, public Canal or Navigation; and the Provisions of the said Two last-mentioned Acts respectively shall be accordingly applied for the Recovery of Compensation for Damages sustained by means of any of such Offences as aforesaid against the said first-recited Act: Provided always, that in the Case of any of such Offences committed in the County of the City of *Dublin* Compensation for Damages sustained by any Person or Persons by means thereof shall and may be recovered in like Manner in all respects as by an Act of the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for extending to the County of the City of* Dublin *the Provisions of an Act passed in the Nineteenth and Twentieth Years of His late Majesty King* George *the Third in* Ireland, *intituled* '*An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards,* 'and Corn, and for other Purposes,' *so far as relates to burning of Houses,* is provided in relation to the malicious burning of Houses, Barns, Haggards, Corn, or other Articles or Effects.

Damages sustained by means of Offences against recited Act to be recovered by like Proceedings as Damages are recovered under 6 & 7 W. 4. c. 116. and 7 & 8 Vict. c. 106.

Compensation for Offences committed in the City of Dublin may be recovered under 4 & 5 Vict. c. 10.

III. And be it enacted, That after the passing of this Act it shall be lawful for any Person or Persons against whom any Action shall have been commenced or prosecuted before the passing of this Act, and shall be now pending, for the Recovery of any Damages sustained by means of any Offence or Violence committed contrary to the said first-recited Act, or for the Plaintiff or Plaintiffs in any such Action, to apply at any Time before the Trial to the Court in which such Action shall have been commenced or prosecuted, or to any Judge of any of the Superior Courts at *Dublin*, for an Order that such Action shall be discontinued; and every such Court or Judge, upon such Application, shall make such Order as aforesaid, and shall order the Costs of the Plaintiff to be taxed as between Party and Party, and upon the making of such Order such Action shall be forthwith stayed or discontinued; and thereupon, after such Stay of Proceedings, it shall be lawful for the Person or Persons who shall have so commenced or prosecuted such Action, or his, her, or their Executors or Administrators, to proceed to recover such Damages, together with the Costs so taxed as aforesaid, and to obtain the same by Presentment of the Grand Jury, in the same Manner as in the immediately preceding Provision respectively directed: Provided always, that it shall not be necessary for such Person or Persons, or for any Person or Persons

Actions commenced before passing of this Act for Recovery of Damages under first-recited Act may be discontinued, and such Damages may be recovered by Presentment of Grand Jury.

who has or have sustained any such Damages before the passing of this Act, to serve or post any Notice of his, her, or their Intention to apply for Compensation for any such Damages or Costs upon any Person or Persons, save that he, she, or they shall lodge with the Secretary of the respective Grand Jury, as Applications for Public Works are required to be lodged, an Application, setting forth the Loss or Damages sustained, and the Amount thereof, and of such Costs so taxed aforesaid, and setting forth the Time and Place when and where such Injury was done, and the particular Property injured; which Application shall be scheduled by the Secretary of the Grand Jury, and, subject as aforesaid, be dealt with, as near as may be, as other Applications for Compensation for Damages in other Cases.

So much of Acts 13 Edw. 1., 28 Edw. 3., and 10 & 11 Car. 1. as relates to Remedies against Hundreds or Baronies in Ireland repealed.

IV. 'And whereas by an Act passed in the Thirteenth Year of the Reign of King *Edward* the First, 'and by another Act passed in the Twenty-eighth Year of the Reign of King *Edward* the Third, Remedies are given against Hundreds and Franchises, in respect of Robberies committed therein: And 'whereas by another Act passed in the Parliament of *Ireland* in the Session holden in the Tenth and 'Eleventh Years of the Reign of King *Charles* the First, intituled *An Act for the following of Hue and 'Cry*, further Provision is made relating to the Recovery of Damages against the Hundred or Barony in 'respect of Robberies committed; and it is expedient that so much of the said recited Acts as relates to 'Remedies against any Hundred, and to the Recovery of Damages against any Hundred or Barony, or the 'Inhabitants thereof, in respect of any Robberies committed, should be repealed, so far as relates to '*Ireland*:' Be it therefore enacted, That from and after the passing of this Act so much of the said last-recited Acts as relates to any Remedies against any Hundred, or to the Recovery of Damages against any Hundred or Barony in *Ireland*, or the Inhabitants thereof, in respect of any Robbery, shall be and the same is hereby repealed, save and except as to any Action or Proceeding heretofore commenced in respect of the same; and in the Case of any such Action or Proceeding heretofore commenced, the same shall and may be stayed and discontinued, in like Manner and subject to like Regulations as herein-before provided as to staying and discontinuing Proceedings, and after such Stay of Proceedings it shall be lawful for the Person or Persons who shall have so commenced or prosecuted such Action, or his or their Executors or Administrators, and it shall be lawful also for any Person or Persons who shall have heretofore sustained any such Damages by means of any Robbery, and for which he might now have any Remedy under the said recited Acts, and who shall not have commenced any Action or Proceeding therefor, before the passing of this Act, his, her, or their Executors and Administrators, (in either of such Cases,) to proceed to recover such Damages, and, in the Case of an Action being commenced, the taxed Costs as aforesaid, and to recover the same by Presentment of the Grand Jury, in the same Manner as in the immediately preceding Provisions respectively directed: Provided always, that it shall not be necessary for such Person or Persons to serve or post any Notice of his, her, or their Intention to apply for Compensation for any such Damages upon any Person or Persons, save that he, she, or they shall lodge with the Secretary of the respective Grand Jury, as Applications for Public Works are required to be lodged, an Application setting forth the Loss or Damages sustained, and the Amount thereof, and, in the Case of any Action commenced, the taxed Costs as aforesaid, and setting forth the Time and Place when and where such Robbery was committed, and the particular Property robbed, which Application shall be scheduled by the Secretary of the Grand Jury, and, subject as aforesaid, be dealt with, as near as may be, as other Applications for Compensation for Damages in other Cases: Provided always, that such Damages shall be levied off the Barony, County of a City, or County of a Town, in which such Robbery shall have been committed.

Persons having sustained Damage, and for which they might have a Remedy under recited Acts, may, having commenced an Action, proceed to recover Damages and Costs under this Act.

Where Damages to be levied.

Extent of Act.

V. And be it enacted, That this Act shall extend only to *Ireland*.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXX.

An Act for dispensing with the Evidence of the Proclamations on Fines levied in the Court of Common Pleas at *Westminster*. [31st *August* 1848.]

'WHEREAS, notwithstanding all Fines levied in the Court of Common Pleas at *Westminster* previously to the Abolition of Fines were levied with Proclamations, yet unnecessary Trouble and 'Expense are occasionally incurred by Parties being required to procure Evidence of such Proclamations 'having been in fact made:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Fines heretofore levied in the said Court of Common Pleas shall be conclusively deemed to have been levied with Proclamations, and shall have the Force and Effect of Fines with Proclamations.

Fines levied in the Court of Common Pleas to be deemed Fines with Proclamations.

As to pending Proceedings.

II. Provided always, and be it enacted, That nothing herein contained shall extend to or affect any Proceedings at Law or in Equity pending at the Time of the passing of this Act.

Not to extend to Fines concerning Lands, &c. possessed under adverse Titles, &c.

III. Provided also, and be it enacted, That this Act shall not extend to any Fine heretofore levied of or concerning any Lands, Tenements, or Hereditaments which at the Time of the passing of this Act shall be actually possessed or enjoyed by any Person or Persons under a Title adverse to or inconsistent with the Operation of such Fine if levied with Proclamations, but in all such Cases it shall be necessary for all Parties alleging that such Fine was levied with Proclamations to prove such Allegation in the same Manner as if this Act had not been made.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP.

CAP. LXXI.

An Act to continue to the Twentieth Day of *July* One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament, Her Majesty's Commission for building new Churches. [31st *August* 1848.]

CAP. LXXII.

An Act to amend the Acts relating to the Constabulary Force in *Ireland*, and to amend the Provisions for the Payment of Special Constables. [31st *August* 1848.]

'WHEREAS it is expedient to alter and amend several Provisions of the Acts relating to the Constabulary Force in *Ireland*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to fix and appoint such annual Salary as may from Time to Time to him or them seem proper to be paid to each Constable appointed or to be appointed under any of the Acts now in force relating to the Constabulary Force in *Ireland*, not exceeding Thirty-eight Pounds for each mounted Constable, and Thirty-six Pounds for each dismounted Constable, and to direct that such annual Salary shall commence on and from the First Day of *April* in this present Year.

Power to Lord Lieutenant, &c. to fix Salaries of Constables.

II. 'And whereas in pursuance of an Act of the Second and Third Years of the Reign of Her 'present Majesty, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland, 'several of the Constables of the said Force are at present in the Receipt of a Salary of Forty Pounds 'per Annum:' Be it enacted, That each of such last-mentioned Constables shall continue to receive the said Salary of Forty Pounds until the said Lord Lieutenant or other Chief Governor or Governors shall otherwise direct, and that it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors from Time to Time to direct that the said Salary of Forty Pounds shall be paid to any other Constables: Provided always, that the Number of Constables receiving such Salary shall not at any one Time exceed Fifteen.

Salary of a limited Number of Constables under 2 & 3 Vict. c. 75. continued.

III. 'And whereas by an Act of the Ninth and Tenth Years of the Reign of Her present Majesty, 'intituled *An Act to provide for removing the Charge of the Constabulary Force in* Ireland *from the* 'Counties, *and for enlarging the Reserve Force, and to make further Provision for the Regulation and* 'Disposition *of the said Constabulary Force*, it was, amongst other Matters, provided that the whole 'Cost of the Constabulary Force, save as therein mentioned, should be paid out of the Consolidated 'Fund of the United Kingdom of *Great Britain* and *Ireland:* And whereas it is expedient to fix and 'determine the Number of Officers and Men whose Pay and Expenses may, under the Provisions of the 'said Act, be wholly charged upon the said Consolidated Fund for each County, County of a City, or 'County of a Town in *Ireland*:' Be it therefore enacted, That the total Number of Officers and Men wholly chargeable as aforesaid to the said Consolidated Fund shall be such as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may from Time to Time consider to be required in each County, City, or Town, but shall not exceed in any Year, after the Thirty-first Day of *March* One thousand eight hundred and forty-eight, the Number specified in the Schedule (A.) to this Act annexed, for each County, City, or Town named therein.

9 & 10 Vict. c. 97.

Number of Constabulary chargeable on Consolidated Fund to be fixed by Lord Lieutenant, &c.

IV. 'And whereas it is expedient to fix and determine the Sum to be charged upon each County, or 'any Part or District thereof, or any County of a City or County of a Town in *Ireland*, in all Cases 'where, by the Laws now in force, One Moiety of the Costs and Expenses of any Constabulary Force is 'chargeable thereupon respectively, and also the Sum to be charged upon any Borough for which a 'Constabulary Force shall be appointed in compliance with a Memorial from the Town Council of such 'Borough, in pursuance of an Act of the Third and Fourth Years of the Reign of Her present Majesty, 'intituled *An Act for the Regulation of Municipal Corporations in* Ireland:' Be it enacted, That from and after the Thirty-first Day of *March* One thousand eight hundred and forty-eight in all such Cases as aforesaid there shall be chargeable to each such County, County of a City, County of a Town, or Borough, *per Annum*, for each Sub-Inspector One Moiety of the Sum of One hundred and sixty Pounds, for each Head Constable One Moiety of the Sum of Seventy Pounds, and for each Constable or Sub-Constable One Moiety of the Sum of Thirty-five Pounds Two Shillings and Sixpence, and so in proportion for every fractional Part of a Year.

Rate of Charge on Counties and Boroughs for Constabulary Force appointed on Application of Town Council of a Borough.

3 & 4 Vict. c. 108.

V. And be it enacted, That in all Cases where an additional Constabulary Force shall have been certified by the Magistrates of any County at large, at any General or Special Sessions, as now by Law provided, to be necessary for the due Execution of the Law within such County, and shall be appointed in conformity with such Certificate, and also in all Cases where an additional Constabulary Force shall be appointed for any Borough in pursuance of the Provisions of the said Act of the Third and Fourth Years of the Reign of Her present Majesty, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint One Sub-Inspector for every Fifty Constables and Sub-Constables, and One Head Constable for every Twenty-five Constables and Sub-Constables, who may have been so appointed; and the Expense of such Sub-Inspectors and Head Constables shall be chargeable upon such County or Borough respectively, and be repaid by Grand Jury Presentment, or from the Borough Fund, in the same Manner as the Expense of the Constables and Sub-Constables who may have been so appointed.

Proportion of Sub-Inspectors and Head Constables to additional Force appointed on Certificate of Magistrates, or Application from Town Council of a Borough.

VI. And

If Constabulary shall be ordered under the Authority of 6 & 7 W. 4. c. 13. to repair to any other Place, &c., and Absence exceeds Five Days, the Expense to be charged thereto, and paid by Presentment.

VI. ‘ And whereas by an Act passed in the Sixth Year of the Reign of King *William* the Fourth, ‘ intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, the Inspector ‘ General is authoizerd, subject to the Direction and Control of the said Lord Lieutenant or other Chief ‘ Governor or Governors, from Time to Time as may be deemed expedient, to direct that the whole or ‘ any Number of the Constabulary Force of any County, County of a City, County of a Town, or Town ‘ and Liberties, shall go and repair to any Place or Places in any other County or Counties, or in any ‘ County of a City, or County of a Town, or Town and Liberties: And whereas in the said recited Act ‘ of the Ninth and Tenth Years of Her present Majesty, among the Cases in which it was enacted that ‘ Counties and Districts should still be chargeable in respect of the Constabulary Force, the Case of a ‘ Portion of the Force of one County temporarily sent by the Inspector General into another County ‘ was not provided for:’ Be it enacted, That whenever any Officer or Officers, Head or other Constable or Constables, or Sub-Constable or Sub-Constables, shall be ordered by the Inspector General, under the Authority of the above-recited Provision, to go and repair to any Place or Places in any County, County of a City, or County of a Town, other than that to which he or they may belong or have been appointed, and shall be absent from his or their proper County or Place more than Five Days, the County, County of a City, or County of a Town to which he or they shall be so removed shall, in case the Lord Lieutenant or other Chief Governor or Governors shall so direct, be charged, at and after the Rates herein-before specified, with a Moiety of the Expense of each such Officer, Head Constable, Constable, or Sub-Constable during the Period of his or their remaining in such last-mentioned County, County of a City, or County of a Town; and the Amount of such Moiety shall be repaid by Grand Jury Presentment, in like Manner as any Sums payable in respect of the Constabulary Force.

Where Constabulary shall be required under 8 & 9 Vict. c. 46. to keep the Peace near Railway Works, Company, &c. requiring the same to pay the Expense.

VII. ‘ And whereas by an Act of the Eighth and Ninth Years of Her present Majesty's Reign, ‘ intituled *An Act for the Appointment of additional Constables for keeping the Peace near Public ‘ Works in* Ireland, Provision is made for the Appointment and Payment of additional Head and other ‘ Constables for keeping the Peace in certain Cases in the Neighbourhood of Railway Works or other ‘ public Works in *Ireland*:’ Be it enacted, That whenever such additional Head or other Constables shall have been or shall be appointed and employed for the Purposes and under the Provisions of the said last-recited Act, the Company or other Parties carrying on such Railway or other public Works shall be chargeable for the Expense of such Head and other Constables as in the said Act provided, but according to the Proportion of Head and other Constables herein-before provided, and also according to the Scale of Charge herein-before provided for Head and other Constables, save that such Company or Parties shall be chargeable for the whole and not for the Moiety only of such respective Rates of Charge.

Form of Certificate to be laid before Grand Juries.

VIII. ‘ And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the ‘ Fourth the Inspector General is required to make out a Certificate under his Hand of the Amount of ‘ the Monies chargeable under the Provisions of the said Act on each County, County of a City, County ‘ of a Town, or any Part of any County, specifying the Force or Service in respect whereof such Charge ‘ may have been incurred, and transmit the same, when approved and certified by the Chief or Under ‘ Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to the Secretary of ‘ the Grand Jury for such County, County of a City, and County of a Town, One Week before each ‘ Assizes and Presenting Term, who shall lay the same before the Grand Jury: And whereas Doubts ‘ have arisen in some Cases with respect to the Sufficiency of Certificates which have been laid before ‘ Grand Juries in pursuance of the said last-recited Enactment, and it is expedient to provide a Form of ‘ Certificate which shall be sufficient in all such Cases:’ Be it therefore enacted, That the Certificate to be transmitted by the said Inspector General, or by One of his Deputies, to the Secretary of the Grand Jury of any County, County of a City, or County of a Town, before any Assizes or Presenting Term, and to be laid by the said Secretary before the Grand Jury, shall and may be made in the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect, and shall not be required to state any further or other Particulars than such as appear in the said Form; and in case of there being no Inspector General, or in case of his Absence, any such Certificate may be signed by One of the Deputy Inspectors General, and shall be of like Validity.

Constabulary to act in adjacent Counties.

IX. And be it enacted, That from and after the passing of this Act the Officers and Men of the Constabulary Force shall have the same Rights, Powers, and Authorities in and for each of the Counties, Counties of Cities, and Counties of Towns immediately adjacent to that to which they may have been appointed, as if they had been appointed for such Counties, Counties of Cities, or Counties of Towns respectively.

6 & 7 W. 4. c. 13.

X. ‘ And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the Fourth, ‘ intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, it is enacted, ‘ that it shall and may be lawful for the Inspector General or Deputy Inspector General, or any other ‘ Person or Persons to be nominated for the Purpose from Time to Time by the Lord Lieutenant, or ‘ other Chief Governor or Governors of *Ireland* for the Time being, to examine on Oath into the Truth ‘ of any Charges or Complaints preferred against any Person appointed under the said Act of any ‘ Neglect or Violation of Duty in his Office: And whereas by an Act of the Second and Third Years

2 & 3 Vict. c. 75.

‘ of the Reign of Her present Majesty, intituled *An Act for the better Regulation of the Constabulary ‘ Force in* Ireland, it is enacted, that all Witnesses duly summoned by the Inspector General or Deputy ‘ Inspector General, or Person or Persons nominated at any Time by the Lord Lieutenant or other ‘ Chief Governor or Governors to inquire pursuant to the above recited Provision, shall, during their ‘ necessary Attendance at such Inquiry, and in going to and returning from the same, be privileged from ‘ Arrest;

'Arrest; and that all Persons so duly summoned who shall refuse to be sworn, or, being sworn, shall 'refuse to give Evidence or to answer all such Questions as may be legally demanded of them, shall 'forfeit and incur such Penalty, not exceeding Five Pounds, as the said Inspector General or Deputy 'Inspector General, or Persons holding such Inquiry, shall direct, and in default of Payment thereof 'shall and may be imprisoned for such Period, not exceeding One Month, as such Inspector General or 'Deputy Inspector General, or Person or Persons holding such Inquiry, may direct and adjudge:' Be it enacted, That from and after the passing of this Act it shall and may be lawful for either of the Assistant Inspectors General (without any special Appointment), or for any County Inspector or Sub-Inspector who shall be appointed by the Inspector General (or in his Absence by One of his Deputies) to be President of any Court of Inquiry into the Truth of any Charges or Complaints preferred against any Member of the said Constabulary Force of any Neglect or Violation of Duty in his Office, to examine on Oath into the Truth of such Charges or Complaints, and to summon any Witness or Witnesses on such Inquiry, and to act in all respects in relation thereto as effectually as can be done under the said recited Acts by the Inspector General or a Deputy Inspector General, or by any Person nominated for the Purpose of holding such Inquiry by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and the Witnesses summoned to attend such Inquiry shall have the same Privilege from Arrest, and shall be subject to the same Penalties for false swearing, and for refusing to be sworn, or (being sworn) to give Evidence, or to answer all such Questions as may be legally demanded of them, as are provided in the said recited Acts: Provided always, that if any Fine or Imprisonment shall be imposed by the President of any such Court, or Person or Persons holding such Inquiry, upon any Person summoned to attend thereat, he or they shall forthwith specially report the same to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Assistant Inspector General, or a County Inspector or Sub-Inspector appointed President by the Inspector General or Deputy, may inquire and examine on Oath into the Truth, &c. of Charges against Constabulary.

XI. 'And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the 'Fourth a certain Oath is required to be taken by all Persons appointed under the said Act, and to be 'administered by any Two Magistrates:' Be it enacted, That from and after the passing of this Act it shall and may be lawful for the said Oath to be taken before and administered by One Magistrate.

Oath on Appointment may be taken before One Magistrate only.

XII. 'And whereas by the said recited Act of the Sixth Year of the Reign of King *William* the 'Fourth the Bank of *Ireland* is authorized to pay the Drafts of the Receiver only, countersigned by 'the Inspector General or One of his Deputies, for Constabulary Services: And whereas the Receiver 'may, from Illness, or from Absence on Leave granted by the Lords of the Treasury, be unable to draw 'such Drafts, by which great Inconvenience may arise to the public Service, and for which no Provision 'is made:' Be it therefore enacted, That the said Receiver shall submit for the Approval of the Commissioners of Her Majesty's Treasury the Name of a Person to act for and under the Responsibility of the said Receiver and of his Sureties during his Illness or in his Absence; and when the Commissioners of Her Majesty's Treasury, or any Three of them, shall signify to him their Approval of such Person to act as aforesaid, the said Commissioners shall notify the same to the Inspector General and to the Secretary of the Bank of *Ireland*, whereupon it shall and may be lawful for the Governor and Company of the Bank of *Ireland* to pay the Draft or Drafts of the Person so named by the Receiver (and approved by the Commissioners of Her Majesty's Treasury) to draw the same in his Behalf on the Account of public Monies for the said Constabulary Force during the Illness or Absence of said Receiver; provided that the Drafts of such Person shall be countersigned by the Inspector General, or by One of his Deputies, and shall express whether they are drawn during the Illness or Absence of said Receiver; and the said Receiver and his Sureties shall be and they are hereby declared responsible for the Act or Acts of such Person so authorized by such Receiver to act in his Behalf as aforesaid.

Receiver, with Consent of Treasury, may appoint a Person to act for him, and draw on the Bank of Ireland, in case of his Illness or Absence.

XIII. 'And whereas by an Act of the Second and Third Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act for amending the Laws in* Ireland *relative to the Appoint-* 'ment of Special Constables, and for the better Preservation of the Peace, it was amongst other things 'provided, that in case any Tumult, Riot, or Affray is apprehended, it shall be lawful for any Two or 'more Justices of the Peace, in the Cases in the said Act mentioned, to appoint Special Constables: 'And whereas by the same Act Power is given to the Justices, as therein mentioned, to issue Orders 'on the Treasurer of the County, County of the City, or County of the Town in which such Special 'Constables shall have served, directing such Treasurer to pay to the said Special Constables such 'reasonable Allowance for their Trouble, Loss of Time, and other Expenses as they may deem fit: And 'whereas Doubts have arisen in some Cases as to the Legality of such Orders on the Treasurer, in 'consequence of their having been made payable, for the sake of greater Convenience, to the Clerks 'of the respective Petty Sessions in whose District such Special Constables shall have acted, for the 'Purpose of having the Monies mentioned in such Orders distributed by such Clerk amongst the said 'Constables, and by this Means avoiding a Multiplicity of small Drafts: And whereas it is expedient, 'for the better Preservation of the public Peace, and more easy Mode of carrying out the Provisions 'of the said Act, to remove the said Doubts:' Be it therefore enacted, That any such Orders drawn in the Manner last mentioned, or to the like Effect, shall be as good and valid as any such Orders drawn as in the said Act provided, and that it shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town in *Ireland*, and such Grand Jury is hereby required, to present, without previous Application to Presentment Sessions, to be raised off such County, County of a City, or County of a Town, or any Barony, Half Barony, Townland, or other Division or Denomination of Land, within which any such Special Constables may have served, the full Amount of all Sums paid by any such Treasurer pursuant to any such Order or Orders, whether such Order or Orders shall have been made in favour of each individual Special Constable, or in favour of the Clerk of the Petty Sessions of the

Orders drawn by Justices for Payment of Special Constables under Provisions of 2 & 3 W. 4. c. 108. valid.

District in which such Special Constables may have acted, for their Use and Benefit, and whether such Orders shall have been made either before or after the passing of this Act; and in case of such Orders made in favour of the Clerk of the Petty Sessions, such Clerk shall duly pay over to such Constables any Monies received by him by virtue of such Orders, and forward to the Treasurer a Receipt from each Constable for the Amount paid to him, and a Certificate from the Magistrates at Petty Sessions that such Sums have been so paid by their Order.

Construction of Acts.

XIV. And be it enacted, That the said recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and the several Acts in force amending the same, and this Act, shall be construed together as One Act.

Schedules to be Part of the Act.

XV. And be it enacted, That the Schedules to this Act annexed shall be deemed Part of this Act.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

	County Inspectors.	Sub-Inspectors.	Head Constables.	Constables and Sub-Constables.
COUNTIES:				
Antrim	1	8	11	224
Armagh	1	6	8	145
Carlow	1	5	6	151
Cavan	1	8	12	400
Clare	1	11	12	400
Cork	2	20	28	612
Donegal	1	8	14	176
Down	1	7	9	224
Dublin	1	5	7	231
Fermanagh	1	6	8	181
Galway	2	15	24	704
Kerry	1	7	9	168
Kildare	1	6	8	250
Kilkenny	1	9	12	410
King's	1	7	9	319
Leitrim	1	6	10	311
Limerick	1	10	18	387
Londonderry	1	4	6	96
Longford	1	5	7	191
Louth	1	5	8	224
Mayo	1	9	14	274
Meath	1	8	11	324
Monaghan	1	5	7	145
Queen's	1	8	12	356
Roscommon	1	8	12	447
Sligo	1	6	9	191
Tipperary	2	20	24	1,030
Tyrone	1	6	8	150
Waterford	1	6	8	149
Westmeath	1	8	11	282
Wexford	1	8	10	240
Wicklow	1	6	8	199
CITIES AND TOWNS:				
Carrickfergus			1	10
Cork		1	3	100
Drogheda		1	2	40
Galway		1	2	65
Kilkenny		1	2	50
Limerick		1	3	80
Waterford		1	2	70
Total	35	262	375	10,006

SCHE-

SCHEDULE (B.)

CONSTABULARY OF IRELAND.

CERTIFICATE of the EXPENSE of CONSTABULARY FORCES to be presented by the Grand Jury of the County of and to be levied on the Districts mentioned therein for the Half Year commencing and ending .

	Amount.	Moiety.
Expense of Apprehension and Conveyance of Prisoners, and to be presented on the County at large - - -		
Ditto of a Force which is extra of the Establishment, and to be presented on the County at large - -		
Ditto ditto ditto and to be presented on the Barony of ——— - - - - -		
Ditto ditto ditto and to be presented on the Half Barony of ——— - - - -		
Ditto ditto ditto and to be presented on the Townland of ——— - - - -		
	£	

We do hereby certify, That the above Demands, amounting to are correct, and justly chargeable to, and to be levied on, the Districts above mentioned.

A.B., Inspector General [*or* Deputy Inspector General] of Constabulary.
C.D., Receiver of Constabulary.

Approved and certified,
E.F., Chief [*or* Under] Secretary.

CAP. LXXIII.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-nine, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*. [31st *August* 1848.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and forty-nine, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Acts for making, &c. Turnpike Roads in Ireland, which will expire on 31st July 1848, &c., further continued.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to continue an Act passed in the Thirty-eighth Year of the Reign of King *George* the Third, intituled *An Act to explain and reduce into One Act the several Laws for making, improving, and repairing the Turnpike Road leading from the City of* Dublin *to* Kilcullen Bridge *in the County of* Kildare, *and to the Twenty-one Milestone Westward of the said Bridge, and for prolonging the Duration of the Act for repairing the Road from* Naas *to* Limerick, *and for the further Improvement of the Road from* Kilworth Mountain *to the City of* Cork, except so far as the said Act repeals any former Act.

Nothing in this Act to continue 38 G. 3. (I.) except as it repeals any former Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXXIV.

An Act to authorize the Lords of Council and Session to regulate the Rates or Dues of Registration to be charged by the Keepers of the Registers of Sasines, Reversions, &c. in *Scotland*.

[31st *August* 1848.]

8 & 9 Vict. c. 31. 8 & 9 Vict. c. 35. 10 & 11 Vict. c. 47. 10 & 11 Vict. c. 48. 10 & 11 Vict. c. 50. 10 & 11 Vict. c. 51.

'WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Transmission and Extinction of Heritable Securities for Debt in* Scotland; and another Act was passed in the same Session of Parliament, intituled *An Act to simplify the Form and diminish the Expense of obtaining Infeftment in Heritable Property in* Scotland; and another Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law and Practice in* Scotland *as to the Service of Heirs;* and another Act was passed in the same Session of Parliament, intituled *An Act to facilitate the Transference of Lands and other Heritages in* Scotland *not held in Burgage Tenure;* and another Act was passed in the same Session of Parliament, intituled *An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in* Scotland, *and to render the same more effectual for the Recovery of Debts;* and another Act was passed in the same Session of Parliament, intituled *An Act to amend the Practice in* Scotland *with regard to Crown Charters and Precepts from Chancery:* And whereas it is expedient, with reference to the Changes produced by the said recited Acts, and by other Acts affecting the said Registers, to regulate of new the Rates or Dues now and heretofore chargeable for the Registration of Instruments of Sasine, Reversion, and other Writs at the said Registers: And whereas the Court of Session have, in virtue of various Acts of the *Scottish* and of the *British* Parliaments, been in use to regulate by Acts of Sederunt the keeping of the said Registers, and the Minute Books of the same, and also the Rates or Dues chargeable thereat by the Keepers thereof, but Doubts have arisen as to the Authority of the said Court to regulate such Rates or Dues, as the same have been affected by the Operation of the said recited Acts; and it is expedient that such Doubts should be removed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Lords of Council and Session from Time to Time to regulate and prescribe by Act of Sederunt the Amount of the Rates or Dues to be made and exacted by the several Keepers of the Registers of Sasines, Reversions, and other Writs, in *Scotland*, for the Registration therein of Instruments of Sasine, Reversions, and other Writs, having regard to the Alteration occasioned by the Operation of the said recited Acts in the Produce of the Rates or Dues chargeable at the said Registers: Provided always, that a Copy of every such Act of Sederunt shall be laid before both Houses of Parliament within Fourteen Days from the Date thereof, if Parliament shall be then sitting, and if not, then within Fourteen Days after the Commencement of the next ensuing Session.

Lords of Session may regulate Registers of Sasines, &c., and the Rates or Dues to be taken thereat, by Acts of Sederunt, which shall be laid before Parliament.

II. And be it enacted, That nothing herein contained shall impair or affect any Reservation of the Rights or Privileges of the Town Clerks of Royal Burghs provided by the said recited Acts or any of them.

Act not to affect Rights of Town Clerks.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXXV.

An Act to defray until the First Day of *August* One thousand eight hundred and forty-nine the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

[31st *August* 1848.]

[*This Act is the same, except as to Dates, as* 10 & 11 *Vict. c.* 88.]

CAP. LXXVI.

An Act to enable Archbishops and Bishops and other Persons in *Ireland* to compromise Suits touching their Rights of Patronage as to Ecclesiastical Benefices, in certain Cases.

[31st *August* 1848.]

3 & 4 W. 4. c. 27. 6 & 7 Vict. c. 54.

'WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto,* it was, amongst other things, enacted, that after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person should bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk should have obtained Possession of such Benefice adversely to the Right of Presentation or Gift of such Person, or of some Person through whom he claims: And whereas by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, intituled *An Act for extending to* Ireland *the Provisions not already in force there*

'*of*

'of an Act of the Third and Fourth Years of the Reign of the late King William the Fourth, intituled '"An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the '"Remedies for trying the Rights thereto," and to explain and amend the said Act, it was, amongst other 'things, thereby enacted, that after the First Day of *January* One thousand eight hundred and forty-four 'the several Clauses and Enactments in the said first-mentioned Act and therein-before recited, relating 'to any Right to present to or bestow any Church, Vicarage, or any other Ecclesiastical Benefice, (the 'Clause thereof providing that the said Act, so far as it related to any such Right, should not extend to '*Ireland*, always excepted,) should extend and apply to *Ireland*, and that as fully and effectually as if the 'said Clauses and Enactments were thereby repeated, substituting for the said Date of the Thirty-first 'Day of *December* One thousand eight hundred and thirty-three the Date of the First Day of *January* 'One thousand eight hundred and forty-four; and it was by the said last-mentioned Act further declared 'and enacted, that the said last-mentioned Act should not be prejudicial or available to or for any Plaintiff 'or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* 'One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or 'bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland*: And whereas in consequence 'of the Provisions of the said Acts numerous Actions of Quare impedit and Proceedings have been 'brought and instituted, and are now depending, for the Purpose of determining the Right of Presentation 'to divers Ecclesiastical Benefices and Preferments in *Ireland*, by Persons whose Claims to exercise 'such Right would but for the instituting of such Proceedings have been barred by the Provisions of the 'aforesaid Acts: And whereas numerous Actions and Proceedings have been brought and instituted and 'are now pending against Archbishops and Bishops in *Ireland* for the Recovery of Advowsons and Rights 'of Presentation to Ecclesiastical Benefices and Preferments in their Dioceses, the Patronage whereof has 'been for long and uninterrupted Periods exercised by them and their Predecessors in right of their 'Sees, and the said Archbishops and Bishops have been and will be put to heavy Expenses in preparing 'to defend and in defending, in the said Actions and Proceedings, their Rights of Patronage for them-'selves and their Successors: And whereas by an Act passed in the Session of Parliament holden in the 'Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to enable Archbishops* 8 & 9 Vict. c. 51. '*and Bishops in* Ireland *to charge their Sees with the Costs incurred by them in defence of their Rights* '*of Patronage, in certain Cases, and also to enable Tenants for Life and other Persons having limited* '*Interests in Estates in* Ireland *to charge said Estates with the Costs incurred by them in asserting their* '*Rights to Ecclesiastical Patronage, in certain Cases*, it was (amongst other things) enacted, that Arch-'bishops and Bishops might, subject to the Regulations therein provided, charge such Expenses on the 'Estates of their respectives Sees, and it was further enacted, that Plaintiffs in Quare impedit, under 'Family Settlement or otherwise entitled to a Life Estate or other limited Interest in the Advowsons or 'Rights of Presentation to the Ecclesiastical Benefices to recover which the said Writs have been sued 'out and Proceedings instituted, might, under certain Restrictions, charge the reasonable Costs and 'Expenses incurred by them in prosecuting such Claims upon the Estates of those who would be entitled 'in remainder to such Advowsons or Rights of Presentation: And whereas the Prosecution of such 'Suits is attended with very great and ruinous Expense, and the Possession of the present Incumbents 'of many of the said Benefices is uncertain and insecure, and it is just and expedient, for the Purpose of 'avoiding Expense, and quieting the Possession of Incumbents in their Benefices, to enable Archbishops 'and Bishops, and Persons who, under Family Settlements or otherwise, would only be entitled to a Life 'Estate or other limited Interest in such Advowsons or Rights of Presentation, to compromise their 'Claims to the Patronage of such Ecclesiastical Benefices:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Archbishop or Bishop in *Ireland* who may be a Defendant in any Action of Quare impedit or other Action or Suit now pending, and who may claim the Ecclesiastical Benefice which is the Subject of such Suit, as the Patron thereof, for and on behalf of himself and Successors, and for any Person or Persons by whom or on whose Behalf any such Writ of Quare impedit has been sued out, and who, under Family Settlement or otherwise, would only be entitled to a Life Estate or other limited Interest in the Advowson to recover which such Writ has been sued out, not only on behalf of themselves, and their respective Heirs, Executors, and Administrators, but also on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeazance of the Estate of such Parties, to compromise their conflicting Claims to any such Advowson or Advowsons.

Power to Archbishops and Bishops in Ireland to compromise conflicting Claims to Patronage of Advowsons.

II. And be it enacted, That it shall and may be lawful for the said Parties in such Case as aforesaid to provide by the Terms of any such Compromise that any particular Advowson or Advowsons or Right or Rights of Patronage of or to any Ecclesiastical Benefice or Benefices in *Ireland* shall belong absolutely to any Archbishop or Bishop and his Successors, in consideration of such Archbishop or Bishop, on behalf of himself and Successors, agreeing that any other Advowson or Advowsons, Right or Rights of Patronage to any other Ecclesiastical Benefice or Benefices in *Ireland*, shall belong to any such Person or Persons as aforesaid, according to such Estate or Interest as he, she, or they may respectively claim therein, under Family Settlement or otherwise, or for the Parties to such Compromise to provide that the alternate Right or Rights of Presentation or Patronage to any such Ecclesiastical Benefice or Benefices shall belong to any Archbishop or Bishop and his Successors on the one hand, and on the other to any Person or Persons, according to such Estate or Interest as he, she, or they may respectively be entitled to or claim, under Family Settlement or otherwise, or to make any other Arrangement or Provision

Parties to provide by the Terms of such Compromise the Rights to certain Patronage.

Provision respecting any Advowson or Advowsons, Right or Rights of Patronage, for the Recovery of which Suits are now pending, which may by them respectively be deemed proper and expedient.

Where Compromise carried into effect, an Instrument in Writing containing Terms of the same shall be lodged in the Council Office of Dublin Castle.

III. And be it enacted, That where any such Compromise is to be carried into effect under the Provisions of this Act an Instrument in Writing containing the Terms of such proposed Compromise (including the Terms contained in the Provision next herein-after mentioned), and in the Case of a Bishop being a Defendant having endorsed upon such Instrument the Approbation of the Archbishop entitled to exercise Archiepiscopal Jurisdiction in the Province in which the Parish or Parishes the Subject of such Compromise is or are situate, or in case any Archbishop shall be a Defendant, having endorsed thereon the Approbation of Her Majesty's Attorney General for *Ireland*, shall be lodged in the Council Office of *Dublin Castle*, and thereupon it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Consent of the major Part of Her Majesty's Privy Council of *Ireland* in Council assembled (Six at least assenting), to take the Matter of such Instrument into their Consideration, and to make an Order approving or disapproving of the Terms of such Compromise; and in case such Compromise shall be approved as aforesaid it shall be lawful for the Parties, upon the Production of a Copy of such Order before the Court of Common Pleas in *Ireland*, to proceed to have such Compromise carried into effect by a Rule or Order of such Court, to be made upon Consent of the Parties hereby enabled to enter into such Compromise, and (if required by the said Court) upon Affidavit or Affidavits of such Facts and Circumstances as the said Court may require for their Information; and every such Rule or Order shall, when made, be conclusive Evidence of the Title of the Person or Persons who shall be thereby declared to be the Patron or Patrons of every such Advowson or Advowsons.

If Lord Lieutenant, &c. approve of Compromise, Parties may obtain an Order from Common Pleas to carry the same into effect.

Incumbents to retain Possession notwithstanding Compromise.

IV. And be it enacted, That every such Compromise shall provide that every Incumbent in possession of any Ecclesiastical Benefice at the Time of the passing of this Act shall hold the same as if he had been presented or collated thereto by the true and undoubted Patron thereof, notwithstanding that by any such Compromise it shall be agreed that the Advowson of the Benefice whereof such Incumbent is in possession shall belong to any Person or Persons other than the Person or Persons by whom such Incumbent shall have been presented or collated to such Benefice.

As to Payment of Expenses of Compromise.

V. Provided always, and be it enacted, That the Costs and Expenses of such Compromise incurred or to be incurred shall be charged by the said Archbishop and Bishop, and by said Tenants for Life, or other Person or Persons having limited Estates or Interest, in such Manner and Form as is provided by said recited Act passed in the Eighth and Ninth Years of Her present Majesty.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXVII.

An Act to authorize the Application of Part of the unclaimed Money in the Court for the Relief of Insolvent Debtors in enlarging the Court House of the said Court. [31st *August* 1848.]

1 & 2 Vict. c. 110.

'WHEREAS by an Act passed in the Second Year of the Reign of Her present Majesty, intituled '*An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for* '*extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws* '*for the Relief of Insolvent Debtors in* England, after noticing that it might happen that Money might 'remain in the Court for the Relief of Insolvent Debtors, produced by the Estates and Effects of 'Insolvent Debtors who had taken the Benefit of that or some other Act for the Relief of Insolvent 'Debtors, which had not been or might not be claimed by the Assignees or Creditors of such Insolvents, 'it was enacted, that it should be lawful for the said Court to cause the same or any Part thereof to be 'invested in Government Securities, and to apply the Interest and Profit arising therefrom towards 'defraying the Expenses of the said Court; provided that no such Money should be so invested until 'the same should have been in the Hands of the said Court for Twelve Months at the least: And 'whereas the Sum of Sixty-seven thousand Pounds or thereabouts, remaining unclaimed in the said 'Court, has been invested in Exchequer Bills under the said recited Provision: And whereas by reason 'of recent Alterations in Jurisdiction, under which every Commissioner of the said Court for the Relief 'of Insolvent Debtors forms a Court, it has become necessary to enlarge the Court House in *Portugal* '*Street, Lincoln's Inn Fields*, and for that Purpose to purchase and alter an adjoining Messuage and 'Buildings; and it is expedient that Part of the said unclaimed Monies should be applied in defraying 'the Expenses incurred or to be incurred for that Purpose:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Court for the Relief of Insolvent Debtors shall, by Sale or Disposition of a sufficient Part of the Exchequer Bills or other Securities in which the said Sum of Sixty-seven thousand Pounds or such other Sum of Money as may remain unclaimed in the said Court shall for the Time be invested, raise such Sum or Sums, not exceeding in the whole the Sum of Twenty-one thousand three hundred Pounds, as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, by Warrant or Warrants under their Hands, direct, and pay or cause to be paid such Sum or Sums to the Governor and Company of the Bank of *England*, to the Credit of Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, and such Sum or Sums shall be placed to such Account as such last-mentioned Commissioners shall direct.

Power to Insolvent Debtors Court, out of Investments of unclaimed Money, to pay to Credit of Commissioners of Woods, &c. such Sums as Treasury may direct, not exceeding 21,300*l.*

II. And

Such Money to be applied in paying Expenses of enlarging and fitting Court House.

II. And be it enacted, That the Money which shall be raised and paid or caused to be paid by the said Court for the Relief of Insolvent Debtors to the Credit of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as aforesaid, shall be applied by such Commissioners, in such Manner as they, with the Approbation of the said Commissioners of Her Majesty's Treasury, shall think fit, in enlarging, fitting, and preparing for the Purposes of the said Court the said Court House in *Portugal Street, Lincoln's Inn Fields,* and in Payment of the Consideration Monies and Expenses which have been or may be contracted to be paid or incurred for that Purpose.

Receipt of Cashier of the Bank to be a Discharge to Insolvent Debtors Court.

III. And be it enacted, That the Receipt of One of the Cashiers of the Bank of *England,* for any Sum or Sums of Money not exceeding in the whole the said Sum of Twenty-one thousand three hundred Pounds which shall be paid into the said Bank in pursuance of any Warrant or Warrants of the said Commissioners of the Treasury, by or by the Order of the said Court for the Relief of Insolvent Debtors, to the Credit of the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, shall be a Discharge and Indemnity to the said Court, and the Commissioners and Officers thereof respectively; and the said Court, and the Commissioners and Officers thereof respectively, shall not be concerned to see to the Necessity of such Payment, or to the Application of the Monies to the Purposes of this Act.

In case Money remaining in Insolvent Debtors Court be insufficient to meet Claims. Deficiency to be made good out of Consolidated Fund.

IV. And be it enacted, That in case at any Time hereafter the Monies remaining in the said Court, and the Investments thereof, shall be insufficient to pay such Sums as shall be rightfully claimed by Assignees or Creditors in respect of Monies produced by the Estates and Effects of Insolvent Debtors, and brought into the said Court, it shall be lawful for the said Commissioners of Her Majesty's Treasury, upon such Deficiency being certified by the said Court for the Relief of Insolvent Debtors, under the Seal of the said Court, to cause to be issued and paid, out of any Monies which may be provided by Parliament, to the said Court for the Relief of Insolvent Debtors, such Sum or Sums, not exceeding in the whole the Amount which shall have been raised and paid to the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, under this Act, as shall be necessary for the Payment to such Assignees or Creditors of their respective Claims.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

CAP. LXXVIII.

An Act for the further Amendment of the Administration of the Criminal Law.

[31st *August* 1848.]

'WHEREAS it is expedient to provide a better Mode than that now in use of deciding any difficult 'Question of Law which may arise in Criminal Trials in any Court of Oyer and Terminer and 'Gaol Delivery, and to make further Amendments in the Administration of the Criminal Law:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when any Person shall have been convicted of any Treason, Felony, or Misdemeanor before any Court of Oyer and Terminer or Gaol Delivery, or Court of Quarter Sessions, the Judge or Commissioner, or Justices of the Peace, before whom the Case shall have been tried, may, in his or their Discretion, reserve any Question of Law which shall have arisen on the Trial for the Consideration of the Justices of either Bench and Barons of the Exchequer, and thereupon shall have Authority to respite Execution of the Judgment on such Conviction, or postpone the Judgment until such Question shall have been considered and decided, as he or they may think fit; and in either Case the Court in its Discretion shall commit the Person convicted to Prison, or shall take a Recognizance of Bail, with One or Two sufficient Sureties, and in such Sum as the Court shall think fit, conditioned to appear at such Time or Times as the Court shall direct, and receive Judgment, or to render himself in Execution, as the Case may be.

Questions of Law may be reserved at Sessions of the Peace for Consideration of Judges.

Questions reserved to be certified to the Judges.

II. And be it enacted, That the Judge or Commissioner or Court of Quarter Sessions shall thereupon state, in a Case signed in the Manner now usual, the Question or Questions of Law which shall have been so reserved, with the special Circumstances upon which the same shall have arisen; and such Case shall be transmitted to the said Justices and Barons; and the said Justices and Barons shall thereupon have full Power and Authority to hear and finally determine the said Question or Questions, and thereupon to reverse, affirm, or amend any Judgment which shall have been given on the Indictment or Inquisition on the Trial whereof such Question or Questions have arisen, or to avoid such Judgment, and to order an Entry to be made on the Record, that in the Judgment of the said Justices and Barons the Party convicted ought not to have been convicted, or to arrest the Judgment, or order Judgment to be given thereon at some other Session of Oyer and Terminer or Gaol Delivery, or other Sessions of the Peace, if no Judgment shall have been before that Time given, as they shall be advised, or to make such other Order as Justice may require; and such Judgment and Order, if any, of the said Justices and Barons, shall be certified under the Hand of the presiding Chief Justice or Chief Baron to the Clerk of Assize or his Deputy, or to the Clerk of the Peace or his Deputy, as the Case may be, who shall enter the same on the original Record in proper Form; and a Certificate of such Entry, under the Hand of the Clerk of Assize or his Deputy, or the Clerk of the Peace or his Deputy, as the Case may be, in the Form as near as may be or to the Effect mentioned in the Schedule annexed to this Act, with the necessary Alterations to adapt it to the Circumstances of the Case, shall be delivered or transmitted

by

by him to the Sheriff or Gaoler in whose Custody the Person convicted shall be; and the said Certificate shall be a sufficient Warrant to such Sheriff or Gaoler, and all other Persons, for the Execution of the Judgment, as the same shall be so certified to have been affirmed or amended, and Execution shall be thereupon executed on such Judgment, and for the Discharge of the Person convicted from further Imprisonment, if the Judgment shall be reversed, avoided, or arrested, and in that Case such Sheriff or Gaoler shall forthwith discharge him, and also the next Court of Oyer and Terminer and Gaol Delivery or Sessions of the Peace shall vacate the Recognizance of Bail, if any; and if the Court of Oyer and Terminer and Gaol Delivery or Court of Quarter Sessions shall be directed to give Judgment, the said Court shall proceed to give Judgment at the next Session.

Quorum of Judges; their Judgments to be delivered in open Court.

III. And be it enacted, That the Jurisdiction and Authorities by this Act given to the said Justices of either Bench, and Barons of the Exchequer, shall and may be exercised by the said Justices and Barons, or Five of them at the least, of whom the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or One of such Chiefs at least, shall be Part, being met in the Exchequer Chamber or other convenient Place; and the Judgment or Judgments of the said Justices and Barons shall be delivered in open Court, after hearing Counsel or the Parties, in case the Prosecutor or the Person convicted shall think it fit that the Case shall be argued, in like Manner as the Judgments of the Superior Courts of Common Law at *Westminster* or *Dublin*, as the Case may be, are now delivered.

Case or Certificate may be sent back for Amendment.

IV. And be it enacted, That the said Justices and Barons, when a Case has been reserved for their Opinion, shall have Power, if they think fit, to cause the Case or Certificate to be sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

If Judgment be reversed on Writ of Error, Record may be remitted to Court below for Judgment.

V. And be it enacted, That whenever any Writ of Error shall be brought upon any Judgment on any Indictment, Information, Presentment, or Inquisition, in any Criminal Case, and the Court of Error shall reverse the Judgment, it shall be competent for such Court of Error either to pronounce the proper Judgment or to remit the Record to the Court below, in order that such Court may pronounce the proper Judgment upon such Indictment, Information, Presentment, or Inquisition.

Punishment for Forgery.

VI. And be it enacted, That every Person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Certificate of or Copy certified by a Chief Justice, or any Certificate of or Copy certified by a Clerk of Assize or his Deputy, or the Clerk of the Peace or his Deputy, as the Case may be, with Intent to cause any Person to be discharged from Custody, or otherwise prevent the due Course of Justice, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not exceeding Ten Years, or be imprisoned for any Term not exceeding Three Years, with or without hard Labour and solitary Confinement, both or either, at the Discretion of the Court before which he shall be tried.

Extent of Act.

VII. And be it enacted, That this Act shall not extend to *Scotland*.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULE.

WHEREAS at the Session of the Peace for the County of held on before and others their Fellows, [*or* at the Session of Oyer and Terminer and Gaol Delivery held for the County of on before, among others, Sir *A.B.* Knight, One of the Justices of the Court of and *here name the Quorum Commissioners*, Justices of Oyer and Terminer and Gaol Delivery,] *A.B.*, late of Labourer, having been found guilty of Felony, and Judgment thereupon given, that [*state the Substance*], the Court before whom he was tried reserved a certain Question of Law for the Consideration of the Justices of either Bench and the Barons of the Exchequer, and Execution was thereupon respited in the meantime:

This is to certify, That the said Justices and Barons having met in the Exchequer Chamber at Westminster [*or* Dublin, *as the Case may be*,] on the Day of it was considered by the said Justices and Barons there that the Judgment aforesaid should be annulled, and an Entry made on the Record, that the said *A.B.* ought not, in the Judgment of the said Justices and Barons, to have been convicted of the Felony aforesaid; and you are therefore hereby required forthwith to discharge the said *A.B.* from your Custody.

To the Gaoler of and the Sheriff of and all others whom it may concern.

(Signed) *E.F.*
Clerk of the Peace for the County of
[*or* Clerk of Assize for *as the Case may be*].

CAP. LXXIX.

An Act to facilitate and simplify Procedure in the Court of Justiciary in *Scotland*.

[31st *August* 1848.]

'WHEREAS it is expedient that the Procedure in the Court of Justiciary in *Scotland* should be simplified and amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

assembled, and by the Authority of the same, That it shall be lawful to use printed Copies, or Copies partly printed and partly written, of all Indictments and Criminal Letters before the High Court of Justiciary and Circuit Courts of Justiciary in *Scotland*, as the principal or Record Copies of such Writs, instead of the written Copies thereof heretofore used for that Purpose: Provided always, that such printed or partly printed and partly written Copies shall be authenticated, in the Case of Indictments, by the Subscription of Her Majesty's Advocate or of One of his Deputes, and in the Case of Criminal Letters, by the Subscription of One of the Clerks of Court, according to the present Practice.

Printed Copies of Indictments, &c. may be used as Record Copies; such Copies to be authenticated.

II. 'And whereas Letters of Diligence for citing Parties, Witnesses, and Assizers are issued as a 'Matter of Course at the Instance of Her Majesty's Advocate, and according to the present Practice 'such Letters, both in the High Court and Circuit Courts of Justiciary, proceed on Bills the Deliverances 'on which require to be subscribed by One of the Judges of the said Court, which Proceeding is 'unnecessary and inconvenient:' Be it enacted, That such Bills shall hereafter be dispensed with, and such Letters of Diligence, in Cases before both the High Court and Circuit Courts of Justiciary, shall be issued by the Clerk of Court to Her Majesty's Advocate, on Exhibition of the Indictment on which such Letters of Diligence are required to be raised, or a Copy thereof, signed by the Crown Agent for the Time being; and it shall not be necessary that such Letters pass the Signet of the said Court: Provided always, that a Roll or Minute Book of all such Letters of Diligence, whether issued for the High Court or Circuit Courts of Justiciary, shall be kept by the Clerk of Justiciary.

Letters of Diligence to be issued by the Clerk on Exhibition of Indictment, and Roll or Minute Book of the same to be kept by the Clerk.

III. And be it enacted, That all Deliverances on Bills for Criminal Letters, Letters of Supplement, Lawburrows, Horning, and Caption, and on all ordinary Bills passing of course or without Opposition, shall be signed by One of the Clerks of Court instead of by One of the Judges, as at present, and the Signature of such Clerk shall be as effectual for passing such Bills as if they had been subscribed according to the present Practice: Provided always, that Bills or Petitions for Letters of Intimation or Liberation under an Act of the *Scottish* Parliament passed in the Year One thousand seven hundred and one, intituled *An Act for preventing wrongous Imprisonment, and against undue Delay in Trials*, shall remain as at present, and shall be presented to and disposed of by One of the Judges, or by the Court, according to the present Practice.

Deliverances on Bills to be signed by Clerk of Justiciary.

Bills, &c. under Act of Scottish Parliament, 1701, c. 6. to remain as at present.

IV. And be it enacted, That when in the High Court of Justiciary more than One Case shall be set down for Trial at One and the same Diet, it shall not be necessary to lodge in Court more than One List of Assize, and such List shall be authenticated by the Signature of a Judge of the said Court, and shall bear and be held to be a List of Assize for the Trial of all Parties cited to that particular Diet; and the Persons included in such List shall be summoned to pass generally upon the Assize of all the accused Parties cited to such Diet, and One general Execution of Citation only shall be returned against them; and a Copy of such List, certified by One of the Clerks of Court, shall have the like Effect, for all Purposes for which such List may be required, as the principal List of Assize authenticated as aforesaid.

One List of Assize sufficient for all Trials at the same Diet in the High Court of Justiciary.

V. And be it enacted, That in Proceedings before the Circuit Courts of Justiciary One List of Assize for each District or Circuit Court, authenticated by the Signature of One of the Judges of the said Court, shall in like Manner be sufficient; and a Copy thereof, certified by One of the Clerks of Court, shall have the like Effect for all Purposes for which such List may be required as the principal List of Assize authenticated as aforesaid.

One List sufficient for each Circuit Court.

VI. 'And whereas it is in many Cases difficult and expensive to have Indictments, Criminal Letters, 'and other Writs served or executed by Macers of Court or Messengers-at-Arms, according to the 'present Practice:' Be it enacted, That it shall be lawful to serve all Indictments, Criminal Letters, and other Writs, and to execute all Writs and Warrants issuing furth of the Court of Justiciary in *Scotland*, either by a Macer of Court or a Messenger-at-Arms, or by any Sheriff Officer or Steward's Officer of the County or Stewartry within which such Service or Execution shall be made.

Service of Writs and Warrants.

VII. 'And whereas it is inconvenient and unnecessary to transcribe the whole Proceedings in the 'Court of Justiciary in the Records of Court called the Books of Adjournal:' Be it enacted, That the Record Copies of Criminal Libels brought before the said Court, and the Record Copies of all printed Proceedings in the said Court, shall, instead of being transcribed into the Books of Adjournal, as at present, be inserted in the said Books either at their proper Place in the Body of such Books, or at the End of the Volume wherein the relative Procedure is recorded, in which Case they shall be distinctly referred to as so appended; and in so far as the said Books of Adjournal may not be completed at the passing of this Act, the same may be completed by the Insertion of the Record Copies of the said Libels and Proceedings as herein directed; and the Books of Adjournal so made up and completed shall be and be taken to be and be used as the Books of Adjournal of the said Court.

Insertion of Record Copies of Proceedings in Books of Adjournal.

Insertion of Record Copies in Books not completed at passing of this Act.

VIII. 'And whereas, owing to the Increase of Population within the Counties of *Lanark* and *Renfrew*, 'and to the consequent Increase in the Number of Trials brought before the Circuit Courts of Justiciary 'held at *Glasgow*, it is expedient to make Provision for the greater Despatch of Business in these 'Courts:' Be it enacted, That it shall be lawful for the Two Judges holding the said Courts to sit in separate Court Rooms, and to perform separately the Duties and despatch the Business of the said Courts, or such Part thereof as it may be desirable so to perform; and each of the said Judges so sitting apart shall possess all the Powers which would belong to the said Judges sitting and judging together, and all the Proceedings of the said Judges, whether sitting separately or together, shall be held as Proceedings in the Circuit Court of Justiciary for the District of *Glasgow*.

Judges holding Circuit Courts at Glasgow may sit and act separately, and Proceedings to be held good.

IX. And be it enacted, That in Criminal Trials before the Courts of Justiciary in *Scotland* the Panel shall be called upon to state any Objection he may have to the Relevancy of the Libel, and such Relevancy shall

In Criminal Trials before Courts of Jus-

ticiary, Objections of Panel to Relevancy of Libel to be disposed of by the Court.

shall be disposed of by the Court before he is called upon to plead; and in case the Libel shall be found relevant the same shall be read, unless such reading shall be dispensed with by the Panel; and the Panel shall then be called upon to plead to the Libel, and in case he shall plead Guilty the Court shall proceed to pass Sentence, and in case he shall plead Not guilty the Court shall remit him, with the Libel as found relevant, to the Knowledge of an Assize, and the Case shall be otherwise proceeded with in ordinary Form.

Power for Court to alter Forms of Interlocutors and Sentences, and substitute others.

X. And be it enacted and declared, That it shall be in the Power of the Court of Justiciary in *Scotland*, by an Act or Acts of Adjournal or otherwise, to alter the Forms of Interlocutors and Sentences at present in use in that Court, and to substitute others in their Place, in shorter or more convenient Form, and such new Forms of Interlocutors and Sentences shall have the same Force, Operation, and Effect in all respects as the Forms of Interlocutors and Sentences at present in use in place of which they may be substituted.

Power to Court to make Acts of Adjournal.

XI. And be it enacted, That it shall be lawful for the said Court of Justiciary and the said Court is hereby required, from Time to Time, to make all such Rules and Regulations, by Act or Acts of Adjournal, as may be necessary for carrying out the Purposes and accomplishing the Objects of this Act: Provided always, that Copies of all such Acts of Adjournal shall, within Fourteen Days after the making thereof, be laid before both Houses of Parliament, if Parliament shall be then sitting, and if not, within Fourteen Days after the Commencement of the then next Session.

Laws, &c. inconsistent with this Act repealed.

XII. And be it enacted, That all Laws, Statutes, Regulations, and Usages inconsistent or at variance with the Provisions of this Act shall be and the same are hereby repealed: Provided always, that the same shall continue in force in all other respects whatsoever.

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXX.

An Act to empower Lessees of Tithe Rent-charge in *Ireland* to deduct a Proportion of Poor Rate Poundage from Rent; and also to empower the Ecclesiastical Commissioners in *Ireland* to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in *Ireland*.

[31st *August* 1848.]

1 & 2 Vict. c. 56.

'WHEREAS by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor of* Ireland, it is provided and enacted, that where any Person receiving Rent in respect of any rateable Property shall also pay a Rent in respect of the same, he shall be entitled to deduct from such Rent a Proportion of the Rate deducted from him, and it is expedient to extend such Provision to the Case of Tithe Rent-charge:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, where any Person entitled to receive Tithe Rent-charge shall be liable to pay a Rent in respect of the same, he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to One Half the Amount of Rate deducted from the Tithe Rent-charge received by him as the Rent paid by him in respect of such Tithe Rent-charge bears to the Tithe Rent-charge which he is so entitled to receive.

Lessee of Tithe Rent-charge, if liable to pay Rent therefor, may deduct Proportion of Rate.

Ecclesiastical Commissioners under 3 & 4 W. 4. c. 37. shall include Poor Rate, &c. in Deductions from Valuation.

II. 'And whereas by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland, the Ecclesiastical Commissioners therein directed to be appointed were authorized and empowered to make a Valuation of all Ecclesiastical Property, subject to the Deductions therein set forth, and to take, levy, and receive therefrom a yearly Tax, Rate, or Assessment computed and imposed upon such Valuation according to the Scale and for the Purposes recited in the said Act: And whereas Doubts have arisen whether the said Commissioners are authorized to allow among the Deductions therein set forth any Sums paid for County Cess or Poor Rate, or Poundage deducted for Poor Rate, and it is expedient that such Doubts be removed:' Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Commissioners, in and from the Valuation made or to be made of any Ecclesiastical Property for the Purpose of imposing the Rate, Tax, or Assessment required by the said Act, in addition to the Charges specified as Deductions in the said Act, to deduct also such Amounts or Sum as the said Commissioners shall ascertain as proper to be deducted from such Valuation, for or on account of any County Cess or Poor Rate, or Poundage Rate for the Relief or Employment of the Poor, or for repaying any Advances made for those Purposes, and paid or payable or deducted in respect of such Ecclesiastical Property, such Deduction by the said Commissioners to be made according to a Return of the County Cess paid in respect of such Property, and of the Rate struck in the Electoral Division or Divisions within which such Property may be situate, during the Half Year ending on the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax shall be demanded.

Successors of Archbishop of Armagh and Bishop of Derry

III. 'And whereas under the said last-recited Act, to alter and amend the Laws relating to the Temporalities of the Church in *Ireland*, the Successor to the present Archbishop of *Armagh*, and the present Bishop of *Derry*, and his and their Successors for ever, Archbishops of *Armagh* and Bishops of

'*Derry*,

'*Derry*, are bound, from and out of the Revenues of the said Archbishoprick and Bishoprick respectively, 'to pay to the Ecclesiastical Commissioners for *Ireland*, half-yearly, Sums in the said Act specified, and 'it is but just that such Persons so paying such Annuity be empowered to deduct an Allowance for Poor 'Rate Deduction from the same:' Be it therefore enacted, That the Successor of the present Archbishop of *Armagh*, and the present Bishop of *Derry*, and his or their Successors in such Sees respectively, shall be entitled to deduct from the Sum to be paid by him to the Ecclesiastical Commissioners for *Ireland* such Amount or Sum as the Commissioners shall ascertain as proper to be deducted for or on account of any Poor Rate or Poundage Rate for the Relief or Employment of the Poor, or for repaying any Advances made for these Purposes, and paid or payable or deducted in respect of Ecclesiastical Property by the Tenants of such See, such Deduction to bear the same Proportion to the entire Poundage for Poor Rate allowed in such Half Year to his Tenants by such Archbishop or Bishop as the said half-yearly Annuity bears to the Rent and Fines received by such Archbishop or Bishop in such Half Year.

may deduct from Money to be paid to Ecclesiastical Commissioners a certain Sum on account of Poor Rate, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXXXI.

An Act for the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels. [31st *August* 1848.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of 'the Reign of Her present Majesty, intituled *An Act for the Regulation of Steam Navigation, and for requiring Sea-going Vessels to carry Boats*, it is, amongst other things, enacted, that on or 'before the Thirtieth Day of *April* and the Thirty-first Day of *October* in every Year the Owners of 'every Steam Vessel shall transmit to the Lords of the Committee of Privy Council for Trade Two 'Declarations in the said Act prescribed, and that the Lords of the said Committee shall register such 'Declarations, and shall transmit to the Owners of such Steam Vessels respectively Certificates of the 'Registry thereof, and that if any Steam Vessel proceed to Sea with Passengers, the Owner whereof has 'not duly transmitted to the Lords of the said Committee such Declarations and received from the Lords 'of the said Committee such Certificates of the Registry thereof as aforesaid, the Owner of such Steam 'Vessel shall forfeit a Sum not exceeding One hundred Pounds: And whereas it is expedient to make 'further Provision for compelling the Owners of Steam Vessels to transmit such Declarations to the 'Lords of the said Committee, whether such Steam Vessels be intended to proceed to Sea or not:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case the Owner or Owners of any Steam Vessel, not being a Vessel expressly excepted from the Operation of the said recited Act, neglect to transmit to the Lords of the said Committee, at the Times in the said recited Act specified, the Declarations in Writing by the said recited Act prescribed, the Owner or Owners of every such Steam Vessel shall forfeit and pay the Sum of Ten Shillings for every Day that the sending of such Declarations is delayed, unless such Delay be accounted for to the Satisfaction of the Lords of the said Committee: Provided always, that the Owners of all Steam Vessels (not being Vessels expressly excepted as aforesaid) in respect of which any Declarations required as aforesaid have not at the Time of the passing of this Act been transmitted to the said Committee shall transmit the same on or before the Twentieth Day of *September* next.

9 & 10 Vict. c. 100.

Penalty for Delay in transmitting Certificates required by recited Act.

II. 'And whereas much Inconvenience and Danger to the Public has been found to result from the 'over-crowding of Steam Vessels, and it is expedient to prevent such over-crowding:' Be it therefore enacted, That it shall be lawful for the Lords of the said Committee, whenever they think fit so to do, to insert into any Certificate granted by them in conformity with the Provisions of the said recited Act a Notice of the Number of Passengers which the Vessel to which such Certificate has been granted is constructed to carry, and whenever such Notice shall have been so inserted in the Certificate it shall not be lawful for any such Vessel at any Time to have or receive on board any greater Number of Passengers than the Number specified in the Certificate which it may have last received from the said Committee; and in case any such Vessel shall at any Time have or receive on board any greater Number, the Owner or Owners, or the Master or other Person having Charge thereof, shall forfeit a Sum not exceeding Five Shillings for every Passenger over and above the Number so specified in the Certificate as aforesaid.

Board of Trade may insert in Certificate a Notice of the Number of Passengers Steam Vessels are constructed to carry.

Penalty for carrying a greater Number.

III. And be it enacted, That the Owner or Owners of every Steam Vessel shall cause a true Copy of the Certificate which they have last received from the Lords of the said Committee to be put up in some conspicuous Part of the Vessel, where the same will be visible to the Passengers on board the same, and if they neglect to do so they shall for every Offence be liable to a Forfeiture or Penalty not exceeding Ten Pounds.

Copy of Certificate to be placed in a conspicuous Part of Vessel.

Penalty for Neglect.

IV. And be it enacted, That if any Person, after having been refused Admission into any Steam Vessel by the Owner or Owners or any Person in the Employ of the Owner or Owners thereof on account of such Steam Vessel being full, and after having had the full Amount of his Fare (if he has paid the same) returned or tendered to him, shall nevertheless persist in attempting to enter the same, or if any Person having got on board any Steam Vessel be requested on the like Account by the Owner or Owners thereof, or by any Person in their Employ, to leave such Steam Vessel before the same has quitted the Place at which such Person got on board, and shall refuse to do so, after having had the full Amount of his Fare (if

Penalty on Persons, having been refused Admission, forcing their Way on board when Vessels are full, &c.

(if he has paid the same) returned or tendered to him, then and in either of such Cases such Person shall for such Offence forfeit and pay any Sum not exceeding Five Shillings.

Penalty on Persons refusing or neglecting to pay their Fares, or quit Vessels, &c.

V. And be it enacted, That if any Person travel or attempt to travel in any Steam Vessel which has been duly surveyed in conformity with the Provisions of the said recited Act without having previously paid his or her Fare, and with Intent to avoid Payment thereof; or if any Person, having paid his or her Fare for a certain Distance, knowingly and wilfully proceed in any such Vessel beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof; or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Vessel, every such Person for every such Offence shall forfeit to the Owner or Owners of such Steam Vessel a Sum not exceeding Five Shillings.

Penalties how to be recovered and applied.

VI. And be it enacted, That the Penalties and Forfeitures by this Act imposed shall be sued for, recovered, and applied in like Manner as the Penalties and Forfeitures imposed by the said recited Act are therein directed to be sued for, recovered, and applied, except as is hereby otherwise directed.

Nothing to affect Privileges of Corporation of London.

VII. And be it enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, or otherwise, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXII.

An Act to amend the Law for the Formation of Districts for the Education of Infant Poor. [31st *August* 1848.]

7 & 8 Vict. c. 101.

'WHEREAS by an Act passed in the Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the further Amendment of the Laws relating to the Poor in* England, Provisions are made for the Combination of Unions into Districts for the Management of Infant Poor not above the Age of Sixteen Years, and by reason of certain Restrictions therein contained the Provisions so made for such Purpose have proved inoperative, and it is expedient that such of the Restrictions as are herein-after mentioned should in certain Cases be removed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Removal of Limitations on the Area of the School District, the Expense of Building, and the Amount of certain Expenditure, in certain Cases.

so much of the said Act as prevents the Commissioners therein mentioned from including in any such District any Parish, any Part of which would be more than Fifteen Miles from any other Part of such District, and so much thereof as provides that the Principal Sum or Sums to be raised for the Purpose of providing any Building or Buildings for any School for any such District as aforesaid, and charged on any Union, or on any Parish not included in a Union, shall in no Case exceed One Fifth of the average annual Amount of the aggregate Expenditure relating to the Relief of the Poor within any such Parish for Three Years ending the Twenty-fifth Day of *March* next preceding the raising of such Money, shall not apply to prevent the Combination of any Union, or any Parish not in Union, for the Purposes aforesaid, nor the raising of any Money for the Purpose aforesaid, when the major Part of the Guardians of the several Unions and Parishes not in Union proposed to be combined shall previously thereto consent in Writing to such Combination.

Provisions in 5 & 6 Vict. c. 57. extended to Members of District Boards under 7 & 8 Vict. c. 101.

II. And be it enacted, That all the Provisions contained in the Statute passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to continue until the Thirty-first Day of* July *One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in* England, in respect of the Election, Qualification, Resignation, and the Acts of Guardians of a Union, and in respect of the Supply of Vacancies in the Board of Guardians, shall apply to the Members of the District Boards formed or to be formed under the Authority of the first-recited Act and of this Act.

Interpretation of Act.

III. And be it enacted, That the several Words in this Act shall be construed in the Manner prescribed in the said first-recited Act.

CAP. LXXXIII.

An Act to confirm the Awards of Assessionable Manors Commissioners, and for other Purposes relating to the Duchies of *Cornwall* and *Lancaster*. [31st *August* 1848.]

7 & 8 Vict. c. 105.

'WHEREAS the Commissioners appointed in and by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to confirm and enfranchise the Estates of Conventionary Tenants of the ancient Assessionable Manors of the Duchy of* Cornwall, *and to quiet Titles within the County of* Cornwall *as against the Duchy, and for other Purposes*, have, in pursuance of the Authority and Directions contained in the said Act, made separate Awards, with Schedules and Maps annexed, in respect of each of the said Manors, and have

lodged

'lodged the same in Triplicate within the Time and in the Manner required by the said Act, and no 'Petition of Appeal has been preferred or presented against any of the said Awards: And whereas it is 'expedient to remove all Doubts touching the Validity and Effect of the said Awards, and to confirm and 'establish the same, notwithstanding any Irregularity of proceeding, Excess or Defect of Authority or 'Jurisdiction, Informality or other Defect, Error, or Irregularity whatsoever:' Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Awards, with the Schedules and Maps respectively annexed thereto, and made Part thereof, shall be and the same are hereby declared to be binding and conclusive to all Intents and Purposes, as well on Her Majesty, Her Heirs and Successors, as on His Royal Highness the Duke of *Cornwall*, His Heirs and Successors, and all other Persons whomsoever, and between all Persons whomsoever, as to all Matters and Things which the said Commissioners have therein adjudicated upon or determined, or professed to adjudicate upon or determine, or which the said Awards purport to ascertain or settle, notwithstanding any such Irregularity, Excess, Defect, Informality, or Error as aforesaid, and all Hereditaments which in and by the said Awards appear or are ascertained or settled to belong to His Royal Highness shall be deemed and taken to have been thereby determined to belong to the Duke of *Cornwall*, within the Intent and Meaning of the said Act: Provided always, that if any irreconcileable Discrepancy shall appear between the Acreage of any Tenement, Close, Field, or Parcel of Land as specified in any Schedule, and the Extent of the same as measured by the Scale on the Map of the Manor to which the Schedule relates, then the true Extent and Boundary of the same shall be ascertained by Reference to the Map, and not to the Number of Acres alleged in the said Schedule to be contained therein.

General Confirmation of the Awards on the Assessionable Manors of the Duchy made under recited Act.

Discrepancies to be settled by Reference to the Map.

II. 'And whereas the Lord or Lords of the Manor or Lordship of *Tywarnhaile Tyas* claims or claim 'Title, in right of their said Manor or Lordship or otherwise, to a Moiety of all Tin Mines, Tin Ore, 'Tin Dues, or Tin Toll throughout the Lands awarded as the Demesne or Conventionary Lands of the 'Manor of *Tywarnhaile*, and His Royal Highness the Duke of *Cornwall* claims Title to a Moiety of all 'the like Mines, Ore, Dues, or Toll throughout the Lands within the Manor or Lordship of *Tywarn-'haile Tyas:* And whereas it was not intended in or by the said Act or Awards to prejudice either of 'the above Claims, or to disturb the respective Rights so claimed as aforesaid:' Be it therefore enacted, That nothing in the Awards contained shall be held or construed to prejudice either of the said Claims, or to disturb, vary, or impair such respective Rights as aforesaid, but the same shall subsist and continue throughout the several Lands herein-before mentioned, notwithstanding the said Act and Awards: Provided always, that it shall be lawful for His Royal Highness, His Heirs and Successors, and for the Lord or Lords for the Time being of the said Manor or Lordship of *Tywarnhaile Tyas*, or the Majority in Value of such Lords, by Agreement in Writing under the Seal of His Royal Highness, His Heirs or Successors, and under the Hands and Seals of the said Lord or Lords, or such Majority as aforesaid, such Agreement to be made by His Royal Highness, His Heirs or Successors, of the one Part, and the said Lord or Lords, or such Majority as aforesaid, of the other Part, to be enrolled in the Office of the Duchy of *Cornwall*, from Time to Time to agree upon and determine all Questions now existing or which may at any Time arise between His Royal Highness, His Heirs or Successors, of the one Part, and the Lord or Lords for the Time being of the said Manor or Lordship on the other Part, relating to the said Claims, Rights, and Interests, and define and settle such Claims, Rights, and Interests, and to make such Provisions and Regulations for granting, demising, and working the said Tin Mines, Ores, Dues, and Toll, and collecting, recovering, and dividing all Profits or Advantages accruing or arising therefrom, and generally for doing all Matters and Things incidental or relating to the Premises; and every such Agreement so made and enrolled as aforesaid, and every Demise or Grant made in pursuance thereof, shall be binding and conclusive to all Intents and Purposes whatsoever: Saving always to all Persons, other than His Royal Highness and the said Lord or Lords, and those claiming by, through, or under them, and other than the Parties to any such Agreement, Demise, or Grant, all such Estates, Rights, Titles, Interest, and Claims in, to, or upon the said last-mentioned Lands, Mines, Ores, Dues, or Toll, as they lawfully had at the passing of this Act.

Awards not to prejudice Rights of Lords of Manors of Tywarnhaile Tyas and Tywarnhaile respectively to the Tin Mines, Dues, and Toll therein.

Lords of the Manors of Tywarnhaile Tyas and Tywarnhaile respectively may, by Agreement in Writing, determine Questions now pending, and make Regulations for working the said Mines, &c.

Saving Rights of all Persons other than Duke of Cornwall, &c.

III. 'And whereas by an Act passed in the Second Session of Parliament holden in the Fifth Year of 'the Reign of Her present Majesty, intituled *An Act to enable His Royal Highness* Albert Edward 'Prince of Wales *to make Leases and Grants of Land and Hereditaments, Parcel of His said Royal 'Highness's Duchy of* Cornwall, *or annexed to the same, and for the other Purposes therein mentioned*, 'it was amongst other things provided and enacted, that where the Subject Matter of any Lease or Grant 'to be made under the Authority and Powers of the said Act should be Mines, Minerals, or Tolls, Dues, 'or Royalties in respect of Mines or Minerals, that then upon every such Lease or Grant there should 'be reserved a reasonable Rent, Payment, Toll, Due, Doll or Dish, without taking or requiring any 'Fine or Fines whatsoever; and it has been found expedient, on certain Conditions, to permit the taking 'of Fines upon the making of any such Lease or Grant:' Be it therefore enacted, That so much only of the last-recited Act as provides that no Fine or Fines shall be taken or required on any such Lease or Grant shall be and so much of the same is hereby repealed.

So much of 5 & 6 Vict. c. 2. as provides that no Fines shall be taken on Lease of Mines and Minerals, repealed.

IV. Provided always, and be it enacted, That all Fines hereafter taken or required on any such Lease or Grant of Mines, Minerals, or Tolls, Dues, or Royalties in respect of Mines or Minerals, Parcel of the said Duchy, shall be received by the Receiver General of the Duchy, and after Deduction thereout of all Expenses incidental to the making of such Lease or Grant, or so much thereof as shall not be paid by the Lessees or Grantees, be paid into the Bank of *England* to the Account of the Duke of *Cornwall*; and

Fines taken on Lease, &c. of Mines to be invested for the permanent Benefit of the Duchy, or ap-

plied to the general Improvement of the Duchy Property, under 7 & 8 Vict. c. 65.

and all Monies so received and paid shall be from Time to Time, as soon as conveniently may be, laid out in the Purchase of Three Pounds *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, and for the permanent Benefit of the Duchy, and the Dividends of the Stock so purchased shall be paid by the Governor and Company of the Bank of *England* to the said Receiver General, to the Use of the Duke of *Cornwall*, and be deemed and taken to be Part of the ordinary Revenues of the Duchy: Provided nevertheless, that during the Minority of His Royal Highness the present Duke of *Cornwall* all Monies so received and paid, and the Stock so purchased, shall be subject to be applied, appropriated, sold out, and dealt with by the Council of His Royal Highness as if the same had been Monies received and Stock purchased under the Authority of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of* Cornwall, *to purchase other Lands, and for other Purposes.*

Certain Provisions of 4 & 5 Vict. c. 35. to apply to Manors and Lands of the Duchy of Cornwall.

V. 'And whereas an Act was passed in a Session of Parliament holden in the Fourth and Fifth Years 'of the Reign of Her present Majesty, intituled *An Act for the Commutation of certain Manorial Rights* 'in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such 'Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such 'Tenure, which Act was declared not to extend to the Lands and Possessions of the Duchy of *Cornwall;* 'but it is expedient that certain Provisions thereof should be made to extend and apply to such Lands 'and Possessions:' Be it enacted, That the Provisions of the said last-recited Act enabling Tenants to grant Rights of Way or Entry and other Easements to the Lord of the Manor in or upon and through their respective Lands, for Mining Purposes, for enabling Courts of Equity to decree a Partition of Lands of Copyhold or Customary Tenure, for enabling Lords of Manors or their Stewards to hold Customary Courts although no Copyhold Tenant be present, and for enabling Lords or their Stewards to make, out of the Manors and out of Court, Grants of Land to be held by Copy of Court Roll, for enabling Lords or their Stewards to grant Admissions out of the Manors and out of Court, and for requiring every Surrender, Grant, Admission, and every Fact proved to the Lord or Steward at any Court whereat a Homage shall not be assembled to be forthwith entered on the Court Rolls, and determining that Presentment by the Homage shall not be essential to the Validity of an Admission, shall extend and apply to the Lands and Possessions of the Duchy of *Cornwall*, and to any Enfranchisement of Lands held as of the Duchy Manors to be effected under the Powers given by any existing Act or Acts of Parliament, and to the Stewards and Tenants for the Time being of such Manors.

Provisions in 7 & 8 Vict. c. 65. as to Enrolments, and examined and certified Copies thereof, being Evidence of original Instruments, to apply to other Instruments duly enrolled.

VI. 'And whereas by the herein-before recited Act passed in the Session of Parliament holden in the 'Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council* 'of His Royal Highness Albert Edward *Prince of* Wales *to sell and exchange Lands and enfranchise* 'Copyholds, Parcel of the Possessions of the Duchy of Cornwall, *and for other Purposes,* it is declared 'and provided, that Enrolments or examined Copies of Enrolments of Deeds, Certificates, Receipts, or 'other Instruments, appearing or purporting to have been made, given, or executed under the Authority 'of that Act, or of any Act theretofore passed relating to the Lands or Possessions of the said Duchy, 'shall be admissible in Evidence for the Purposes therein specified; and it is expedient that such 'Provision should be amended, and made to extend and apply to other Instruments duly enrolled among 'the Records of the Duchy, and that the Proof thereof should be further facilitated:' Be it enacted, That where any Deed, Certificate, Receipt, or other Instrument relating to the Lands or Possessions of the said Duchy shall have been duly enrolled in the Office of the said Duchy, the Enrolment in the Books of the said Office, or an examined Copy of such Enrolment, or a Certificate purporting to set forth a true Copy of the whole or of Part thereof, and purporting to be signed and certified by the Keeper of the Records of the Duchy for the Time being, shall, in the Absence of Evidence to the contrary, and without producing the Original, or calling any attesting Witness, and (in the Case of a certified Copy) without Proof, other than the Production of such Certificate, that such certified Copy is in fact a true Copy, be admitted by and before all Courts and Justices and in all legal Proceedings to be Proof of such original Instrument or Enrolment thereof, or of so much thereof as the said certified Copy purports to set forth, and that the Original was duly made, granted, given, or executed by the Parties thereto.

In Actions for the Recovery of Small Debts or Demands in the Stannary Court, Trials under 6 & 7 W. 4. c. 106. to be by a Jury of Five instead of Twelve.

VII. 'And whereas by an Act passed in the Session of Parliament holden in the Sixth and Seventh 'Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to make Provision* 'for the better and more expeditious Administration of Justice in the Stannaries of Cornwall, *and for* 'enlarging the Jurisdiction and improving the Practice and Proceedings in the Court of the said 'Stannaries, Provision is made for the Trial of Causes pending in the same Court by a Jury of Twelve 'Persons: And whereas Actions prosecuted in the said Court for the Recovery of Small Debts are 'regulated by special Rules of Practice differing from the Rules applicable to other Actions on the 'Common Law Side of the Court, and the Matters in issue between the Parties to such Actions may be 'well and conveniently tried by a less Number of Jurors:' Be it therefore enacted, That in all such Actions commenced after the passing of this Act for the Recovery of such Small Debts the Number of Jurors impannelled and sworn to try any Issue shall be Five only, and not Twelve, and the Jurors so sworn shall be required to give an unanimous Verdict: Provided always, that no Debt or Demand shall be deemed to be a Small Debt within the Intent and Meaning of this Enactment which shall exceed the Sum of Twenty Pounds or such other Sum as shall hereafter be determined by any Act of Parliament to be a Small Debt within the Jurisdiction of the County Courts established by an Act passed in the Session of

of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England. 9 & 10 Vict. c. 95.

VIII. 'And whereas it will not be necessary hereafter to summon so large a Number of Persons to 'attend and serve as Jurors at the Sittings of the said Court:' Be it enacted, That the Registrar of the said Court shall in future cause Thirty-six Persons named in the Jurors Book to be so summoned, and no more: Provided always, that, save and except as aforesaid, nothing herein contained shall be taken to alter the Practice of the Court, but all and every the Powers, Provisions, and Authorities contained in the last-recited Act touching Jury Process and Proceedings on Trials by Jury shall remain in full Force, and be applicable and applied as well to Trials by a Jury of Five as by a Jury of Twelve Persons. Thirty-six Jurors only to be summoned in future. All Powers, &c. as to Jury Process to remain in force.

IX. 'And whereas no adequate Provision now exists for the due Appointment of Bailiffs of the said 'Court:' Be it enacted, That it shall and may be lawful for the Vice Warden for the Time being to appoint from Time to Time a competent Number of fit and responsible Persons to be Bailiffs of the said Court, for the Service and Execution of all Process on the Common Law Side thereof, and Process of Attachment in Equity, who shall give such Security for the due Performance of their Duties as shall appear to the Vice Warden sufficient in that Behalf, and shall hold their Offices during his Pleasure, and be entitled to demand and receive all lawful Fees due to them in virtue of their Office of Bailiff; and all the Powers, Provisions, and Enactments of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Bailiffs of Inferior Courts*, so far as the same touches and concerns the Publication of Lists of the Names and Abodes of such Bailiffs, and of the Fees allowed to them by Law, the Penalties for taking undue Fees, the Remedies against Bailiffs for Extortion, Misconduct, or not duly paying or accounting for Money levied, and the Penalty for assaulting Bailiffs in the Execution of their Duty, or rescuing Persons or Goods taken or levied under Process, shall be held and taken to apply and extend to the Court of the Vice Warden of the Stannaries, and to the Bailiffs appointed under the Authority of this Act; and all Constables and Peace Officers shall, when required thereto, be aiding and assisting in the Execution of Process by the said Bailiffs within their several Jurisdictions: Provided always, that nothing herein contained shall be construed to restrain the Vice Warden from making from Time to Time such Rules and Orders touching the Office, Duty, and Fees of Bailiffs as are not repugnant to this or any other Act of Parliament. The Vice Warden to appoint Bailiffs to execute Process. Provisions of 7 & 8 Vict. c. 19. to be applicable to Bailiffs so appointed.

X. And because the Provisions of divers Acts of Parliament of late made and passed for the Relief of Sheriffs and other Officers against adverse Claims do not extend to the Court of the Vice Warden of the Stannaries, by reason whereof the Bailiffs of the said Court will be exposed to greater Hazard and Expense than similar Officers in other Courts, be it therefore enacted, That all the Powers, Provisions, and Enactments of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest on the Subject of such Claims*, so far as the same touches and concerns the Relief and Protection of Sheriffs and other Officers in the Execution of Process against Goods and Chattels, and the entering of Record the Proceedings taken under that Act, and the Force and Effect of Rules and Orders so entered, and the issuing of Execution for taxed Costs, and the Fees for executing the same, shall be held and taken to apply and extend to the Court of the said Vice Warden and to the Bailiffs of the said Court so appointed as aforesaid; and it shall be lawful for the Vice Warden, or for the Registrar of the said Court, whether the Court be sitting or not, to make Rules and Orders and to exercise the Powers and Authorities contained in the said Act for the Relief and Protection of such Bailiffs, and, with the Consent of the Execution Creditor and adverse Claimant in any Case, their Attornies or Agents, to dispose of such Claims on the Merits, and determine the same in a summary Manner. Provisions of 1 & 2 W. 4. c. 58. for the Relief of Sheriffs against adverse Claims to extend to the Vice Warden's Court and the Bailiffs thereof.

XI. 'And whereas by the before-recited Act passed at the Session of Parliament holden in the Sixth 'and Seventh Years of the Reign of His late Majesty King *William* the Fourth the Vice Warden is 'authorized to appoint a fit and proper Person to act as Prothonotary or Assistant Registrar in the said 'Court, with the yearly Salary of Two hundred Pounds, and it is expedient that a new Arrangement 'should be made with respect to the future Discharge of the Duties of such Office:' Be it enacted, That when and so soon as the said Office shall become vacant by Death, Resignation, or otherwise, it shall and may be lawful for the Vice Warden for the Time being to appoint by Writing under the Seal of his Court Two fit and proper Persons, who shall hold their Offices at the Will of the Vice Warden, to be Clerks of the said Court, and as such Clerks to do and execute, under the Direction of the Vice Warden, and in aid of the Registrar, all the Duties now performed by the said Prothonotary or Assistant Registrar at and for the several yearly Salaries of One hundred and twenty Pounds and Eighty Pounds respectively, such Salaries to be payable and paid at the Times and in the Manner and out of the Funds provided in and by the last-mentioned Act for the Payment of the Salary of the Prothonotary or Assistant Registrar. The Office of Prothonotary when vacant to be suppressed, and the Duties to be performed by Two Clerks.

XII. And for the better Protection of the Officers of the Vice Warden's Court in the Performance of their Duties, be it enacted, That all Actions brought in the Superior or other Courts against a Judge, Registrar, Bailiff, or other Officer of the Court of the Vice Warden of the Stannaries, or against others acting in aid of them, for anything done in execution of the Process or by the Authority of the said Court, shall be commenced within Three Calendar Months next after the committing of the Act or Grievance complained of, and not afterwards; and it shall be competent for the Defendant in any such Action to justify, if need be, by alleging generally in his Plea or Avowry that the Act or Matter complained Actions against Officers to be commenced within Three Months, and short Forms of Pleading to be admitted in such Actions.

plained of was done in execution of the Process or by the Authority of the Court of the Vice Warden of the Stannaries of *Cornwall*, without further setting forth the Authority of Process of the said Court; and the Plaintiff shall be permitted to reply thereto generally, that the same was done by the Defendant of his own Wrong, and without the Cause alleged by him; and upon Issue joined thereupon all the Matters and Facts relied upon by the one Party or the other shall be admitted in Evidence.

Property provided for Use of Stannary Court vested in Duchy of Cornwall.

XIII. And be it enacted and declared, That all Personal Property, Goods, Chattels, and Effects whatsoever, provided or to be provided for the Use of the said Court, or for the Use of the Vice Warden for the Time being, or other Officer of the said Court, shall vest in His Royal Highness the Duke of *Cornwall* in right of His Duchy.

Certain of the Provisions in 7 & 8 Vict. c. 65. and in this Act relating to Enrolments, and examined and certified Copies thereof, extended to the Possessions of Her Majesty in right of the Duchy of Lancaster.

XIV. 'And whereas by the said herein-before recited Act passed in the Session of Parliament holden 'in the Seventh and Eighth Years of the Reign of Her said present Majesty, intituled *An Act to enable* 'the Council of His Royal Highness Albert Edward *Prince of* Wales *to sell and exchange Lands and* 'enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, *to purchase other Lands,* 'and for other Purposes, it is also enacted, that every Deed or Instrument whereby any Manors, 'Messuages, Lands, Tenements, or Hereditaments now or at any Time hereafter Parcel of the Lands or 'Possessions of the Duchy of *Cornwall* shall after the passing of the same Act be purchased, sold, 'exchanged, leased, licensed to be demised, enfranchised, or granted under the Authority of the same 'Act or of any other Act, or otherwise, shall, within Six Calendar Months after the Date of such Deed 'or Instrument, be enrolled in the Office of the Duchy of *Cornwall;* and it is by the same Act enacted, 'that the Keeper of the Records of the Duchy of *Cornwall* shall and he is thereby required to enrol 'every Deed or Instrument thereby directed to be enrolled in the Office of the said Duchy in Order of 'Time as the same shall respectively be brought to the said Office for that Purpose, and certify under 'his Hand, or under the Hand of his Deputy for the Time being, upon the said Deeds or Instruments 'respectively when enrolled, the Fact of their having been so enrolled; and by the same Act it is also 'enacted, that in all Cases where the Enrolment of any Deed or other Instrument, or Minute or Docu-'ment, before the said Keeper of the Records, has been or shall be omitted or delayed beyond the Period 'provided for the Enrolment and Entry thereof respectively, it shall be lawful for the Council of His 'said Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for the 'Time being, for every reasonable Cause to them shown for the Omission or Delay, and they are thereby 'authorized and empowered, to permit the making of any such Enrolment or Entry *nunc pro tunc,* and 'the same respectively when made under such Authority shall be as valid and effectual as if made within 'the Period therein-before limited for that Purpose: And whereas it is expedient that the several Pro-'visions and Enactments in the said recited Act of the Seventh and Eighth Years of the Reign of Her 'said Majesty, intituled *An Act to enable the Council of His Royal Highness* Albert Edward *Prince of* 'Wales *to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy* 'of Cornwall, *to purchase other Lands, and for other Purposes,* and in this Act, or one of them, 'expressly or by reference contained, relating to the Enrolment of Deeds, and to the Time within which 'such Enrolment shall be made, and declaring and providing that Enrolments, or examined Copies of 'Enrolments, Deeds, Certificates, Receipts, or other Instruments or Certificates, purporting to set forth 'a true Copy of the whole or of Part thereof, and purporting to be signed and certified by the Keeper 'of the Records of the Duchy for the Time being, shall, in the Absence of Evidence to the contrary, 'and without producing the Original, or calling any attesting Witness, and in the Case of a certified 'Copy without Proof, other than the Production of such Certificate, that such certified Copy is in fact 'a true Copy, be admitted, by and before all Courts and Justices, and in all legal Proceedings, to be 'Proof of such original Instrument or Enrolment thereof, or of so much thereof as the said certified 'Copy purports to set forth, and that the Original was duly made, granted, given, or executed by the 'Parties thereto, and authorizing the Council of His said Royal Highness, or others the Commissioners 'for managing the Affairs of the said Duchy for the Time being, to permit the making of any Enrolments 'or Entry *nunc pro tunc,* shall be extended to Deeds and other Instruments relating to Manors, 'Messuages, Lands, Tenements, and Hereditaments the Possessions of Her Majesty in right of Her 'Duchy of *Lancaster,* and Enrolments of such Deeds and other Instruments, and certified Copies of 'such Enrolments or any Parts thereof:' Be it therefore enacted, That the said Provisions, Declarations, and Enactments in the said last-mentioned Act and in this Act or in one of the same Acts expressly or by reference contained relating to the aforesaid several Acts, Matters, and Things in this present Clause or Provision mentioned or referred to, shall be and the same are hereby made applicable to Deeds, Certificates, Receipts, or other Instruments hereafter to be executed, made, or signed relating to Manors, Messuages, Lands, Tenements, and Hereditaments now or at any Time hereafter Parcel of the Possessions of Her said Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster,* and to Enrolments of such Deeds, Certificates, Receipts, or other Instruments, and certified Copies of such Enrolments or Parts thereof, as fully as the same Provisions, Declarations, and Enactments are by the said last-recited Act and this Act, or either of them, made applicable to Deeds, Certificates, Receipts, or other Instruments relating to any Manors, Messuages, Lands, Tenements, or Hereditaments, Parcel of the Possessions of the Duchy of *Cornwall,* and Enrolments of such Deeds, Certificates, Receipts, and other Instruments, and certified Copies thereof or any Part thereof, and as fully as if the Manors, Messuages, Lands, Tenements, and Hereditaments of or belonging to Her said Majesty in right of Her said Duchy of *Lancaster,* and Deeds, Certificates, Receipts, and other Instruments relating to the same Hereditaments, and Enrolments of such Deeds, Certificates, Receipts, and other Instruments, and certified Copies

Copies thereof or any Parts thereof, and the Keeper of the Records of the Duchy of *Lancaster*, and the Chancellor and Council of the same Duchy, had been respectively mentioned, named, and referred to therein, either alone and instead of or in addition to the Council of the Duchy of *Cornwall*, or other the Commissioners for managing the Affairs of the same Duchy, and any Manors, Messuages, Lands, Tenements, or Hereditaments, Parcel of the Lands or Possessions of the Duchy of *Cornwall*, and any Deeds, Certificates, Receipts, or other Instruments relating to the same Hereditaments, and Enrolments of any such Deeds, Certificates, Receipts, and other Instruments, and certified Copies thereof or of any Parts thereof, and the Keeper of the Records of the Duchy of *Cornwall*, and His said Royal Highness, or the Commissioners for managing the Affairs of the said Duchy for the Time being, and as if the Provisions, Declarations, and Enactments in the last-recited Act and herein-before mentioned or referred to had been specially repeated in this Act, and had, together with the Provisions in this Act in reference to the said Acts, Matters, and Things in this present Provision or Clause mentioned or referred to, been applied to the Manors, Messuages, Lands, Tenements, and Hereditaments, Parcel of the Possessions of Her said Majesty in right of Her said Duchy of *Lancaster*, and any Deeds, Certificates, Receipts, or other Instruments relating to the same Hereditaments, and Enrolments of such Deeds, Certificates, Receipts, or other Instruments, and certified Copies thereof or any Parts thereof, and the Keeper of the Records of the said Duchy of *Lancaster*, and the Chancellor and Council of the same Duchy.

Public Act.

XV. And be it enacted, That this Act and every Part thereof shall be deemed to be a Public Act, and judicially noticed as such.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXIV.

An Act to amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out-Pensioners, and to extend them to the Pensioners of the *East India* Company.

[31st *August* 1848.]

'WHEREAS under an Act passed in the Session held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for rendering more effective the Services of such Out-Pensioners of* Chelsea Hospital *as shall be called out to assist in preserving the public Peace*, and an Act passed in the Session held in the Ninth and Tenth Years of the same Reign, for amending the said first-mentioned Act, Her Majesty was empowered, by Her Warrant under the Royal Sign Manual, to order that such and so many of the Out-Pensioners of *Chelsea* and such of the Out-Pensioners of *Greenwich* Hospitals as might have served in the Royal Marines as Her Majesty might think fit should be enrolled as a local Force for the Preservation of the Peace, under the Conditions specified in the said Acts, but that the whole Number so to be enrolled should not at any One Time exceed Twenty thousand Men: And whereas it is expedient that the Provisions of the said Acts should be extended to such Pensioners from the Land Forces of the *East India* Company as now are or may hereafter become resident in the United Kingdom, and who may volunteer to serve Her Majesty as enrolled Pensioners, upon the Terms and subject to the Provisions of the said Acts, and that Her Majesty should for that Purpose be empowered to increase the Number of Pensioners so to be enrolled:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall apply to such of the said Pensioners from the Land Forces of the *East India* Company as may volunteer as aforesaid, in the like Manner as if they were Out-Pensioners of *Chelsea* or *Greenwich* Hospitals; and that the whole Number of Pensioners of these Hospitals, and from the Land Forces of the said Company, so to be enrolled in the United Kingdom at any One Time, may be any Number not exceeding Thirty thousand Men.

6 & 7 Vict. c. 95.

9 & 10 Vict. c. 9.

Recited Acts to apply to Pensioners from such Forces of East India Company as may volunteer.

CAP. LXXXV.

An Act to continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor. (*a*)

[31st *August* 1848.]

(*a*) *3 & 4 Vict. c. 89. continued as in Title.*

CAP. LXXXVI.

An Act to empower Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases.

[31st *August* 1848.]

'WHEREAS it occasionally happens that Persons in Prison for Debt who have been adjudged bankrupt, and who have surrendered to their Fiats, are nevertheless detained in Prison during the Proceedings under the Bankruptcy, which occasions great Inconvenience, and it also occasionally happens that Bankrupts whose Certificates have been refused are taken in Execution by Creditors who have not proved their Debts under the Fiat, and are detained in Prison, and are unable to obtain their

'Release by any Application to any Court of Justice; and it is expedient to empower the Courts of 'Bankruptcy to release such Persons, if they shall think fit:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person has been adjudged Bankrupt, and has surrendered to his Fiat, and obtained his Protection from Arrest, pursuant to the Practice in Bankruptcy, if such Person shall be in Prison for Debt at the Time of his obtaining such Protection any Commissioner acting under such Fiat may order his immediate Release from Prison, either absolutely or upon such Condition as such Commissioner shall think fit: Provided always, that such Release shall in nowise affect any Rights of the Creditor at whose Suit he may be in Prison against the Debtor, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Court of Bankruptcy.

Commissioner may order Release of Bankrupt who may be in Prison for Debt at Time of obtaining Protection.

II. And be it enacted, That if any Bankrupt whose last Examination shall have been adjourned *sine Die*, or whose Certificate shall have been suspended or refused, shall be in Execution or be taken in Execution under a Capias ad satisfaciendum at the Suit of any Creditor who might have proved under the Fiat, and detained in Prison, any Commissioner acting under his Fiat may order his Release after he shall have undergone such Term of Imprisonment, not exceeding Two Years, as to such Commissioner may seem a sufficient Punishment for such Offences as he may appear to such Commissioner to have been guilty of.

Commissioner may order Release of Bankrupt in Execution under a Capias after a certain Term of Imprisonment.

CAP. LXXXVII.

An Act to extend the Provisions of an Act passed in the First Year of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.* [31st *August* 1848.]

'WHEREAS by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate*, it was (amongst other things) enacted, that where any Lands, Tenements, or Hereditaments had been or should be devised in Settlement by any Person or Persons whose Estate under the said Act now in recital, or by Law, or by his or their Will or Wills, should be liable to the Payment of any of his or their Debts, and by such Devise should be vested in any Person or Persons for Life or other limited Interest, with any Remainder, Limitation, or Gift over which might not be vested, or might be vested in some Person or Persons from whom a Conveyance or other Assurance of the same could not be obtained, or by way of Executory Devise, and a Decree should be made for the Sale thereof for the Payment of such Debts or any of them, it should be lawful for the Court by whom such Decree should be made to direct any such Tenant for Life or other Person having a limited Interest, or the First Executory Devisee thereof, to convey, release, assign, surrender, or otherwise assure the Fee Simple or other the whole Interest or Interests so to be sold to the Purchaser or Purchasers, or in such Manner as the said Court should think proper; and every such Conveyance, Release, Surrender, Assignment, or other Assurance should be as effectual as if the Person who should make and execute the same were seised or possessed of the Fee Simple or other whole Estate so to be sold: And whereas the herein-before recited Provision of the said Act does not extend to the Case of Lands, Tenements, or Hereditaments of a deceased Debtor which are by Descent or otherwise than by Devise vested in the Heir or Co-heirs of such Debtor, subject to an Executory Devise over in favour of a Person or Persons not existing or not ascertained, and it is expedient that the said Provision of the said Act should be extended to such Case:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in Cases in other respects falling within the said herein-before recited Provision of the said Act, That the said herein-before recited Provision of the said Act shall extend and is hereby extended to any Case in which any Lands, Tenements, or Hereditaments of any deceased Person shall by Descent or otherwise than by Devise be vested in the Heir or Co-heirs of such Person, subject to an Executory Devise over in favour of a Person or Persons not existing or not ascertained; and in any such Case it shall be lawful for the Court mentioned in the said recited Provision to direct such Heir or Co-heirs notwithstanding such Heir or such Co-heirs, or any of them, may be an Infant or Infants, to convey, release, assign, surrender, or otherwise assure the Fee Simple or other the whole Interest or Interests so to be sold to the Purchaser or Purchasers, or in such Manner as the said Court shall think proper; and every such Conveyance, Release, Surrender, Assignment, or other Assurance shall be as effectual as if the Heir or Co-heirs who shall make and execute the same was or were seised or possessed of the Fee Simple or other whole Estate so to be sold, and, if an Infant or Infants, was or were of full Age.

11 G. 4. & 1 W. 4. c. 47.

Recited Provision to extend to Lands, &c. of a deceased Debtor, in certain Cases.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Act may be amended, &c.

CAP. LXXXVIII.

An Act for further regulating the Money Order Department of the Post Office.

[31st *August* 1848.]

'WHEREAS by an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, it is enacted, that the Mode of transmitting small Sums of Money through the Post Office, by means of Money Orders, under Regulations which had been made by the Postmaster General, with the Concurrence of the Commissioners of Her Majesty's Treasury, might have Continuance so long as the Commissioners of Her Majesty's Treasury should see fit: And whereas it is expedient to make further Provisions as to Money Orders granted or issued by the Post Office:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Money Orders heretofore granted under or by virtue of the said Regulations, or of the said recited Act, shall remain, continue, or be in force for a longer Period that Twelve Calendar Months from and after the passing of this Act; and that from and after the Expiration of that Period all Liability to pay such Money Orders by or on the Part of the Postmaster General, or of any Officer of the Post Office or of the Post Office Revenue, shall absolutely cease and determine: Provided always, that it shall be lawful for the Postmaster General and he is hereby authorized, with the Consent of the Commissioners of Her Majesty's Treasury, to pay any such Money Orders in special Cases or under special Circumstances after such Period shall have expired: Provided also, that it shall be lawful for the Commissioners of Her Majesty's Treasury, at any Time or Times hereafter, by Warrant under their Hands, to alter the Period hereby fixed and limited for the Payment of Money Orders heretofore granted, and to fix any other Period for the Payment of the same, such Alteration nevertheless not to commence or be in force until after the Expiration of Three Calendar Months after due Notice of the proposed Alteration shall have been given in the *London Gazette*.

3 & 4 Vict. c. 96.

Money Orders not to continue in force longer than Twelve Months; and Liability to pay such Orders to cease, except in certain Cases, with Consent of Treasury.

Treasury may, by Warrant, alter Period fixed for Payment of Money Orders.

II. And be it enacted, That it shall be lawful for the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time hereafter, to make any Regulations or Restrictions relating to Money Orders, either heretofore granted or issued or to be hereafter granted or issued, and to the Payment thereof, and to the Persons by or to whom the same shall be paid, and to the Times at which and the Mode in which the same shall be paid, as the said Postmaster General, with such Consent as aforesaid, shall see fit, and from Time to Time, with such Consent as aforesaid, to alter or repeal any such Regulations or Restrictions, and make and establish any new or other Regulations or Restrictions in lieu thereof; and that all such Regulations and Restrictions shall be binding and conclusive, as well upon the Persons to whom such Money Orders have been or shall be granted or issued, and the Payees thereof, and all Persons interested or claiming under them, and all other Persons whomsoever, as upon all Officers of the Post Office; and all such Regulations and Restrictions shall have the same Force and Effect in all respects as if the same had been and were contained in and enacted by this Act; and that no Action, Suit, or other Proceeding at Law or in Equity shall be brought, instituted, or commenced in any Court or before any Judge or Justice, or otherwise howsoever, against the Postmaster General or against any Officer of the Post Office, or against any other Person whomsoever, for or by reason or in consequence of the making of any such Regulations or Restrictions, or of any Compliance therewith, or otherwise in relation to any such Regulations or Restrictions, or for or by reason or in consequence of the Payment of any such Money Orders being refused or delayed by or on account of any accidental Neglect, Omission, or Mistake, by or on the Part of any Officer of the Post Office, or for any other Cause whatsoever, without Fraud or wilful Misbehaviour on the Part of any such Officer of the Post Office, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Power to Postmaster General to make Regulations relating to Money Orders.

III. And be it enacted, That it shall be lawful for the Postmaster General at any Time hereafter to repay or refund the Amount of any Money Orders either heretofore granted or issued or to be hereafter granted or issued to the Person or Persons to whom the same have been or shall or may be so granted or issued, or his, her, or their Executors or Administrators, whether such Money Orders shall remain or be in the Possession of such Person or Persons or not; and that in all Cases from and immediately after any such Repayment or refunding as aforesaid, all Liability by or on the Part of the Postmaster General, or of any Officer of the Post Office or of the Post Office Revenue, for or in respect of such Money Orders or of the granting or issuing of the same, or of the Repayment or refunding the Amount thereof, shall, as against the Payees of such Money Orders and the Holders thereof, and all other Persons whomsoever, absolutely cease and determine.

Power to Postmaster General to refund Amount of Money Orders.

After Repayment Liabilities of Postmaster General to cease.

IV. And be it enacted, That every Officer of the Post Office who shall grant or issue any Money Order with a fraudulent Intent shall in *England* and *Ireland* be guilty of Felony, and in *Scotland* of a high Crime and Offence, and shall, at the Discretion of the Court, either be transported beyond the Seas for the Term of Seven Years or be imprisoned for any Term not exceeding Three Years.

Penalty on Officers of Post Office issuing Money Orders fraudulently.

V. And for the more effectual Prosecution of Offenders be it enacted, That in any Indictment or Criminal Letters for any Felony or Misdemeanor committed or attempted to be committed in, upon, or with respect to the Post Office or the Post Office Revenue, or in, upon, or with respect to any Property, Monies, Money Orders, Goods, Chattels, or Effects under the Management or Control of the Postmaster General, or where any Act, Matter, or Thing shall have been done or committed by any Person with or for any malicious, injurious, or fraudulent Design, Intent, or Purpose, in anywise relating to or concerning the Post Office or the Post Office Revenue, or any such Property, Monies, Money Orders, Goods, Chattels, or

In Indictments it shall be sufficient to name "Her Majesty's Postmaster General."

or Effects as aforesaid, or the Postmaster General, it shall be sufficient to lay any such Property in, and to state or allege the same to belong to, and to state or allege any such Act, Matter, or Thing to have been done or committed with Intent to injure or defraud "Her Majesty's Postmaster General;" and in all Indictments and Criminal Letters relating to or in anywise concerning the Department of the Post Office, it shall be sufficient to name and describe the Postmaster General as "Her Majesty's Postmaster General" without any further or other Name, Addition, or Description whatsoever.

As to Warrants of the Treasury.

VI. And be it enacted, That whenever the Warrant of the Commissioners of Her Majesty's Treasury is required by this Act, such Warrant may be under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them; and that whenever the Order, Consent, Authority, or Direction of the Commissioners of Her Majesty's Treasury is prescribed by this Act, such Order, Consent, Authority, or Direction (not being by Warrant) may be signified either under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them, or under the Hand of One of their Secretaries or Assistant Secretaries.

Printed Copies of the London Gazette to be Evidence.

VII. And be it enacted, That any printed Copy of the *London Gazette*, purporting to be printed and published by the Person or Persons having Authority to print and publish the same, shall be admitted as Evidence by all Courts, Judges, Justices, and others in any Part of Her Majesty's Dominions of any Treasury Warrant and of any Regulations or Restrictions which shall be issued or made under or by virtue of this Act, and contained in any such Gazette, and of the due issuing thereof, and of the Contents of any such Warrant, Regulations, or Restrictions, without any further or other Proof.

Act to be deemed a Post Office Act.

VIII. And be it enacted, That this Act shall be deemed and taken to be a Post Office Act, and that the several Terms and Expressions used in this Act shall be construed according to the respective Interpretations contained or referred to in the said Act passed in the Fourth Year of the Reign of Her present Majesty, so far as those Interpretations are not repugnant to the Subject or inconsistent with the Context of such Terms and Expressions.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LXXXIX.

An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland.

[31st *August* 1848.]

50 G. 3. c. 102. 4 G. 4. c. 87. 2 & 3 Vict. c. 74. 7 & 8 Vict. c. 78. 8 & 9 Vict. c. 55.

'WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in* Ireland, *and for the Protection of Magistrates and Witnesses in Criminal Cases:* And whereas the said Act was amended by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual the Provisions of an Act made in the Fiftieth Year of His late Majesty's Reign for preventing the administering and taking unlawful Oaths in* Ireland: And whereas the Provisions of the said last-recited Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland: And whereas by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled 'An Act to extend and render more effectual for Five Years an Act passed in the 'Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of 'His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in 'Ireland,'* the said last-recited Act was continued for the further Period of One Year from the First Day of *September* in the Year One thousand eight hundred and forty-four: And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to continue for Two Years, and to the End of the then next Session of Parliament, and to amend an Act of the Second and Third Years of Her present Majesty, intituled 'An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of 'His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty 'George the Third, for preventing the administering and taking unlawful Oaths in* Ireland,' the said Act of the Second and Third Years of Her present Majesty, (subject to an Amendment in the said Act of the Eighth and Ninth Years of Her present Majesty contained) was continued in force for the further Period of Two Years from the First Day of *September* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament: And it is expedient that the said recited Act of the Second and Third Years of the Reign of Her present Majesty should be further continued and amended as herein-after provided:' Be it therefore enacted by the Queen's most Excellent Majesty, by

by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Second and Third Years of the Reign of Her present Majesty shall be and continue in full Force and Effect from the passing of this Act, for the further Period of Two Years, and until the End of the then next Session of Parliament.

Recited Act of 2 & 3 Vict. to continue in force for a further Period of Two Years.

II. And be it enacted, That if Information upon Oath shall be given to any Justice of the Peace in *Ireland*, that there is Cause for believing that any Society or Societies within the Meaning of the said recited Acts or any of them is or are held, or is or are about to be held, or that any Persons are met or assembled, or are about to meet or assemble, for treasonable or seditious Purposes or Objects, or for the Discussion of treasonable or seditious Purposes or Objects, in any House, Room, Building, or any other Place whatsoever, it shall be lawful for such Justice to issue his Warrant to any County Inspector, Sub-Inspector, or Head Constable, authorizing and empowering him to enter any such House, Room, Building, or other Place, and to stay or remain in such House, Room, Building, or other Place, for so long a Time as such County Inspector, Sub-Inspector, or Head Constable may think fit, and to seize all Books, Papers, and Writings, which shall appear to such County Inspector, Sub-Inspector, or Head Constable to be or to afford Evidence of the holding or of the Existence of any such Society or Societies, or of any treasonable or seditious Purposes or Objects, and all Arms and Ammunition of every Description whatsoever, that may be found in such House, Room, Building, or other Place, and to search all Parts of such House, Room, Building, or other Place for the Purpose of discovering the same; and thereupon it shall be lawful for such County Inspector, Sub-Inspector, or Head Constable, with such Constables and other Persons as he shall deem necessary for that Purpose, to enter such House, Room, Building, or other Place, and, if need be, to use Force for that Purpose, whether by breaking open Doors or otherwise, and to remain with such Constables and other Persons as aforesaid, in such House, Room, Building, or other Place for so long a Time as such County Inspector, Sub-Inspector, or Head Constable shall think fit, and to seize all such Books, Papers, and Writings, and all Arms and Ammunition of every Description whatsoever, that may be found in such House, Room, Building, or other Place, and to search all Parts of such House, Room, Building, or other Place for the Purpose of discovering the same.

Constables with Warrant may enter and search Houses, and seize Papers and Arms, &c.

III. And be it enacted, That this Act shall continue in force from the passing thereof for Two Years, and until the End of the then next Session of Parliament.

Duration of Act.

CAP. XC.

An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors. [31st *August* 1848.]

'WHEREAS it is expedient to make further Regulation as to the Payment of Rates and Taxes 'now necessary to be made in order to qualify Persons to be registered as Voters in the Election 'of Members of Parliament;' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the First Day of *January* One thousand eight hundred and forty-nine no Person shall be required, in order to entitle him to have his Name inserted in any List of Voters for any City, Town, or Borough in *England*, to have paid any Poor's Rates or Assessed Taxes, except such as shall have become payable from him previously to the Fifth Day of *January* in the same Year; and that no Person shall be entitled to be on any such List of Voters, unless the Poor's Rates and Assessed Taxes payable from him previously to the Fifth Day of *January* shall be paid on or before the Twentieth Day of *July* next following.

Time at which Rates and Taxes must be paid to entitle Parties to be on the List of Voters for Members of Parliament.

CAP. XCI.

An Act to make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein. [31st *August* 1848.]

'WHEREAS it is expedient to make some Provisions as to the Payment in certain Cases of Debts 'incurred by the Overseers of the Poor in Parishes after their Year of Office has expired:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if the Overseers of the Poor in any Parish shall lawfully, by virtue of their Office, contract any Debt on account of the Parish within Three Months prior to the Termination of their Year of Office, and the same shall not have been discharged by them before their Year of Office shall have determined, such Debt shall be payable by and recoverable from their immediate Successors in Office, and chargeable upon the Poor Rate of the said Parish, in like Manner as the same would have been payable and chargeable by such first-mentioned Overseers during their Year of Office; and if any such Debt shall have been contracted during their Year of Office, but more than Three Months prior to its Termination, the same shall be payable by and recoverable from their immediate Successors in Office, if the Rate-payers of the Parish in Vestry assembled, and the Commissioners for administering the Laws for Relief of the Poor in *England*, shall consent, but not otherwise.

If Overseers contract Debts within Three Months of Termination of their Year of Office, their immediate Successors shall discharge the same.

II. Provided nevertheless, and be it enacted, That where any Proceedings have been commenced or shall be hereafter carried on, for or on behalf of any Parish, in a Court of Law, regarding any Matter affecting

Provision for Payment of Bills of Costs

for legal Proceedings.

affecting the Poor Rates of such Parish, it shall not be necessary that the Bill of Costs of the Solicitor or Attorney engaged therein shall be paid before the Termination of the Proceedings, but in any such Case the Amount of the Bill, when duly taxed, if otherwise chargeable against the Parish, shall be payable out of the Poor Rates within the Space of One Year next following the Termination of the Proceedings, but not afterwards, unless the Commissioners aforesaid shall by their Order authorize the Payment of the Costs and Expenses attending any such Proceedings by annual Instalments not exceeding Five, to commence from such Termination.

Parties who have advanced Money on behalf of Unions and Parishes to be reimbursed.

III. 'And whereas in many Cases Sums of Money expended by Officers or other Persons on behalf 'or for the Benefit of Unions and Parishes, without legal Authority, have not been allowed by the 'Auditors, though the Guardians of the Unions and the Rate-payers of the Parishes interested have 'been willing and desirous that such Sums should be paid out of the Funds of those Unions or Parishes 'respectively, and great Loss, in consequence of such Sums not being allowed, has been sustained by 'Individuals; and it is desirable that Power should be given for the Relief of such Persons, under 'certain Circumstances:' Be it therefore enacted, That if any Person, since the passing of the Act of the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, and before the passing of this Act, have advanced or expended Money on behalf and for the Benefit of any Union or Parish, without having had due legal Authority for such Advance or Expenditure, and the same shall not have been allowed in the Accounts of the Union or of the Parish on behalf of which it has been expended or advanced, and the major Part of the Guardians of such Union or Parish, or the Rate-payers of such Parish in Vestry assembled, as the Case may be, shall express their Consent to the Reimbursement of such Sum of Money out of the Funds of the Union or Parish so interested, the Commissioners aforesaid may, if they think fit, by their Order authorize the Reimbursement of such Sum of Money by the Guardians of the Union or Parish, or the Overseers of the Parish, as the Case may require, in such Manner as the said Commissioners shall deem most advisable, so however that if the same be not repaid at once it shall be repaid by equal annual Instalments not exceeding Five; and all Payments subsequently made in conformity with such Order, but not otherwise, shall be allowed by the Auditor in the Accounts of the Guardians, Overseers, or other Officers who shall make the Payment in obedience to such Order: Provided always, that nothing herein contained shall apply to authorize the Repayment of any Sum of Money which has been paid on any other Account than that of the Relief of the Poor, or in respect of some Matter chargeable upon or connected with the Poor Rate.

4 & 5 W. 4. c. 76.

Appeal against Disallowances, &c. may be determined by the Poor Law Board on the Merits, and such Disallowances, &c. may be remitted.

IV. And be it enacted, That where any Appeal shall be made to the said Commissioners against any Allowance, Disallowance, or Surcharge made by any Auditor in the Accounts of any Guardians, Overseers, or their Officers, it shall be lawful for the said Commissioners to decide the same according to the Merits of the Case; and if they shall find that any Disallowance or Surcharge shall have been or shall be lawfully made, but that the Subject Matter thereof was incurred under such Circumstances as make it fair and equitable that the Disallowance or Surcharge should be remitted, they may, by an Order under their Seal, direct that the same shall be remitted, upon Payment of the Costs, if any, which may have been incurred by the Auditor or other competent Authority in the enforcing of such Disallowance or Surcharge.

Mode of certifying as to Balances to Officers.

V. 'And whereas Doubts exist as to the Powers and Duties of Auditors in certifying the Sums due 'from the Overseers and other Officers, and it is desirable to remove such Doubts:' Be it therefore enacted, That where any Overseer or Officer shall be continuing in Office at the Time when the Accounts are audited, the Auditor shall certify as due such Sums of Money only as shall be disallowed or surcharged by him in the Accounts so audited; but where the Term of Office of such Overseer or Officer shall have expired at the Time when the Accounts are audited, he shall ascertain the Balance which he shall find to be then due on the Accounts so audited, together with the Sums (if any) which he shall have disallowed or surcharged, and shall give Credit for all Sums which shall be proved before him to have been paid in respect of such Balance to the succeeding Overseers or Officers, or otherwise lawfully applied on behalf of the Parish or Union interested therein, before the Date of his Audit, and he shall certify, report, and recover, in the Manner provided by Law, the Balance remaining due after such Credit shall have been given; and every Certificate made by any Auditor, if made according to the Forms set forth in the Schedule hereunto annexed, or to the like Effect, shall be deemed to be sufficient: Provided always, that where the Sum, or the Aggregate of the Sums, disallowed by the Auditor in the Account of any Officer, shall not amount to Forty Shillings, the same may be paid over with the Balance due from such Officer, instead of being paid to the Treasurer.

Sums paid by Overseers to Constables, &c. by Order of Justices under 18 G. 3. c. 19. or 5 & 6 Vict. c. 109. not to be disallowed by Auditors.

VI. And be it enacted, That where any Money shall have been paid by an Overseer to a Constable, Headborough, Tithingman, or other Peace Officer, in obedience to any Authority in Writing purporting to be an Order of a Justice made according to the Provision of the Act passed in the Eighteenth Year of the Reign of His late Majesty *George* the Third, for the Payment of the Charges of Constables in certain Cases, or an Order of Justices in Petty Sessions assembled, purporting to be made in conformity with the Provisions contained in the Act of the Sixth Year of the Reign of Her present Majesty, for the Appointment and Payment of Parish Constables, it shall not be disallowed by any Auditor or other Authority competent to examine, allow, and disallow the Accounts of Overseers, on any Ground whatsoever.

Notice of Audit to be advertised.

VII. And be it enacted, That in addition to the Notices now required by Law to be given by the Auditor, he shall also give Notice by Advertisement in some Newspaper circulating in the County wherein the Union or the greater Part of it, or, in the Case of a Parish not comprised in a Union, wherein

wherein such Parish shall be situated, a reasonable Time prior to the holding of his Audit; and the Production of a Copy of such Newspaper shall in all Courts and for all Purposes be deemed sufficient Evidence of the Notice of the Audit; and, except where a Party, not being an Officer bound to account to the Auditor, shall be surcharged by such Auditor, it shall not be necessary to prove that the Audit of any Accounts was adjourned, and that Notice of any such adjourned Audit was given.

As to Proceedings necessary to be taken against Persons now liable to be surcharged by Auditor, and to whom no Notice is required to be given.

VIII. And be it enacted, That if an Auditor shall see Cause to surcharge any Person now liable by Law to be surcharged by him, and to whom no Notice is now required by Law to be given, with any Sum of Money in reference to any Payment considered by him to have been illegally or improperly made, he shall, if the Person be not present at such Audit, cause Notice in Writing of his Intention to make such Surcharge to be given, by Post or otherwise, to the Person against whom he shall propose to make this Surcharge, addressed to him at his last known Place of Abode, and shall adjourn the Audit, so far as it shall relate to such particular Matter, for a sufficient Time to allow of such Person appearing before him, and showing Cause against such Surcharge, and at such Time the said Auditor shall hear the Party, if present, and determine according to the Law and Justice of the Case.

What shall be required to be proved by Auditors in order to recover Sums certified by them to be due.

IX. And be it enacted, That in any Proceedings to be taken by an Auditor, or by his Attorney, before Justices, to recover Sums certified by him to be due, it shall be sufficient for him to produce a Certificate of his Appointment under the Seal of the Poor Law Commissioners, or of the Commissioners aforesaid, and to state and prove that the Audit was held, that the Certificate was made in the Book of Account of the Union or Parish to which the same relates, and that the Sum certified to be due had not been paid to the Treasurer of the Guardians of the Union or of the Parish, as the Case may require, within Seven Days after the same had been so certified, nor within Three clear Days before the laying of the Information, of which Nonpayment a Certificate in Writing purporting to be signed by the Treasurer, shall be sufficient Proof on the Part of the Auditor; and if at the Hearing of such Information it shall be proved that the said Sum had been paid to the Treasurer subsequently to the Date of such last-mentioned Certificate, the Costs incurred by such Auditor shall be paid by the Party against whom the Information shall be laid, unless he prove that Notice of such Payment had been given to the Auditor Twenty-four Hours at least prior to the laying of the Information.

Auditor may, upon Cause being shown, appoint a Deputy.

X. And be it enacted, That the said Commissioners may at any Time, upon sufficient Cause being shown to them, authorize any Person, selected by the Auditor, to act temporarily as his Deputy, and shall communicate to the several Unions and Places forming his District the Name of the Person so appointed to act as his Deputy, and such Person shall thereupon be empowered to act in all respects, and with the same Authorities, and subject to the same Duties and Liabilities, as the Auditor himself is entitled or subject to.

Power for Parishes, with Consent of Vestries, mutually to bear the Costs of several Appeals involving the same common Principle.

XI. And be it enacted, That where Appeals are brought at the same Time against the Poor Rates of several Parishes, which may appear to involve some common Principle, it shall be lawful for the Overseers or other Authorities therein, with the Consent of the respective Vestries of such Parishes, to enter into an Agreement, to be approved of by the said Commissioners, mutually to bear the Costs which may be properly incurred in and about the Trial of such Appeals on the Part of the several Respondents, as well as Costs of the Appellants, if any, which may be awarded against the Respondents, in such Proportions as shall be fixed and determined with reference to the Amount of Interest of the several Parishes in the Question, or otherwise as shall appear just; and the said Agreement shall continue binding upon the several Parishes and their respective Overseers in succession until the several Appeals shall have been finally determined.

Power for Guardians of Parishes, &c. under Local Acts to grant Out-door Relief, in the same Manner as in Unions formed under 4&5 W.4. c.76.

XII. 'And whereas in certain Parishes and Unions wherein the Relief of the Poor is administered by 'Guardians or other competent Authorities under the Provisions of particular Statutes or Local Acts 'applicable thereto Doubts have been entertained whether any poor Person can be relieved by such 'Guardians or other Authorities out of the Workhouses belonging to such Parishes and Unions respectively, and it is expedient to remove such Doubts, and to give Authority for such Relief out of the 'Workhouse:' Be it enacted, That in all Cases where the Relief of the Poor is administered in any Parish or Union under the Provisions of any Local Act it shall be lawful for the Guardians or other competent Authority administering the Relief to the Poor in any such Parish or Union, if they think fit, to administer such Relief in all respects in like Manner and with the like Powers and Authorities as any Board of Guardians of a Union formed under the Provisions of the Act passed in the Fifth Year of the Reign of His late Majesty, aforesaid, is now or shall hereafter be authorized to do; and all Relief heretofore granted by such Guardians or other Authority shall, if otherwise lawfully granted, be held lawful for all Purposes, although the same shall have been granted out of the Workhouse of such Parish or Union, as the Case may be, and the Costs and Charges thereof shall not be disallowed by any Auditor, Justice, or other competent Authority in that Behalf, on the Ground that the same was granted out of the Workhouse: Provided always, that the Cost of all such Relief so given or to be given shall be charged among the Parishes in the same Union in like Manner and in like Proportion as the Relief heretofore or hereafter to be given in the Workhouse of such Parish or Union is now or shall hereafter be chargeable.

Interpretation of Act.

XIII. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said herein-before recited Act, and the Acts explaining and extending it.

SCHE-

SCHEDULE to which this Act refers.

FORMS of CERTIFICATES.

1.—*Against an accounting Officer.*

I do hereby certify, That in the Account of *A.B.*, the [*set out the Name of the Office*] of the Parish of [*or* of the Union], I have disallowed [*or* surcharged] the Sum of
As witness my Hand, this Day of 1848.
M.N., Auditor of the District, which comprises the above-named Parish or Union.

2.—*Against a Person not an accounting Officer.*

I do hereby certify, That in the Accounts of the Union [*or* of the Parish of] I have disallowed the Sum of £ as a Payment illegally made out of the Funds of such Union [*or* Parish], and I find that *C.D.* of authorized the making of such illegal Payment, and I do hereby surcharge the said *C.D.* with the same.
As witness my Hand, this Day of 1848.
M.N., Auditor of the District, which comprises the above-named Union or Parish.

CAP. XCII.

An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of *Ireland*. [31st *August* 1848.]

5 & 6 Vict. c. 106.

'WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries:* And whereas the same was amended by an Act of the Seventh and Eighth Years of the Reign of Her said Majesty, and further amended by an Act of the Eighth and Ninth Years and by an Act of the Ninth and Tenth Years of Her said Majesty: And whereas by reason of the Want of Co-operation among the several Parties exercising the Rights of Salmon and Trout Fishing, and the Extent of the common or public Rights of such Fishing on the Sea Coast and in the Estuaries and Rivers of *Ireland*, and the varied and conflicting Interests involved therein, Measures have not been taken for the due Protection of these Fisheries, and the Enforcement of the Law in respect of the same; and it is expedient, with a view to the Increase and Improvement of the said Fisheries, to make Provision for more effectually carrying out the Provisions of the said Acts: And whereas it is expedient that Funds should be provided for defraying the Cost of such additional Protection, and it is just and right that the same should be levied from the Persons for the Time being using any Engine or Device whatsoever for the Capture of such Fish:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners of Public Works in *Ireland*, as Commissioners of Fisheries, together with the Inspecting Commissioners of Fisheries herein-after mentioned, shall be Commissioners for the Execution of this Act; and shall for the Purposes of this Act and the said recited Acts have and use all the Powers, Privileges, and Authorities vested in the Commissioners for the Execution of the said Acts; and the said recited Acts and this Act shall be construed together as One Act.

Commissioners of Public Works in Ireland to be Commissioners under this Act.

Construction of Acts.

Two existing Inspectors of Fisheries to be Inspecting Commissioners.

II. And be it enacted, That from and after the passing of this Act the Two existing Inspectors of Fisheries appointed under the Provisions of the said recited Acts shall be denominated and shall, during the Pleasure of the Commissioners of Her Majesty's Treasury, be Inspecting Commissioners of Fisheries, and shall be associated with the Commissioners of Public Works in *Ireland* for the Time being, and with them be Commissioners for the Execution of the said recited Acts and this Act; and in the Case of any Vacancy in the Office of the said Inspecting Commissioners, or either of them, by Death, Resignation, or Dismissal, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint, during their Pleasure, in the Room of each such Inspecting Commissioner so dying, resigning, or being dismissed, another Inspecting Commissioner of Fisheries, who shall be associated with the said Commissioners of Public Works in like Manner; and the said Commissioners of Her Majesty's Treasury shall be empowered from Time to Time to fix such Salaries for any such Inspecting Commissioners as they shall think fit; and such Inspecting Commissioners of Fisheries shall and may, for the Purposes of the said recited Acts and this Act, have, use, and exercise all and every the like Powers and Authorities and have like Privileges as are by the said recited Acts or any of them vested in or given to the said Commissioners of Public Works, or any of them, as Commissioners of Fisheries; and all and every the Powers and Authorities in and by the said recited Acts and this Act given to or vested in the said Commissioners of Public Works, or which under the Provisions of this Act may be used by or be vested in such Inspecting Commissioners of Fisheries, may be exercised by the said Commissioners of Public Works, or by such Inspecting Commissioners of Fisheries, or by any one or more of them.

Commissioners for executing this Act to divide Ireland into Districts for

III. And be it enacted, That the said Commissioners for the Execution of this Act shall, before the End of this present Year, or at any Time afterwards, as they may find it expedient, divide *Ireland* and the Sea Coast and Islands thereof into Districts for the Purposes of this Act, and shall cause the said Districts to be defined and described by suitable Notices and Maps to be published for that Purpose; and

and each such District shall be so formed as to embrace One or more River or Rivers, or Lake or Lakes, with the Tributaries thereof, which are frequented by Salmon, Trout, or Pollen, or Fish of the Salmon Kind, or Eels, together with such Portions of the Sea Coast and Islands adjacent thereto as shall be described by such Maps; and the said Commissioners shall subdivide each such District into Two or more Electoral Divisions, to be called the Upper or Fresh Water and Lower or Tidal Electoral Divisions of such Districts, and upon the Maps aforesaid the said Commissioners shall cause to be delineated the Limits and Boundaries of such Electoral Divisions as aforesaid; and it shall be lawful for the said Commissioners from Time to Time, if it shall appear to them expedient or necessary so to do, to alter any such District or Electoral Division and fix other Boundaries for the same, duly publishing and describing the same as herein-before provided. the Purposes of this Act.

IV. And be it enacted, That for each such District as aforesaid Conservators of Fisheries shall be annually elected and appointed as herein-after provided. Conservators of Fisheries to be annuallyelected.

V. And be it enacted, That the said Commissioners shall be authorized and empowered to determine and declare the Number of Conservators, not less than Three nor more than Nine, which shall be elected and returned from each such Electoral Division to represent the same, and the Persons so to be returned for each Electoral Division shall be the elected Conservators of Fisheries for the District until the next annual Election. Commissioners to prescribe Number of Conservators to be elected.

VI. And be it enacted, That if in any District One or more Persons shall possess a several or exclusive Fishery or Fisheries therein, as Owner, Lessee, or Occupier, valued under the Acts for the more effectual Relief of the destitute Poor in *Ireland* at One hundred Pounds yearly or upwards, he or they shall be entitled to sit with the elected Conservators for such District, and shall be deemed *ex officio* a Conservator or Conservators for the same, so long as he or they shall possess such Fishery or Fisheries, and shall have a Vote in all Matters, and shall have all the Powers and Privileges under this Act which the said elected Conservators may individually possess: Provided always, that where a Fishery so rated shall be held by several Persons as Owners, Lessees, or Occupiers, One Person alone shall sit and act as a Conservator as aforesaid in respect of such Fishery. Owners of several Fisheries of a certain Value to be Conservators in like Manner as elected Conservators.

VII. And be it enacted, That the elected Conservators shall be elected annually by the Persons who shall have paid Licence Duty and been licensed within each Electoral Division of a District in the current Year, under the Provisions of this Act, in the Manner herein-after mentioned. Conservators to be chosen by Persons paying Licence.

VIII. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-nine, all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon and Trout Kind, or for the taking of Eels, and all fixed Salmon, Trout, or Eel Fisheries within any District, or on or off the Sea Coast thereof, shall, except as herein-after provided, before the same be used in the said Year or any subsequent Year, be duly licensed and rated in the Manner herein-after prescribed, upon Payment of the Licence Duty or Rate, as the Case may be, herein-after provided. All Engines, Nets, &c. for Salmon and Trout Fishing, &c. to be licensed and pay an annual Duty.

IX. And be it enacted, That every Person who shall have paid Licence Duty under this Act, within and for any such Electoral Division within any Year, shall be entitled to vote at the Election of the Conservators to be chosen for such Division held for such current Year, either in Person or by Proxy, according to such Regulations and Forms for the Election as shall be fixed and directed by the Commissioners before mentioned, such Proxy being a qualified Elector, and shall be entitled to have a Vote or Votes thereat according to the following Scale; (that is to say,) if the Licence Duty so paid by such Person shall not amount to Two Pounds One Vote; if the same shall amount to Two Pounds, and not to Five Pounds, Two Votes; and if the same shall amount to Five Pounds, and not to Ten Pounds, Three Votes; and if the same shall exceed Ten Pounds, Four Votes. Persons who have paid Licence Duty entitled to vote for Conservators. Votes to be cumulative.

X. And be it enacted, That, for the Purposes of the First Meetings in each and every Electoral Division under this Act for the Election of Conservators as aforesaid, the said Commissioners shall fix and determine the Scale of Licence Duties and Rates to be paid as aforesaid in respect of all Engines, Nets, Instruments, or Devices whatsoever used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon or Trout Kind, and for the taking of Eels, and for all fixed Salmon, Trout, or Eel Fisheries within each District, or on or off the Sea Coast thereof, and shall give public Notice of the same within each Electoral Division, and such Scale of Licence Duties and Rates shall remain in force until the same shall be altered under the Provisions of this Act: Provided always, that such Licence Duties and Rates respectively shall not exceed the Amount of the respective Licence Duties and Rates specified in the Schedule to this Act annexed. Commissioners for Purposes of first Elections to fix and publish the Scale of Licence Duties and Rates for each District.

XI. And be it enacted, That the said Commissioners shall appoint the Places and Times at which all Persons who shall have paid the Licence Duty as herein provided in each Electoral Division of each District for the Year One thousand eight hundred and forty-nine shall assemble in the Month of *July* in that Year, the Commissioners giving Two Weeks Notice thereof by Hand-bills and Advertisements in Two or more Newspapers circulating in such District; and all Persons who shall have paid any such Licence Duty for such Year within such Electoral Division shall be entitled to vote at such respective Meeting, and shall choose a Chairman to preside thereat: Provided always, that it shall be lawful for the said Commissioners, or any One or more of them, to attend and preside at any such first Meeting, instead of such Chairman. First Meetings of Persons paying Licence Duty for the Election of Conservators to be called by Commissioners. Commissioners may preside.

XII. And be it enacted, That the Persons so assembled in each Electoral Division at such first Meetings, and at all annual Meetings for such Elections, and who shall be qualified to vote under this Act, shall have Power to elect the appointed Number of Persons as herein provided to represent them as Conservators Persons assembled at such first Meetings and at future annual

Meetings to elect Conservators of Fisheries for the Year.

Conservators of the Fisheries for the ensuing Year; and it shall and may be lawful for the Chairman as aforesaid, or the said Commissioners, as the Case may be, to receive the Votes of the Persons so assembled as aforesaid, and to declare the Persons who shall have received the greater Number of Votes to be the elected Conservators as aforesaid; and the Chairman of such Meeting, or the said Commissioners, as the Case may be, shall certify under his or their Hand the Election of each Conservator, and furnish him with a Certificate, which shall be sufficient Authority for him to act as such Conservator as herein provided, and shall also within Four Days after such Election cause a List of such Conservators, with a Statement of the Residence and Post Town of each, to be transmitted to the Office of the said Commissioners; and the Persons so elected for each Electoral Division of a District shall conjointly form, with any such *ex-officio* Conservators as aforesaid, a Board of Conservators of Fisheries for such District, until the Formation of a new Board in like Manner in the ensuing Year, and so in like Manner in each succeeding Year.

Power to Boards of Conservators, after the Year 1849, to alter and fix, subject to Approval of Commissioners, the Licence Duty and Rates.

XIII. And be it enacted, That after the first Board of Conservators of Fisheries for any District shall have been formed, the Board of Conservators for each such District shall be and are hereby empowered from Time to Time, as they shall think fit, to fix and determine, subject to the Approval of the Commissioners, the Amount of Licence Duty to be paid for each Year after the Year One thousand eight hundred and forty-nine for every Engine, Net, Instrument, Weir, or Device, set forth in the Schedule to this Act, used for the taking of Salmon, Trout, Pollen, or Fish of the Salmon Kind, and for the taking of Eels, within each such District, or on or off the Sea Coast thereof, and for every Engine, Net, Instrument, Weir, or Device for any such Purpose which may be proposed to be used, and which is not enumerated in the said Schedule; and the Board of Conservators are hereby also empowered to fix and determine, subject to the Approval of the Commissioners from Time to Time, the Rate *per Centum* to be paid for each Year after the Year One thousand eight hundred and forty-nine, upon the Poor Law Valuation, in the Cases of fixed and established Salmon, Trout, or Eel Fisheries, which are designated Several Fisheries, as herein-before mentioned, within each District, or on or off the Sea Coast thereof: Provided always, that no Licence Duty or Rate to be fixed by the said Conservators shall exceed the respective Amount of Duty specified in the said Schedule, or the Rate of Ten *per Centum* on the Poor Law Valuation of established or Several Fisheries; and that any Alteration in the same so to be made shall commence and have effect on and from the First Day of *January* in the then succeeding Year.

Board of Conservators to fix Times and Places of Meetings.

XIV. And be it enacted, That the Board of Conservators of each District shall from Time to Time fix and determine and duly publish Notice of the Times and Places for the General Meetings of such Board, and also the Times and Places for the then next Annual Meetings of Electors in each Electoral Division for the Election of Conservators for the same.

In case of Failure of any Electoral Divisions to elect, other Divisions may act.

XV. And be it enacted, That if the Persons entitled to meet and elect such Representatives or Conservators in any One or more Electoral Division or Divisions of a District shall fail or neglect for any Year so to do, the Representatives or Conservators of any other One or more Electoral Division or Divisions of such District for which Conservators shall have been elected shall be empowered, nevertheless, to act in all Matters and Things relating to such District under the Provisions of this Act.

On Failure of Election former Board to act.

XVI. And be it enacted, That if no One Electoral Division in a District shall in any Year elect Conservators as aforesaid, it shall be lawful for the previously existing Board of Conservators for such District to continue to act as, and to all Intents and Purposes they shall be, Conservators for such District for that Year.

Quorum of Boards of Conservators.

Chairman to have a casting Vote.

XVII. And be it enacted, That, for the Purposes of this Act, at all District Meetings of the Board of Conservators, Three of the Persons entitled and empowered to act and vote thereat, as herein-before provided, shall form a Quorum, and all Matters and Things shall be determined and decided by the Majority of such Persons so assembled; and if on any Matters upon which a Difference may arise the Votes shall be equal, the Chairman shall, in addition to his original Vote, be entitled to give a casting Vote.

How Meetings of Board of Conservators are to be called.

XVIII. And be it enacted, That it shall and may be lawful for any such Board of Conservators assembled at a District Meeting to fix Time and Place for holding a General Annual Meeting, and hold adjourned Meetings; and it shall be lawful for any Three Conservators from Time to Time to call Special Meetings, provided that Notice of the Place and Time of each such Special Meeting, subscribed by Three or more Conservators, or by the Clerk of the Board, on their Requisition to him, shall be inserted at least Twice in some Two Newspapers circulating in the County or Counties in which such District shall be situate, at least Ten Days before such Meeting shall be held, or that the Clerk of such Board shall, on such Requisition as aforesaid, give Ten Days Notice in Writing of such Meetings to each Conservator entitled to act within such District.

Board of Conservators at the Annual Meetings to nominate Treasurer, Clerk, Inspectors, and Water Bailiffs.

XIX. And be it enacted, That it shall and may be lawful for the Board of Conservators for each such District, at the Annual General Meeting or some other Meeting specially appointed by them before the First Day of *October* in the Year One thousand eight hundered and forty-nine, and in each subsequent Year, at any Time when it may be necessary or expedient, to nominate and appoint a Clerk or Clerks, with reasonable Salary or Salaries, as the said Board may think necessary, and to appoint some Bank to act as Treasurer or Treasurers of such Board, and also to appoint as many Inspectors and Water Bailiffs as may be necessary, with reasonable Salaries, but only to the Extent which the Funds at their Disposal will admit of, for the Protection of the Fisheries in the District, and for generally enforcing the Fishery Laws within the same: Provided always, that no elected or other Conservator shall be eligible to hold any Appointment under this Act from which any Salary or Emolument shall be derived; and it shall

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be lawful for the Board of Conservators from Time to Time to remove any such Clerks, Inspectors, or Water Bailiffs, and to nominate others in their Stead.

Conservators may apply Funds of District towards providing Passes for Fish through natural and artificial Obstructions.

XX. And be it enacted, That the Board of Conservators of any District shall be and are hereby empowered to apply from Time to Time any Portion of the Funds in the Hands of the Treasurers to the Credit of such District which they may think fit, for the Purpose of making Passes in or over Weirs, or removing or making Passes in or over natural Obstructions in any River in such District, subject to the Sanction of the said Commissioners, under the Provisions of the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign; and upon obtaining the Sanction of the said Commissioners it shall be lawful for the said Board of Conservators to place to the Credit of the said Commissioners such Sum of Money as shall have been for that Purpose approved and sanctioned by them, and it shall be lawful for the said Commissioners thereupon, as they shall think fit, to construct such Works and make such Alterations in the Bed of any River as shall effectually secure a free and uninterrupted Passage for Fish, or to direct and cause such Alterations to be made in any Weir, Dam, or Dyke erected in or across any River frequented by Salmon, for affording a free and uninterrupted Passage for Fish, pursuant to the Powers and Provisions of the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign.

For Engines, Nets, &c. not enumerated in Schedule, Licences, before the Formation of Boards, to be fixed by Commissioners, afterwards by the Board of Conservators.

XXI. And be it enacted, That for any Engine, Instrument, Net, Weir, or Device whatsoever not enumerated in the Schedule to this Act, and which may be proposed to be used for fishing for Salmon, Trout, Pollen, or Fish of the Salmon or Trout Kind, or for Eels, it shall be lawful for the said Commissioners at any Time before a Board of Conservators shall be formed, and after the Formation of such Board it shall be lawful for such Board of Conservators for the District, as the Case may be, to fix and determine the Licence Duty on Payment of which the same may be used in such District, regard being had, as far as practicable, to the relative Capability of Capture and Productiveness of the same, as compared with those set forth in the said Schedule, and the relative Proportion of the Duties therein set forth: Provided always, that the Party proposing to use any such Engine, Instrument, Net, Weir, or Device not enumerated in such Schedule shall previously give Notice to some Constabulary or Coast Guard Officer of the District, or to some Inspector appointed under this Act, of his Intention to use the same, who shall and is hereby required to forward to the said Commissioners or the said Conservators, as the Case may be, a Description thereof, as to its relative Capability of Capture as compared with the Engines, Instruments, Nets, Weirs, or Devices set forth in the said Schedule, and shall furnish the Name by which it shall be designated, upon which the Commissioners or the said Conservators, as the Case may be, may authorize the Use of the same, upon Payment of the Licence Duty which they may fix, and cause the same to be inserted in the Schedule of Licences for the said District: Provided always, that Rods used singly for taking Trout, Perch, Pike, or other Fish, save and except Salmon, shall not be subject to any Licence Duty under this Act: Provided also, that if any Person using a Rod shall, under Pretence or otherwise of fishing for Trout, Perch, Pike, or other Fish, take or kill Salmon with such Rod, such Person shall be subject to a Penalty of the like Amount as the Licence Duty for the Time being payable for a Salmon Rod, and the same shall be recoverable before a Justice or Justices in like Manner as other Penalties under the said recited Acts or this Act: Provided also, that all Cross Lines used with a Rod or Rods for taking Fish of any Kind whatsoever shall be subject to the Licence Duty payable under this Act for the Time being upon Cross Lines and Rods, until the same shall be altered as herein provided.

Saving as to Rods not used for Salmon.

Penalty on using Engines, Nets, &c. without Licence.

Forfeitures to be applied to the Funds of the District.

Recovery of Forfeitures and Penalties.

XXII. And be it enacted, That if any Person shall use or erect any Engine, Net, Instrument, or Device whatsoever, subjected to Licence Duty as aforesaid, for the taking of Salmon, Trout, Pollen, or Fish of the Salmon or Trout Kind, or Eels, or by any Means fish within any fixed Salmon, Trout, or Eel Fishery in any Year, without the same respectively being duly licensed for such Year under the Provisions of this Act, every such Engine, Net, Instrument, and Devices, and such Means of Fishing, shall be forfeited and sold, or otherwise disposed of as the Justice or Justices shall deem fit, and the entire Proceeds thereof shall be added to the general Funds of the District constituted under this Act in which the same shall be erected or used; and any Person erecting or using the same shall be liable to pay such Penalty, not less than Half nor exceeding the Whole of the Licence Duty at which under this Act the Engine, Net, Instrument, or Device he shall have been so using or erecting would for the Time being be subject to under this Act, as such Justice or Justices shall think fit; such Forfeitures and Penalties to be proceeded for and recovered under the Warrant of such Justice or Justices, in the Manner and subject to the Regulations in the said recited Act of the Fifth and Sixth Years of Her present Majesty's Reign provided as to the Recovery of Forfeitures and Penalties thereunder.

All Several Fisheries to be subject to an annual Rate according to Valuation.

XXIII. And be it enacted, That in all Cases of fixed and established Salmon, Trout, or Eel Fisheries which under the Provisions of the said first-recited Act are designated "Several Fisheries," or are now or may hereafter be claimed or possessed or used as Several Fisheries, whether the same be fished by means of Weirs extending entirely or partly across Rivers or Estuaries, with Boxes, Baskets, or Cruives, or be fished by means of existing natural or artificial Obstruction stopping the Fish, or by Draft, Pole, Loop, or other Nets, or by Rod and Line, or by any other Means or Device whatsoever, the Persons using, occupying, or holding such Fisheries, whether such Occupation and holding shall be by Lease, Demise, Agreement, or Tenancy at Will, or in Fee Simple, Fee Tail, or for Life, shall in each Year pay as an annual Rate, in Two equal half-yearly Gales, on the First Day of *February* and the First Day of *July*, in every Year after the passing of this Act, such Sum in addition to the Licence Duty by this Act provided to be paid for the Engines, Instruments, Nets, or Devices erected or used in fishing such

Fishery, as shall be equal to the Amount of the Difference between the Sums paid by such respective Persons for such Licence Duty or Duties as aforesaid, and the annual Sum of Ten *per Centum* upon the Poor Law Valuation of such Fishery, subject to such Alteration of such Per-centage as may from Time to Time be made by the Board of Conservators of the District under the Provisions of this Act.

Last-mentioned Rate recoverable before Justices as Wages, or by Civil Bill, or by Action.

XXIV. And be it enacted, That any such last-mentioned Rate may be recovered in a summary Way before any One or more Justice or Justices of the Peace, in like Manner as Wages, or by Civil Bill before the Assistant Barrister of the respective County, or by Action in the Superior Courts, at the Suit of the said Commissioners, if no Board of Conservators of the District shall have been formed, or if such Board shall have been formed, then at the Suit of the Clerk of the said Board of Conservators, as the Case may be.

Valuation of such Fisheries.

XXV. And be it enacted, That in any Cases where any such Fisheries as last aforesaid may not be or have not been valued by the Persons appointed as Valuators for the Purposes of the Poor Laws in force in *Ireland*, the said Commissioners, on the Application of the Board of Conservators, may and are hereby empowered to call upon the Poor Law Commissioners of *Ireland* to cause the same to be valued separately and distinctly from other Property for the Purposes of this Act.

Collection of such annual Rate.

XXVI. And be it enacted, That such last-mentioned Rate shall be collected by such Persons as the said Commissioners for the Execution of this Act, at any Time before the Formation of a Board of Conservators for the District, or after the Formation of such Board, then as the said Board, as the Case may be, shall from Time to Time appoint, adequate Security being taken by the said Commissioners or the said Conservators, as the Case may be, from the Persons authorized to receive the same for the duly accounting for the same and for the due Performance of the Duties which the said Commissioners or the said Conservators, as the Case may be, may prescribe for them, and the Cost of any Allowance to be made for the Collection of the same shall be charged to the Expenses of the District for which the same shall be collected.

All Monies received for Licences, Rates, Penalties, &c. in each District to be lodged in the Bank, and applied to defray the Expenses of such District under this Act.

XXVII. And be it enacted, That the total Amount of all Sums of Money received for all Licence Duties and Rates, and from the Sale of forfeited Engines, Nets, or Instruments as aforesaid, and from Penalties (save so much as shall be paid to any Informer as herein-after mentioned) under the Provisions of this Act, shall, until the Appointment of a Treasurer for each respective District as herein provided, be lodged in the Bank of *Ireland*, to the Credit of the said Commissioners, in the Matter of the District for which the same shall have been received, and shall be applied to the Purposes of such respective District as herein provided; and regular Accounts of the Receipts and Disbursements on account of each District shall be kept and furnished by the said Commissioners, until the Appointment of such Treasurer as aforesaid; and upon the Appointment of a Treasurer of each District respectively as herein provided, the Commissioners shall cause the Monies lodged in the Bank of *Ireland* in the Matter of such respective District to be transferred and lodged with all Accounts relating to such District to and with the respective Treasurer of such District, and thenceforth all Sums of Money received for Licence Duties and Rates, and for Forfeitures and Penalties, for each such District, shall be paid over by the Parties receiving the same to and received by such Treasurer of such District and be applied to the Purposes of such District under the Provisions of this Act; and such Treasurer shall pay such Sums of Money as shall be required for the Purposes of the District from Time to Time upon a Draft or Order signed by the Chairman at any General Meeting of the Board of Conservators and by Two other Conservators.

Form of Licences, &c.

XXVIII. And be it enacted, That all Licences under this Act shall be prepared and printed in such Form as the said Commissioners shall prescribe or from Time to Time think necessary to adopt; and a separate Licence shall be issued for each separate Engine, Net, Instrument, or Device for taking Fish, and each Licence issued before the Formation of a Board of Conservators for the District shall be stamped with the Seal of the said Commissioners, and if issued after the Formation of such Board shall be stamped with the Seal of such Board, which Seal shall be provided for such Purpose: Provided always, that the Year for which such Licence shall issue, and a Name, Number, or Letter describing the District, and the Electoral Division for the Purposes of this Act in which the Licence shall be used, and the Name of the Engine, Net, Instrument, or Device for which the same shall be issued, shall be printed thereon in clear and legible Characters; and such Licence shall be only good and valid for the Year, District, and Purpose for which the same shall be issued, and for no other; and that any Party using or presenting the same for any other Year, District, or Purpose, or in any Manner altering or fraudulently counterfeiting the same, shall be liable to a Penalty, not less than the whole Amount of the Licence Duty for which the same shall have been issued, or which the Party so misusing or counterfeiting the same would be liable to under this Act, and not exceeding double the Amount of the same, at the Discretion of such Justice or Justices before whom the Offence may be tried.

Penalty for misusing or counterfeiting the same.

Penalty on Persons using or having Engines, Nets, &c. not producing Licence when required.

Parties having them for Sale,

XXIX. And be it enacted, That any Person using any such Engine, Net, Instrument, or Device as aforesaid, or having the same erected or in fishing Order, or found with the same in his Possession, in or near any Fishing Place, or going to or returning from Fishing, shall and is hereby required to produce to any of the said Commissioners or any Officer of the said Commissioners, or any Conservator of the District, or any Inspector, Water Bailiff, or Officers, or Men of the Navy, Coast Guard, or Constabulary, when demanded, the Licence for the same, under and subject to like Penalties (in case of Failure) as in the last preceding Provision mentioned: Provided always, that such Parties as shall to the Satisfaction of the Justices or Justice be proved to have them in possession as Manufacturers or Sellers of the same,

and

and not for the Purposes of using the same within the Year in which such Demand shall be made of them respectively, shall be exempt from any such Penalty. &c. exempt from Penalty.

XXX. And be it enacted, That such Licences as aforesaid under this Act shall be publicly sold either by licensed Stamp Distributors, or by such Persons and in such and so many Places throughout each District, as the said Commissioners before the Formation of a Board of Conservators for the District, or after the Formation of such Board, then as such Board of Conservators, as the Case may be, shall from Time to Time appoint, adequate Security being taken by the said Commissioners or the said Board of Conservators, as the Case may be, from the Persons authorized to sell the same, for duly accounting for the same and for the due Performance of their Duty; and the Cost for any Allowance to be made for the Sale of the same shall be charged to the Expenses of the District for which the same shall be issued: Provided always, that if any Person shall have paid a Licence Duty for a Rod within any District as aforesaid, such Person shall not be liable to pay an additional Sum for a Licence in any other District by reason only of angling with a Rod in any other District. Licences how sold.

XXXI. And be it enacted, That all Persons whosoever demanding to purchase any such Licences, and tendering to any Person so appointed to distribute the same the Amount of Licence Duty for the Time being to be paid under the Provisions of this Act, shall be entitled to receive the same without any Question or Objection whatsoever arising either from the Time when, the Purpose for which, or the Right in virtue of which he or they may desire to use such Licence, or on any other Grounds whatsoever: Provided always, that nothing herein contained with reference to the Possession of any such Licence, or the Payment of the Licence Duty or Rates under this Act, shall be construed to give or confer any Right of fishing or of using any Instrument or Device for taking Fish by any Means or in any Place which the Party having or using such Licence would not have possessed if this Act had not been passed, or to alter or affect the Rights of any other Persons. Licences to be sold to all Persons demanding to purchase, but not to give Rights not otherwise possessed; but not to alter Rights of Parties.

XXXII. And be it enacted, That all Persons whom the Commissioners or Board of Conservators, as the Case may be, shall appoint to sell Licences as aforesaid, shall furnish to the said Commissioners or Board of Conservators, as the Case may be, an Account of such Sales monthly, or so often as they may require, and shall set forth in such Accounts the Sums received for Licences for each particular Engine, Net, Instrument, or Device, the Names and Residences of the Persons who shall have purchased such Licences as aforesaid, and the District and Electoral Division of such District for which such Licences shall have been obtained. Account of Sales of Licences to be furnished.

XXXIII. And be it enacted, That the Board of Conservators of each District shall take sufficient Security from any Clerk whom they may appoint, and any other Officer or Person having the Care or Custody of Money to be received by virtue of this Act, for the due Execution of the Duties of his respective Office, or for duly accounting for such Money, as the said Board of Conservators shall think proper; and such Clerks shall attend the stated and other Meetings of the said Board, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true Account of all the Monies to be received by virtue of this Act, and of the Application of the same, and of all the Acts, Proceedings, and Transactions of the said Board, by virtue of and under the Authority of this Act, and shall perform such other Duties as the said Board may direct; and every Conservator shall and may at all convenient Times have Access to and peruse and inspect the same, and each such Board are hereby empowered and required to cause their said Clerk to furnish to the said Commissioners annually, or as often as they may require, an Account of all Monies received and disbursed relating to each such District under the Authority of the Board of Conservators. Security to be given by the Clerk of the Conservators, and Duties to be performed by him and other Officers.

XXXIV. And be it enacted, That such Inspectors and Water Bailiffs as shall be appointed under the Provisions of this Act shall have, for the Enforcement of the said recited Acts and this Act, the Powers of Constables, and all the Powers and Authorities conferred on Water Bailiffs, or Officers or Men of the Constabulary Force or Coast Guard, or Navy, under the said recited Acts, or any of them. Powers of Inspectors and Water Bailiffs.

XXXV. And be it enacted, That all Fines, Penalties, and Forfeitures under this Act not hereinbefore provided for shall be recoverable in like Manner and subject to like Provisions as Penalties and Forfeitures under the Provisions of the said first-recited Act, and one Moiety of every Sum of Money levied as a Fine or Penalty for any Offence under the Provisions of the said recited Acts or this Act (save and except Penalties for Nonpayment of any such Licence Duty as aforesaid) shall be paid to the Informer or Person who shall be the Means of bringing to Justice any Person offending against any of such Provisions, and the other Moiety shall (anything in the said recited Acts to the contrary notwithstanding) be applied to the Purposes of this Act for the District formed under this Act in which such Offence shall have been committed. How Fines and Penalties under recited Acts and this Act to be recovered and applied.

XXXVI. And be it enacted, That the Appointment of Officers under this Act shall not be subject or liable to the Payment of any Stamp Duty. Appointment of Officers free from Duty.

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to lessen or abridge the Powers conferred by the said recited Acts on the said Commissioners, or on any Inspectors, Water Bailiffs, Officers, and Men of the Navy, Coast Guard, or Constabulary, but the same shall remain and be in full Force and Effect for the Purposes of the said Acts, and for aiding the Officers, Inspectors, and Water Bailiffs to be appointed under this Act for enforcing the Provisions of the said Acts and this Act. Nothing herein to abridge the Powers of Commissioners, &c. under recited Acts.

XXXVIII. And be it enacted, That the said Commissioners shall be empowered to attend any Meeting of any Board of Conservators, held under the Provisions of this Act, and to advise, consult, and confer with them upon the Regulation, Management, and Improvement of the Fisheries, and shall and may Commissioners may attend and advise at Meetings of Conservators.

may at all convenient Times have Access to and peruse, when they shall think fit, the Books and Accounts kept for the Purposes of any District under this Act.

Defining Powers of Commissioners to alter Close Seasons.

XXXIX. 'And whereas by the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign the said Commissioners are empowered, in manner in the said Act directed, to decide that the Period in the said Act appointed for the Close Time of the Fisheries therein mentioned respectively should cease, and that such other Period as should then be fixed upon by them as the Close Time for any of such Fisheries should be kept and observed in lieu thereof, or to alter, as therein mentioned, the Period within which it should not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels, subject to the Provisions in the said Act contained: And whereas by the said Act of the Ninth and Tenth Years of Her Majesty's Reign so much of the said first-recited Act as specified the Close Time or Close Season in which no Fish of the Salmon Kind should be taken is repealed, and new Periods for the Close Time as to Fish of the Salmon Kind are by the said Act prescribed and substituted: And whereas Doubts may be entertained whether the Powers of the said Commissioners to alter the Close Time or Close Season as to such Fish of the Salmon Kind as aforesaid, under the Provisions of the said first-recited Act are still subsisting and unaffected by the Provisions of the said Act of the Ninth and Tenth Years of Her Majesty's Reign;' and for the Removal of such Doubts, be it enacted, That, notwithstanding anything in the last-mentioned Act contained, all the Powers and Authorities vested in the said Commissioners under the said first-recited Act relating to the altering the Close Time or Close Season for any such Fisheries in the said Act mentioned, and also for altering any Close Time or Close Season for any Estuary or Portion of the Sea Coast, or for any Tideways, or for any River or Lake above the Tideway or Portion thereof where the Tide ebbs and flows, prescribed and established by the said Act of the Ninth and Tenth Years of Her Majesty's Reign, shall be and remain in full Force and Effect, and may be used and exercised as to any of such Close Seasons in like Manner and subject to like Provisions as directed and contained in the said first-recited Act of the Seventh and Eighth Years of Her Majesty's Reign: Provided always, that in case the said Commissioners shall decide upon altering any of such Close Seasons as aforesaid, such Change or Alteration shall commence and take effect at the Expiration of Six Weeks from the Date of the Publication of the said Decision in the *Dublin Gazette*, anything in the said first-recited Act to the contrary notwithstanding.

In case Commissioners alter Close Seasons, Notice to be given of same.

Alteration of Close Season in certain Rivers above Tideways.

XL. 'And whereas by the said recited Act of the Ninth and Tenth Years of Her Majesty's Reign certain Periods are fixed as the Close Times or Close Seasons during which Fish of the Salmon Kind shall not be killed, destroyed, or taken, and, amongst other things, it is provided that (save as hereinafter mentioned, and save in the Counties of *Antrim*, *Tyrone*, *Donegal*, *Londonderry*, *Mayo*, *Fermanagh*, *Leitrim*, and *Sligo*,) no Fish of the Salmon Kind shall be killed, destroyed, or taken by any Person or by any Means whatsoever in or from any Part of any River or Lake above the Tideway, or Portion thereof where the Tide ebbs and flows, at any Time between the Fifteenth Day of *September* in each Year and the last Day of *February* in the Year following, both the said Days inclusive; provided always, that in any such Part of any River or Lake above the Tideway, or Portion thereof where the Tide ebbs or flows, no Fish of the Salmon Kind shall be killed, destroyed, or taken between the First and Fourteenth Days of the Month of *September*, both the said Days inclusive, by any Person by means of any Weir, Crib, Cruive, Box, Trap, Draw Net, Haul Net, Fixed Net, or other Net or Device whatsoever, save by Rods and Lines only: And whereas by means of the said Provisions the Open Time for fishing with Rods and Lines in the Portions of Rivers and Lakes above the Tideways is shorter by Fourteen Days than the Open Time for fishing in any Estuary or on the Sea Coast, or in the Tideway of any River or Lake: And whereas it is expedient and equitable to equalize the Periods of Open Time for Fishing with Rods and Lines:' Be it therefore enacted, That from and after the passing of this Act, as regards all Parts of *Ireland* and the Sea Coast thereof (save the said Eight Counties and the Sea Coast thereof herein-before mentioned), the Close Time during which it shall not be lawful to kill, destroy, or take Fish of the Salmon Kind, in or from any Part of any River or Lake above the Tideway with Rods and Lines only, shall be between the Twenty-ninth Day of *September* in each Year and the last Day of *February* in the Year following, both the said Days inclusive, unless and until such Close Time shall be altered by the said Commissioners under the Provisions of the said recited Acts and this Act as herein-before mentioned.

Penalty for killing or taking Fish in or from Several Fisheries.

XLI. And be it enacted, That if any Person or Persons not being authorized by the Owner, Lessee, or Occupier of a Several Fishery as defined under the first-recited Act shall enter into or upon such Several Fishery for the Purpose or under the Pretence of killing Fish therein or taking Fish therefrom, or shall kill Fish therein or take Fish therefrom, he or they shall for every such Offence forfeit and pay a Sum not less than Ten Shillings nor more than Five Pounds, the same to be recoverable in a summary Way before a Justice or Justices, as provided by the said first-recited Act of the Fifth and Sixth Years of Her Majesty's Reign.

Minimum of Penalties in certain Cases.

XLII. 'And whereas by the said recited Act of the Fifth and Sixth Years of Her present Majesty's Reign, in the Section of the said Act numbered Thirty-six in the Copies thereof printed by the Queen's Printers, it is provided, that the several Persons who shall commit any of the Offences in the said Section mentioned shall forfeit and pay any Sums not exceeding the several and respective Sums in the said Section mentioned: And whereas it is expedient that a minimum Penalty should be specified in each such Case:' Be it therefore enacted, That every Person who shall commit any of the Offences in the said Section of the said Act specified shall (in addition to any other Forfeiture thereby specified)

forfeit

forfeit and pay a Sum not exceeding the Sum for such Offence respectively specified in the said Section of the said Act, and not less in any Case than the Sum of Ten Shillings: Provided always, that nothing in this Act contained shall be construed to legalize any Fishery or Weir not being legal at the Time of the passing of this Act.

Act may be amended, &c

XLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCALE of LICENCE DUTIES for each Engine, Net, Instrument, or Device used in Salmon, Trout, Pollen, or Eel Fisheries in Districts.

	£	s.	d.
1. Single Salmon Rods	1	0	0
2. Cross Lines and Rods	2	0	0
3. Snap Nets	1	10	0
4. Draft Nets or Seines	3	0	0
5. Drift Nets	3	0	0
6. Trammel Nets, or Draft Nets for Pollen	1	10	0
7. Pole Nets	2	0	0
8. Other Nets, or similar Engines not named above	Licence Duties, such as shall be fixed by Commissioners or Conservators as provided by this Act.		
9. Bag Nets	5	0	0
10. Fly Nets	5	0	0
11. Stake Nets, or Stake Weirs (Scotch)	15	0	0
12. Head Weir	3	0	0
13. For every Box, Crib, Cruive, or Drum Net in any Weir for taking Salmon or Trout	5	0	0
14. For every Gap, Eye, or Basket in any Weir for taking Eels	1	0	0

Note.—Fixed Fisheries for Salmon or Eels claimed to be "Several Fisheries," whether fished by means of fixed Weirs with Boxes, Cruives, or Rails for stopping the Fish, or by means of the Fish being stopped by Rocks or other natural or artificial Obstructions, and taken by means of Draft or other Nets — to be rated at Ten per Cent. on Poor Law Valuation, unless such Per centage be reduced by the Commissioners or by the Conservators, as provided by this Act.

CAP. XCIII.

An Act to confirm the Incorporation of certain Boroughs. [31st *August* 1848.]

'WHEREAS Charters of Incorporation have been lately granted to the Boroughs of *Wolverhampton*, *Warrington*, *Wakefield*, *Ashton under Lyne*, and *Salford*, to extend over certain Districts mentioned in such Charters respectively, and Doubts have arisen respecting the Validity of the said Charters: And whereas it is expedient that such Doubts should be removed:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Charters of Incorporation, and all Elections, Acts, or Proceedings done or had in pursuance thereof, or by virtue of the same, before the passing of this Act, shall be deemed good and lawful from the Time of such several Grants, Elections, Acts, and Proceedings respectively, and that the Costs and Expenses of such Charters, Elections, Acts, and Proceedings respectively shall and may be levied by a Rate upon the Occupiers of all Buildings, Lands, and Hereditaments within the said several Boroughs.

Certain Proceedings in incorporated Boroughs before passing of this Act declared good and valid.

II. And be it enacted, That the Districts set forth in the said several Charters as those intended to be comprised in such Charters respectively shall be deemed and taken to be the Extent of such Municipal Boroughs respectively.

Districts named in Charters to be the Extent of Boroughs.

CAP. XCIV.

An Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court. [31st *August* 1848.]

'WHEREAS it is expedient to regulate the Offices of the Clerks of the Petty Bag of the High Court of Chancery, the Practice of the Common-Law Side of that Court, and also the Enrolment Office of the said Court:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-nine the Offices of the said Senior, Second, and Third Clerks of the Petty Bag of

After 1st Jan. 1849 the Offices of the Senior,

Second, and Third Clerks abolished.

of the said High Court of Chancery shall be and the same are hereby abolished, and shall then cease and determine, without Prejudice nevertheless to the Rights and Remedies of the present Holder of any of the said Offices to receive or recover any Money which shall or may then be due or payable to him by virtue of his Office for Fees or otherwise.

Clerk of the Petty Bag to be appointed, who is to execute his Duties in Person, except in case of Sickness, &c., when he may appoint a Deputy, with Consent of the Master of the Rolls.

II. And be it enacted, That from and after the said First Day of *January* One thousand eight hundred and forty-nine there shall be an Officer of the said Court who shall be and be called the Clerk of the Petty Bag, and who shall execute and perform the Duties of his Office in Person, and not by Deputy: Provided always, that whenever the Clerk of the Petty Bag for the Time being, by reason of Sickness or other unavoidable Cause, shall be unable to perform the Duties of or shall have occasion to be absent from the Business of his Office, it shall be lawful for such Clerk, by any Writing under his Hand, with the Approbation of the Master of the Rolls, in Writing under his Hand, to appoint to be his Deputy such Person, and for such Time, to be limited in such Appointment and Approbation, as the Master of the Rolls shall or may approve of as fit and proper for that Purpose: Provided also, that whenever the said Clerk for the Time being shall from any Cause be unable to execute or perform or be absent from the Attendance upon the Duties of his Office, without having appointed or renewed the Appointment of a Deputy in manner aforesaid, it shall be lawful for the Master of the Rolls, by any Writing under his Hand, to appoint such Person to be and act as the Deputy of such Clerk during such Inability or Absence of the said Clerk for the Time being as the said Master of the Rolls shall think fit; and every Deputy appointed in manner aforesaid, and who shall accept of such Appointment shall during the Time for which he shall be appointed have and possess all and every of the same or the like Powers and Authorities as the Clerk of the said Petty Bag for the Time being, and shall perform and be subject to all and every of the like Duties and Regulations as the said Clerk for the Time being; and every Deputy appointed in manner aforesaid shall be paid such Sum out of the Salary of his Principal as the Master of the Rolls shall by any Writing under his Hand direct; and the Appointment and Approbation of every such Deputy as aforesaid shall be filed of Record, and preserved in the Office of the Petty Bag, or such other Office as the Master of the Rolls shall order or direct.

Appointment of First and other Clerks of Petty Bag, who are to hold Office during good Behaviour, and on Vacancy to be filled up by the Master of the Rolls.

III. And be it enacted, That *Francis George Abbott* shall be the First Clerk of the Petty Bag; and that whenever and so soon as any Vacancy shall occur in the Office of the said *Francis George Abbott* or any future Clerk of the Petty Bag, whether by Death, Resignation, Removal, or otherwise, the Master of the Rolls shall, by some Writing under his Hand, appoint some fit and proper Person to be Clerk of the Petty Bag, every Person so appointed being a Person who for the Space of Five Years has been an Attorney of One of Her Majesty's Superior Courts of Common Law, or a Solicitor of the High Court of Chancery, and has during that Period actually practised as such Attorney or Solicitor, and for whose Appointment no pecuniary or other Consideration whatsoever shall be directly or indirectly paid, given, or received; and the said *Francis George Abbott*, and every qualified Person so appointed as aforesaid, shall hold his Office during good Behaviour, and shall or may be removed from his Office by the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, for such Misconduct or other Cause as by him shall be deemed sufficient to justify such Removal; and every such Appointment of a Clerk as aforesaid, and every Order for the Removal of a Clerk from his Office, shall be filed of Record in the said Office, or such other Office of the said Court as the said Master of the Rolls shall order or direct.

Clerk of the Petty Bag to perform all the Duties and be subject to all the Regulations of the Senior and other Clerks, but not to be an Attorney of the Court.

IV. And be it enacted, That the Clerk of the Petty Bag for the Time being appointed by or in pursuance of this Act shall have, possess, and exercise all and every of the Powers, Authorities, Rights, and Privileges which now are or heretofore have been held, possessed, or exercised by the said Senior, Second, and Third Clerks whose Offices are hereby abolished; and the said Clerk of the Petty Bag for the Time being shall also perform and be subject and liable to all and every of the Services, Duties, and Regulations which the said Senior, Second, and Third Clerks, or any of them, now are or but for the passing of this Act would be bound to perform or be subject or liable to: Provided always, that the said Clerk of the Petty Bag for the Time being shall not by virtue of his Office be an Attorney of the said Court, and shall not, directly or indirectly, by himself or together with any Partner, in his own Name or in the Name of any other Person, practise, be, or act as the Attorney, or the Agent of any Attorney, of any Person whomsoever, in, about, or for the Purpose of any Action, Suit, Writ, Proceeding, Matter, or Thing in the said Office of the Petty Bag, or upon or in the Common-Law Side of the said Court of Chancery.

Clerk of the Petty Bag not to act as Attorney or Solicitor.

V. And be it enacted, That no Person to be appointed to the Office of Clerk of the Petty Bag at any Time after the said *Francis George Abbott* shall have ceased to hold the said Office shall at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of the Attorney or Solicitor, in any Court of Law or Equity: Provided also, that in case the Salary payable to the said *Francis George Abbott* in pursuance of this Act shall at any Time hereafter be increased so as to amount to Eight hundred Pounds *per Annum*, then and in such Case the said *Francis George Abbott* shall not at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, or other Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of any Attorney or Solicitor, in any Court of Law or Equity.

Salary of Clerk of Petty Bag.

VI. And be it enacted, That the said Clerk of the Petty Bag shall receive by way of Salary for performing the Duties of his Office the Sum of Six hundred Pounds *per Annum*, but subject and without Prejudice to the Payment of all Salaries or Sums or Money by any Act or Acts in force directed or authorized

authorized to be paid thereout, the said Salary to commence and be computed from the First Day of *January* One thousand eight hundred and forty-nine, and be paid and payable quarterly, under Orders to be for that Purpose made by the Lord Chancellor: Provided always, that in case Parliament or the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls, at any Time or Times hereafter transfer to the said Office of the Petty Bag any further or other Portion of the Business of or in the said Court of Chancery, or shall assign any Business or Service for the Suitors of the High Court of Chancery to be done or transacted by the said Clerk of the Petty Bag, then and in every such Case it shall be lawful for the said Lord Chancellor (if he shall think fit), with such Advice and Assistance as aforesaid, to order and direct that the Salary of the said Clerk of the Petty Bag shall be increased to such Amount, not exceeding Eight hundred Pounds *per Annum*, but subject as aforesaid, as the Lord Chancellor, with such Advice and Assistance as aforesaid, shall think proper and reasonable, having due Regard to the whole of the Duties to be performed by such Clerk.

Clerk of Petty Bag may appoint such Clerks to assist him as the Master of the Rolls may direct, who shall be paid by Salary.

VII. And be it enacted, That the Clerk of the Petty Bag may appoint to assist him in the Business of his Office such Clerk or Clerks as the Master of the Rolls shall from Time to Time by any Order direct, and may from Time to Time remove any such Clerk, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal, and that every such Clerk shall be entitled under this Act to such Salary as the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls, by any Order direct; provided that if there shall be only One such Clerk his Salary shall not exceed the Sum of Two hundred and fifty Pounds *per Annum*, and that if such Clerks shall be more than One at the same Time the Amount of such Salaries shall not in any One Year exceed the Sum which if equally divided between them would admit of a Salary of Two hundred and fifty Pounds for each such Clerk.

Salaries and Expenses to be paid out of the Suitors Fee Fund.

VIII. And be it enacted, That the Salaries of the said Clerk of the Petty Bag, and of his Clerks or Assistants, together with the necessary and unavoidable Expenses of the Petty Bag Office, shall be paid and payable out of and be charged and chargeable upon the Fund standing in the Name of the Accountant General of the High Court of Chancery, and intituled "The Suitors Fee Fund Account" (but subject as aforesaid).

Penalty on Officers for taking Gratuities, &c.

IX. And be it enacted, That if any Officer or Clerk of the said Court, appointed or to be appointed under or by virtue of this Act, shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining thereto, demand or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in trust for him, or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value other than and except the lawful Fees of his Office for which he is accountable, and the Salary or Remuneration allowed or to be allowed to such Officer or Clerk, it shall be lawful for the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, and he is hereby empowered and required, in every such Case, upon his being satisfied that any such Officer or Clerk charged with any such Offence is guilty thereof, to remove him from his Office or Employment; and every Person so removed shall be and he is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in any of the Courts of Law or Equity in the United Kingdom, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever; and every Order for removing any such Officer or Clerk as aforesaid shall be filed of Record in such Office as the Master of the Rolls shall order or direct.

Power to Lord Chancellor and Master of the Rolls to regulate the Transfer of Business from Time to Time.

X. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls for the Time being, from Time to Time to transfer any of the Business heretofore done in the said Office of the Clerk of the Petty Bag to any other Office of the High Court of Chancery, and to transfer any Portion of the Business of any other Office of the High Court of Chancery to the Office of the Clerk of the Petty Bag, and thereupon the Officers respectively charged with the Duties of such Offices to which such Business shall be transferred shall do and perform the Duties consequent on such Transfer in like Manner as if the same had been theretofore performed in such Office to which the same shall be transferred, subject to such Regulations, as to the Payment of Fees and otherwise, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall order or direct.

Seal of Office to be provided and kept, and may be cancelled or altered from Time to Time.

XI. And be it enacted, That a Seal shall be provided and kept for the said Court, which shall be and be called the Chancery Common-Law Seal, and such Seal shall be in such Form as the Lord High Chancellor, with the Advice and Assistance of the Master of the Rolls, shall or may from Time to Time order or direct; and the said Lord Chancellor, with such Advice and Assistance as aforesaid, shall or may from Time to Time order or direct that any Seal for the Time being so provided or kept as aforesaid shall be cancelled or laid aside, and another Seal substituted, kept, and used in lieu thereof; and all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever shall take notice of the said Seal, and receive Impressions thereof in Evidence, in like Manner as Impressions of the Great Seal are received in Evidence, and shall also take notice of and receive in Evidence, without further Proof, all and every of such Writs, Proceedings, Instruments, Documents, and Writings whatsoever which shall purport or appear to be sealed or stamped with the said Chancery Common-Law Seal for the Time, in like Manner as if the same had been sealed with the Great Seal.

Copies of Documents sealed to be admissible in Evidence.

XII. And be it enacted, That every Document sealed with the said Chancery Common-Law Seal for the Time being, and purporting to be a Copy of any Record or other Document of any Description, shall be deemed to be a true Copy of such Record or other Document, and shall, without further Proof, be admissible

sible and admitted and received in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Record or other Document as would or might be admissible or admitted or received if tendered in Evidence, as well for the Purpose of proving the Contents of such Record or other Document, as also proving such Record or other Document to be a Record or Document of or belonging to the said Court of Chancery, but not further or otherwise.

Writs, &c. issued out of Petty Bag Office to be sealed with the Chancery Common-Law Seal.

XIII. And be it enacted, That all such Writs, Records, Instruments, Documents, Proceedings, and Writings such as are or have been usually issued or delivered out of the Petty Bag Office, and made under or sealed with the Great Seal, except Writs of Summons and Writs of Election issued on the calling of a new Parliament, and Writs of Restitution issued on the Appointments of Archbishops and Bishops, shall be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being; and every Writ, Record, Document, Instrument, Proceeding, and Writing which shall or may be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being shall be of the like Validity and shall have the same Force and Effect as if the same had been or were made or sealed with the Great Seal.

Specifications and Disclaimers enrolled under 5 & 6 W. 4. c. 83. to be enrolled in the Enrolment Office only.

XIV. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-nine every Specification or Instrument in Writing for describing or ascertaining any Invention, and to be enrolled in Chancery in pursuance of Letters Patent under the Great Seal, shall be enrolled in the Enrolment Office of the Court of Chancery; and every Disclaimer and Memorandum of Alteration to be enrolled in pursuance of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, shall also be enrolled in the said Enrolment Office, whether the Specification of the Invention to which such Disclaimer or Memorandum of Alteration shall relate shall or shall not have been enrolled in the said Enrolment Office; and the Enrolment of every such Disclaimer and Memorandum of Alteration in the said Enrolment Office shall be and be deemed to be the Enrolment thereof in the proper Office, in pursuance of the Provisions of the said Act.

Seal as approved by Master of the Rolls to be provided for the Enrolment Office.

XV. 'And whereas it is expedient to facilitate the Proof of the due Enrolment of Specifications, 'Deeds, and other Instruments in the said Enrolment Office, and also of Copies of the Enrolments 'thereof:' Be it therefore enacted, That such a Seal or Stamp as the Master of the Rolls shall approve of shall be provided and kept in the said Enrolment Office, and from Time to Time, when the Master of the Rolls shall think fit, a new Seal or Stamp shall be provided in place of any Seal or Stamp for the Time being kept and used in the said Office, and whenever any new Seal or Stamp shall be so provided the old Seal shall be forthwith cancelled; and the Seal for the Time being kept and used in the said Enrolment Office in pursuance of this Act shall be and be called the Seal of the Enrolment Office in Chancery, and all Courts and other Tribunals, Judges, Justices, Officers, and other Persons whomsoever, shall take notice of the said Seal of the Chancery Enrolment Office, and shall take notice of and receive in Evidence every Instrument and Writing purporting or appearing to be sealed or stamped therewith, without Proof that the same has been so sealed or stamped.

Certificates of Enrolment to be given, and, when sealed, shall be admitted as Evidence.

XVI. And be it enacted, That the Clerk of the said Enrolment Office, or his Deputy or Assistant, shall, upon Request, and Payment of the proper Fees payable in respect thereof, endorse or write upon every Specification, Instrument, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the said Enrolment Office, a Certificate that such Specification, Instrument, or Document has been or was enrolled in Chancery, and the Day on which such Enrolment was made, and shall cause such Certificate to be sealed or stamped with the said Seal of the Chancery Enrolment Office; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence by all Courts and other Tribunals, Judges, Justices, and others, without further Proof, and as sufficient *primâ facie* Evidence that the Specification, Document, or Instrument therein mentioned was duly enrolled in the Court of Chancery on the Day and at the Time mentioned in such Certificate.

Copies of Enrolments stamped with Seal of Enrolment Office to be admitted in Evidence.

XVII. And be it enacted, That every Document or Writing sealed or stamped or purporting or appearing to be sealed or stamped with the said Seal of the Chancery Enrolment Office, and purporting to be a Copy of any Enrolment or other Record, or of any other Document or Writing of any Description whatsoever, including any Drawings, Maps, or Plans thereunto annexed or endorsed thereon, shall be deemed to be a true Copy of such Enrolment, Record, Document, or Writing, and of such Drawing, Map, or Plan (if any) thereunto annexed, and shall, without further Proof, be admissible and admitted in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Enrolment, Record, Document, or Writing could or might be admissible or admitted in Evidence, as well for the Purpose of proving the Contents of such Enrolment, Record, Document, or Writing, and the Drawing, Map, or Plan (if any) thereunto annexed, as also proving such Enrolment, Record, Document, or Writing to be an Enrolment, Record, Document, or Writing of or belonging to the said Court of Chancery, and that such Enrolment, Record, Document or Writing was made, acknowledged, prepared, filed, or entered on the Day and at the Time when the original Enrolment, Record, Document, or Writing shall purport to have been made, acknowledged, prepared, filed, or entered.

XVIII. And

XVIII. And be it enacted, That if any Person shall falsely make, forge, or counterfeit any Seal made, provided, used, or kept in pursuance of this Act for or in the said Court or any Office thereof, or shall falsely make or alter any Seal, so as to resemble, purport, or appear to be a Seal made, provided, used, or kept in pursuance of this Act or for or in the said Court or any Office thereof, or shall use or tender in Evidence or utter any Impression made by any Seal so falsely made, forged, counterfeited, or altered as aforesaid, knowing the same to have been so falsely made, forged, counterfeited, or altered as aforesaid, or shall forge or shall unlawfully and falsely make or alter any Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of, or appearing or purporting to be of or belonging to or made or prepared in or issuing out of, any such Office as aforesaid, or out of the said Court of Chancery, or shall use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely made or altered, as aforesaid, knowing the same to have been so unlawfully or falsely made or altered, or shall unlawfully and falsely seal or stamp with any Seal made, prepared, kept, or used for or in any of the said Offices, or for or in the said Court of Chancery, any Writ, Record, Document, Instrument, Proceeding, or Writing purporting or appearing to be or resembling, or intended to purport or appear to be or resemble, a Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of any of the said Offices or the said Court of Chancery, or shall fraudulently use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely sealed or stamped as aforesaid, then and in every such Case every Person so offending, and every Person knowingly and willingly aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony. Punishment for forging or altering any Seal or Document.

XIX. And be it enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, on or before the First Day of *January* One thousand eight hundred and forty-nine, to establish and ordain a Table of Fees to be thereafter taken by the said Clerk of the Petty Bag, and for the Lord Chancellor, with such Advice and Assistance as aforesaid, from Time to Time afterwards to vary and modify the same as he shall think fit, and the Fees so for the Time being established or ordained shall be deemed and taken to be the lawful Fees of the Petty Bag Office: Provided always, that no Fees whatever shall be demanded or received by the Clerk of the Petty Bag, or by any Person employed by him in the said Office, for or in respect of any Act, Duty, or Service required to be done, performed, or rendered by him, them, or any of them in the course of any Proceedings carried on in the said Office directly at Her said Majesty's Instance, Suit, and Charge; and the said Clerk of the Petty Bag, and the several Persons employed by him in the said Office, are hereby authorized and required to perform and render such Acts, Duties, and Services as may be required in the course of such last-mentioned Proceedings, without Payment of any Fee whatsoever in respect thereof. Power to Lord Chancellor, &c. to fix a Table of Fees. No Fees to be taken in respect of Duties performed at Her Majesty's Suit.

XX. And be it enacted, That the said Clerk of the Petty Bag shall cause a true and accurate Account to be kept of all Fees received in his Office or by virtue thereof, and shall pay the full and just Amount of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General, intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any Order direct. Clerk of Petty Bag to keep Accounts of Fees received, and pay the same into the Suitors Fee Fund.

XXI. And be it enacted, That every Person who has heretofore been admitted a Solicitor of the said Court of Chancery, and who is now a Solicitor of the said Court, shall, by virtue of his Admission and this Act, become and be an Attorney of the said Court; and every Person hereafter to be admitted a Solicitor of the said Court shall be also admitted and become an Attorney of the said Court; and the Solicitor of Her Majesty, the Solicitor of each of the several public Boards of this Realm, and every Person so to become or be admitted an Attorney of the said Court as aforesaid, shall be allowed and entitled to practise as an Attorney on the Common-Law Side of the said Court of Chancery, any Law or Usage to the contrary notwithstanding, upon Payment, nevertheless, of such Fees as shall or may be payable in respect of the Business transacted by the said Attornies; and all such Documents, Proceedings, Writings, Acts, Duties, Services, Matters, and Things as before the passing of this Act were or ought to be prepared, conducted, done, or performed by the said Senior, Second, and Third Clerks of the Petty Bag respectively, as the Attornies of or for their Clients respectively, shall or may, from and after the said First Day of *November* One thousand eight hundred and forty-eight, be prepared, conducted, done, and performed by such Clients respectively in their own proper Persons, or by some Person who shall become or be admitted and actually be an Attorney of the said Court by virtue of this Act, and not by any other Person whomsoever. Solicitors to be entitled to practise as Attornies in the Common-Law Side of Chancery.

XXII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag shall or may be issued or tested on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Writ so issued or tested on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Court of Chancery, ought to be tested on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day of the issuing or testing of such Writ was actually a Day in Term-Time. Writs may be tested in Term-Time, or in Vacation.

XXIII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag, whether the same shall or may be returnable in the same Court or in any other of Her Majesty's Superior Courts of Common Law, shall or may be made returnable and returned Writs may be made returnable in Term-Time or in Vacation.

returned on any Day certain to be in such Writ mentioned (not being a *Sunday, Good Friday,* or *Christmas Day*), whether such Day shall be in Term-Time or in Vacation, or forthwith after the Execution thereof; and every such Writ which shall be made returnable or returned on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Office of the Petty Bag, ought to be made returnable or to be returned on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same Writ shall or may be returned or made returnable was actually a Day in Term-Time: Provided always, that in every Case in which any particular Period of Time ought to elapse between the Teste and Return of any Writ, such Writ, if made returnable forthwith after the Execution thereof, shall be returned immediately after the Execution thereof, and after such Period shall have elapsed.

Proceedings of the Court may be in either Term-Time or in Vacation.

XXIV. And be it enacted, That every Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in or by the said Court of Chancery at any Time after the said First Day of *January* One thousand eight hundred and forty-nine, shall or may be so made, taken, transacted, done, or performed on any Day, not being a *Sunday, Good Friday,* or *Christmas Day,* whether such Day shall be in Term-Time or in Vacation; and every such Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing as aforesaid, which shall be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Vacation, or on any Day in Term-Time or in Vacation, and which, according to any present Law, or any present Practice or Usage of the said Office of the Petty Bag, can or ought only to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, or as in Term-Time, or as on any or some particular Day or Days in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same shall or may be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed, was actually a Day in Term-Time, and as if the same was actually made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, and not in Vacation, and the Day or one of the Days in Term-Time required by any such Law, Practice, or Usage as aforesaid.

Writs of Scire facias may be directed to Sheriff of any County.

XXV. And be it enacted, That any Writ of Scire facias for repealing, cancelling, or vacating any Letters Patent or Charter, which shall or may at any Time hereafter be issued in any Action at the Suit of Her Majesty, hereafter to be commenced, whether at the Instance of any of Her Majesty's Subjects or otherwise, shall or may be directed and sent to the Sheriff of any County in *England* or *Wales*, although the Record upon which such Writ shall be founded or issued may be or remain in the County of *Middlesex* or any other County, and that it shall not be necessary that any such Writ which at any Time hereafter may be issued and directed to the Sheriff of any such County as aforesaid shall be a Testatum Writ, or founded upon any previous Writ directed or sent to the Sheriff of *Middlesex* or any other County.

Prosecutors Names to be inserted in Writs of Scire facias.

XXVI. And be it enacted, That in every Action of Scire facias hereafter to be commenced at the Instance of any Person, being One of Her Majesty's Subjects, for the Purpose of repealing, cancelling, or vacating any Letters Patent or Charter, the Name and Addition of such Person shall be inserted in the Writ for commencing such Action as the Person suggesting or informing Her Majesty of the Matters or Reasons for which such Letters Patent or Charter may be sought to be repealed, and such Person shall be and be deemed to be the Prosecutor of such Action and Writ; and the Name and Address of the said Prosecutor's Attorney (if any) shall be endorsed upon the same Writ, and upon all Pleadings (if any) in the Action: Provided always, that nothing in this Act contained shall authorize the issuing of any such Writ of Scire facias aforesaid without the Fiat or Leave of Her Majesty's Attorney General.

Declarations, &c. in Scire facias to be delivered, and not filed.

XXVII. And be it enacted, That in case any Defendant in any such Action of Scire facias already or hereafter to be commenced for repealing, cancelling, or vacating any Letters Patent or Charter shall appear in the said Court of Chancery in Person or by Attorney to answer the Writ issued in such Action, it shall not be necessary to file any Declaration, but the Prosecutor of such Action or his Attorney shall deliver the Declaration to such Defendant or his Attorney, and shall also at the same Time deliver to such Defendant or his Attorney the Notice of Objections (if any) required by the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, and it shall not be necessary at any Time hereafter to file any Notice of Objections required by the said last-mentioned Act, but only to deliver the same to the Defendant or his Attorney, as required by this Act.

5 & 6 W. 4. c. 83.

Pleas in Scire facias to be delivered, and not filed.

XXVIII. And be it enacted, That in any such Action of Scire facias as aforesaid no Demurrer, nor any Plea or Pleading subsequent to the Declaration, shall be filed in the said Office of the Petty Bag or otherwise in the said Court of Chancery; and that in every such Action, every such Plea and subsequent Pleading shall be delivered by the Party pleading it or his Attorney to the opposite Party or his Attorney, and that the Issue in any such Action shall be delivered only, and not filed, and shall or may be made up and delivered by either Party or his Attorney to the opposite Party or his Attorney; and for the Purposes of this Enactment, and also for the Purposes of managing and conducting every such Action of Scire facias as may contain the Name of any Prosecutor, such Prosecutor shall be deemed to be a Party thereto, and to represent the Plaintiff therein, subject nevertheless to the Control of Her Majesty's Attorney General, in like Manner as if this Act had not been passed.

Issues in Scire facias may be tried in any of the Superior Courts.

XXIX. And be it enacted, That in case any Issue respecting any Matter of Fact to be tried by the Country has at any Time heretofore been or shall at any Time hereafter be joined between Her Majesty and any Patentee or other Person in any Action of Scire facias heretofore or hereafter to be commenced, for the Purpose of cancelling, repealing, or vacating any Letters Patent or Charter, or Recognizance, then

and

and in every such Case the Record shall be made up and filed in the Office of the Petty Bag; and it shall and may be lawful to try such Issue in Fact in any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas; and in every such Case the Writ of Venire facias juratores for summoning a Jury to try such Issue shall or may be made returnable and returned in such of the said Three Courts as the Issue is intended to be tried in; and a Transcript of the said Record in Chancery, containing such Issue, shall or may thereupon be sent or taken into the Court in which such Writ of Venire facias shall be made returnable, in like Manner as Records containing Issues between Her Majesty and any Patentee or other Person may now be sent or taken by the said Court of Chancery into the Court of Queen's Bench, and it shall not be necessary to issue any Writ of Mittimus or other Writ for the sending or taking such Transcript into either of the said Courts; and in case such Writ of Venire facias shall be made returnable in either of the said Courts of Common Pleas or Exchequer of Pleas, such Court shall, upon the Transcript of the said Record being brought into such Court, proceed to try such Issue either at Bar or at Nisi Prius as such Court shall think fit, and in like Manner as such Issue would or might have been tried in the Court of Queen's Bench in case such Writ of Venire facias had been made returnable in that Court, and the said Transcript, or the original Record, had been taken or deemed to be taken by the Lord Chancellor into that Court; and upon any such Transcript as aforesaid being taken or brought into either of the said Courts of Common Pleas or Exchequer of Pleas such Court shall or may issue such Writs, make such Rules, and proceed therein in all respects for the Trial or other lawful Determination of the Issue therein contained, in like Manner as the Court of Queen's Bench could or might have done if such Transcript or the original Record had been taken into the Court of Queen's Bench, and with full Power to set aside or vacate any Trial, Verdict, or other Proceeding in like Manner as could or might have been done by the said Court of Queen's Bench; and upon the Trial of any such Issue as aforesaid had or completed a Transcript of the Verdict of the Jury and Proceedings of the Court upon such Issue or the Trial thereof shall be taken into the said Court of Chancery, to the end that the said last-mentioned Court shall or may give Judgment therein according to the Law and Custom of *England;* and no Writ of Mittimus or other Writ shall be necessary for the Purpose of remanding or taking a Transcript of any such Verdict and Proceedings as aforesaid into the said Court of Chancery.

Issues upon Traverses to be tried in like Manner as Issues in Scire facias.

XXX. And be it enacted, That every Issue of Fact to be tried by the Country which has already been joined or which may at any Time hereafter be joined upon any Traverse to an Inquisition shall or may be tried in any or either of Her Majesty's Superior Courts of Law, in like Manner as by this Act provided with respect to the Trial of Issues in Fact by the Country in Actions of Scire facias to repeal, cancel, or vacate Letters Patent or Charters.

Record of Issue to be filed in the Office of the Petty Bag.

XXXI. And be it enacted, That in case any Issue in Law, on Demurrer or otherwise, shall be joined in any Action of Scire facias, or upon any Traverse of an Inquisition, then and in such Case the Record of such Issue shall be made up and filed in the Office of the Petty Bag, and a Transcript of the said Record shall or may thereupon be sent or taken into any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer; and such Court shall, upon the Transcript being brought into any such Court, proceed to hear and determine the same, in like Manner as Records of Issues in Law from the Common-Law Side of the said Court of Chancery may now be heard and determined in the Court of Queen's Bench; and upon the Determination of any such Issue in Law a Transcript of the Judgment of such Court upon such Issue shall be taken into the said Court of Chancery, to the end that the said last-mentioned Court shall or may give Judgment therein according to the Law and Custom of *England.*

Costs to be taxed.

XXXII. And be it enacted, That in all Cases where any Party shall be entitled to the Costs of any such Issues, or of any other Proceedings or Matters provided for by this Act, in any of the said Courts, such Costs shall be taxed and regulated by One of the Masters of the said Court respectively, who shall endorse his Allocatur on the Postea or Rule, as the Case may be, before the same shall be taken or returned into the Court of Chancery as aforesaid.

Writs and Proceedings to be prepared by Parties or their Attornies.

XXXIII. And be it enacted, That every Writ which shall or may, at any Time after this Act shall come into operation, lawfully issue out of the said Office of the Petty Bag, under the said Chancery Common Law Seal, at the Instance of any Person, and every Record and Proceeding whatsoever on the Common Law Side of the said Court of Chancery, shall be prepared, engrossed, and issued by the Party requiring or conducting the same, subject nevertheless to such Rules and Regulations as shall or may be made and for the Time being in force, by virtue of this Act or otherwise, for regulating the Practice of the Common-Law Side of the said Court of Chancery, and also subject to the Payment of such lawful Fees as shall or may be payable for or in respect thereof; and upon Payment of such Fees, and complying with such Rules, such Writs, Records, and Proceedings shall (when necessary, and if lawful and regular,) be duly sealed.

Judges may dispose of Matters raising or incident to any Action on the Common-Law Side of the Court of Chancery

XXXIV. And be it enacted, That in every Action, Suit, and Proceeding now pending or which at any Time hereafter shall be commenced or pending in the said Court of Chancery on the Common-Law Side thereof, it shall be lawful for the Superior Courts of Common Law, and the Judges thereof respectively, and they are hereby respectively required, to hear and determine all such Matters or Applications arising in or incident to any such Action, Suit, or Proceeding as aforesaid, as before the passing of this Act might have been heard and determined by the Lord Chancellor and the Master of the Rolls, or either of them, and also to transact, do, and perform all such Business, Matters, and Things in, about, touching, or concerning any Action, Suit, or Proceeding on the Common-Law Side of the said Court of Chancery as by virtue of any Orders or Regulations for the Time being in force by virtue of this Act may be transacted, done, or performed by such Judge, subject nevertheless and according to the Provisions of this

Act,

Act, and the Laws, Rules, and Regulations for the Time being in force for the Regulation of the said Court, and the Practice and Proceedings thereof.

Master of the Rolls may make Orders for the Custody, &c. of the Records.

XXXV. And be it enacted, That it shall and may be lawful for the Master of the Rolls to make such Rules, Orders, and Regulations from Time to Time for the Transfer, Care, and Custody of the Records, Enrolments, Indexes, Books, Documents, or other Proceedings now or hereafter to be filed, lodged, or be in the said Office of the Petty Bag, or in the Custody of the said Clerk of the said Office, and the Endorsement thereof, and the filing of Writs and other Proceedings, and all other Matters and Things relating to the Matters aforesaid, as to the Master of the Rolls shall seem fit and proper.

General Rules and Orders may be made.

XXXVI. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time hereafter to make such Alterations, Orders, Rules, and Regulations as he shall, with such Advice and Assistance as aforesaid, think fit, in and respecting the said Office of the Petty Bag, and the Business and Practice thereof, the Duties of the said Clerk, and the Transaction, Management, and Conduct of the Business thereof, and also in and respecting the Modes of suing out, preparing, engrossing, issuing, sealing, signing, serving, executing, and returning Writs, Process, Rules, Notices, and other Instruments issuing out of or authorized or required by the said Court or the Practice thereof, and also from Time to Time to rescind, alter, or vary such Alterations, Orders, Rules, and Regulations: Provided always, that no such Alterations, Orders, Rules, or Regulations as aforesaid shall be contrary to or inconsistent with the Provisions of this Act.

Officers Privilege of suing abolished.

XXXVII. And be it enacted, That no Person whomsoever who now is or at any Time hereafter shall be an Officer of the said Court of Chancery shall at any Time after the passing of this Act have or be entitled as such Officer to any Privilege to commence or prosecute any Action or Suit in the said Court of Chancery, other than and except such Actions and Suits as may be commenced in the said Court by every or any other Person.

Proviso as to existing Actions by or against Officers.

XXXVIII. Provided always, and be it enacted, That nothing herein-before contained shall hinder or prevent any Action or Suit already commenced by or against any Officer of the said Court of Chancery from being prosecuted, and that the Parties in or to every such Action or Suit shall or may, by themselves or by their Attorneys respectively (to be by them respectively appointed), prosecute and defend such Action or Suit, and that Judgment shall or may be given in such Action or Suit, or such Action or Suit or otherwise disposed of, in like Manner as if this Act had not been passed, subject nevertheless to such Rules, Orders, and Regulations as shall or may be made in pursuance of this Act.

Parties or Attornies to cause Names to be entered in a Book at the Petty Bag Office.

XXXIX. And be it enacted, That every Person, Party to any Action, Suit, or Proceeding now pending in the said Court of Chancery on the Common-Law Side thereof, shall, before taking any fresh Step in or about any such Action, Suit, or Proceeding, cause to be entered in a Book to be kept in the said Petty Bag Office, if he intends to act in Person and not by Attorney therein, his own Name and Address, and if he intends to act by Attorney and not in Person, then the Name and Address of his Attorney; and if any such Person or Attorney resides more than Three Miles from the said Office, some Place within that Distance shall be mentioned and entered in the said Book, at or to which Pleadings, Notices, and other Proceedings may be left or sent for such Person or his Attorney; and every Attorney shall, before he acts as the Attorney of any Person in the said Court, cause to be entered in such Book as aforesaid his Name and also his Address, or some Place at or to which Pleadings, Notices, or other Proceedings may be left for or sent to him.

Affidavits may be sworn before Clerk of Petty Bag.

XL. And be it enacted, That any Affidavit, Affirmation, or Declaration to be sworn or made or taken, and read or used in the said Court, shall or may be sworn, made, or taken by or before the Clerk of the Petty Bag for the Time being, who is hereby authorized and required to administer, receive, or take the necessary and proper Oath, Affirmation, or Declaration to every Person desirous of swearing, making, or taking any such Affidavit, Affirmation, or Declaration as aforesaid; and every Person who shall wilfully and corruptly swear, affirm, or declare falsely in any such Affidavit, Affirmation, or Declaration, shall be guilty of Perjury, and shall be prosecuted and punished accordingly.

Saving the Jurisdiction of Lord Chancellor and Master of the Rolls.

XLI. And be it enacted, That nothing in this Act expressed or contained shall take away or in anywise diminish or prejudice the Jurisdiction or any of the Powers, Rights, or Privileges of the Lord Chancellor, as Judge of the said Court of Chancery, or otherwise howsoever, or the Jurisdiction or any of the Powers, Rights, or Privileges of the Master of the Rolls, as the Keeper of the Records of the said Court, or as a Master or Judge of the said Court, or otherwise.

Forms of Writs to be settled and approved by Lord Chancellor, &c.

XLII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time to ordain, settle, and approve of the Form of any Description of Writ or Writs which may be deemed necessary to be issued for the Purpose of giving Effect to any Description of Judgment, Order, Proceeding, or Matter of or pending in or to be taken in the said Court of Chancery, or for the Furtherance of the Business of or originating in the said Court of Chancery.

Courts of Common Law to take cognizance of Writs.

XLIII. And be it enacted, That every of Her Majesty's Courts of Common Law, and all other Courts, Judges, Officers, and others, shall take cognizance of all and every of Writs as aforesaid, and give effect thereto in such Manner as may be requisite, and, if necessary, the Judges of such Courts respectively shall and they are hereby required to make such Rules and Regulations for the Practice of their respective Courts thereupon as to them respectively shall seem fitting, which shall be signed by the Judge or by the major Part in Number of the Judges of the said Courts respectively, and if there be more than One Judge of any such Court the Chief Judge of such Court (if there be a Chief Judge) shall be one.

XLIV. And

XLIV. And be it enacted, That all Monies paid into the said Court for Her Majesty's Use shall continue to be received as heretofore by the said Clerk of the Petty Bag, and the several Accounts of Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of Her Majesty in the said Office of the Petty Bag, required by any Act now in force to be rendered and made by the said Clerk of the Petty Bag, and all other Acts, Duties, and Services now done, performed, and rendered by the said Clerk of the Petty Bag touching the Receipt and Payment of Monies to or for the Use of Her Majesty, and the Accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Clerk of the Petty Bag. Monies paid into Court for Her Majesty's Use shall continue to be received as heretofore, &c.

XLV. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to award such Compensation, in such Manner and upon such Conditions as he may think fit, to the Senior and Second Clerk of the said Office of Petty Bag, in consideration of the Loss they will or may have respectively sustained by the Abolition of their Offices, and that such Compensations shall be paid by the said Accountant General, by virtue of an Order to be made by the Lord Chancellor, out of the Fund intituled "The Suitors Fee Fund Account." Power to grant Compensations, with Consent of Treasury.

XLVI. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall extend to, include, and mean, not only Her present most Excellent Majesty, but also Her Heirs and Successors; the Expression "Lord High Chancellor," and also the Expression "Lord Chancellor," shall extend to, include, and mean, as well the Lord High Chancellor of *Great Britain* for the Time being, as also the Lord Keeper of the Great Seal for the Time being, and also the Lords Commissioners for the Time being for the Custody of the Great Seal of this Realm, and the major Part in Number of such Commissioners; and that the Expression "Court of Chancery" shall mean the High Court of Chancery held before the said Lord Chancellor or Lords Commissioners, or major Part of the said Lords Commissioners; the Expression "Great Seal" shall mean the Great Seal of the United Kingdom of *Great Britain* and *Ireland;* and the Expression "Master of the Rolls" shall mean the Master of the Rolls for the Time being; and also that Words importing Persons only shall extend to Corporations; that Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number; save and except where there shall or may be something in the Subject or the Context repugnant to or inconsistent with any such Construction as aforesaid. Construction of Terms in this Act.

XLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

C A P. XCV.

An Act to carry into effect the Arrangements of the Ecclesiastical Commissioners for *England* for making better Provision for the Cure of Souls in the Parish of *Wolverhampton* in the County of *Stafford* and Diocese of *Lichfield*. [31st *August* 1848.]

'WHEREAS by an Act commonly called or known by the Name of "The *Pelsall* Mining Act," passed in the Session of Parliament held in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, and intituled *An Act for enabling the Dean of* Windsor *and* Wolverhampton, *and his Successors, to grant Leases and Licences for opening and working Mines within the Lands belonging to the Manor of* Wolverhampton, *and for augmenting the Income of the Sacrist of the Collegiate Church or Royal Free Chapel of* Wolverhampton, after reciting that the Duties of the said Church were under the Care of a Clergyman denominated the Sacrist or Sexton, and there were Three other Assistant Ministers of the same Church called Readers, and that the Income of the said Sacrist was very inadequate to his Dignity and Station, and with a view to the Augmentation thereof, and the making a more suitable Provision for the due Discharge of the Ministerial Duties of the said Church, the Dean of the said Collegiate Church was willing that the Duties, Salaries, and Emoluments of the said Offices, when vacant, should devolve upon and be annexed to the Office of the said Sacrist for the Time being, and that the said Dean was desirous that an Income of a given Amount should be appropriated and secured to the said Sacrist from a Fund to be raised out of the Rents to be reserved by Leases to be granted by the Dean for the Time being, and that it was expedient that the said Sacrist should thereafter be denominated the Perpetual Curate of the said Parish of *Wolverhampton*, it was enacted, that the said officiating Minister theretofore called Sacrist or Sexton should from thenceforth be denominated the Perpetual Curate of the said Parish of *Wolverhampton;* and it was further enacted, that on the Death or other Avoidance of the Three then Assistant Readers the Office of such Reader or Assistant Minister, and the Right to nominate any Successor to the same Office, should cease and be extinguished, and the Duties of each of the same Offices respectively, when the same should respectively become extinct, should devolve on and be performed by the Perpetual Curate for the Time being, and that all the Salaries, Perquisites, and Emoluments belonging to such Offices respectively should belong and be payable to and might be demanded and recovered by such Perpetual Curate; and it was further enacted, that One Fourth Part of the Rents payable to the said Dean for the Time being under the Licences and Leases therein mentioned should yearly, until the Sum of Eight thousand Pounds Three *per Centum* Annuities should have been purchased, as therein-after mentioned, be applied by the said Dean for the Time being in the Purchase of Three *per Centum* Consolidated Annuities in the joint Names of the Most Reverend the Archbishop of *Canterbury*, the said Dean, and the said Perpetual Curate for the Time being, and that such Perpetual 51 G. 3. c. 182.

' Curate

'Curate should, either in his own Person or by his Attorney, be authorized to receive the Dividends 'and Income of so much of the said Three *per Centum* Annuities as from Time to Time should have 'been purchased, and that all or any Part of the said Three *per Centum* Annuities might be sold for 'the Purpose of being laid out in the Purchase of Lands held in Fee Simple, and situate in the County 'of *Stafford*, in manner therein mentioned, and that the said Lands, when so purchased, should be 'conveyed to and vested in the said Perpetual Curate, to hold to him and his Successors for the Time 'being, and that the said Perpetual Curate should be a sole Corporation, and that he should be capable 'of holding the same Lands; and it was further enacted, that all the Rents payable from Time to 'Time in respect of the Lands so to be purchased, and the Dividends and Income payable in 'respect of the said Stock, or the Residue thereof, should belong and be payable to the Perpetual 'Curate for the Time being, as Part of his Income, and Increase thereof: And whereas by a certain 'Act commonly called or known by the Name "*Hobart*'s Estate Act," passed in the Session of Parlia-'ment held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth,
5 & 6 W. 4. c. 25. 'and intituled *An Act to authorize the making of Grants or Leases of Mines within and under Parts 'of the Lands belonging to the Perpetual Curacy of the Parish of* Wolverhampton *in the County of* 'Stafford, after reciting (amongst other things) that *Henry Lewis Hobart* Doctor in Divinity was 'Dean of the said Collegiate Church of *Wolverhampton* and Prebendary of the Prebend of *Wolver-'hampton* aforesaid, and was in right of such his Deanery and Prebend Patron and Ordinary of the said 'Collegiate Church, and that the Reverend *George Oliver* Clerk was the officiating Minister of the 'said Collegiate Church, and as such was denominated the Perpetual Curate of the Parish of *Wolver-'hampton* aforesaid, and that there belonged to the said Collegiate Church and Perpetual Curacy certain 'Lands and Hereditaments situate within and in the Neighbourhood of the Town of *Wolverhampton* 'aforesaid, and there were under the same Lands divers Mines of Coal, Ironstone, and other Minerals 'of considerable Value, and that by Articles of Agreement under the respective Hands of the said '*George Oliver* and of *George Jones*, Coal and Iron Master, and dated the Fourteenth Day of *May* One 'thousand eight hundred and thirty-five, for the Sale to and Purchase of by the said *George Jones* all 'the Mines of Clay, Coal, Ironstone, and other Mines and Minerals whatsoever under Two several 'Closes of Land situate in *Wolverhampton* aforesaid, and comprised in the Schedule to the now-reciting 'Act, at or for the Price of Three thousand seven hundred and fifty-one Pounds Eighteen Shillings 'and Sixpence, to be paid in manner therein-after mentioned, it was enacted, that from and after the 'passing of the now-reciting Act it should be lawful for the said *George Oliver*, or other the Perpetual 'Curate for the Time being of the said Parish of *Wolverhampton*, with the Consent of the Governors 'of the Bounty of Queen *Anne*, testified as therein mentioned, on Payment by the said *George Jones*, 'his Heirs, Executors, or Administrators, of the said Sum of Three thousand seven hundred and fifty-'one Pounds Eighteen Shillings and Sixpence, to carry into effect the said recited Articles of Agree-'ment according to the true Intent and Meaning thereof, or with such Variations or Modifications as 'the said *George Oliver* or other the Perpetual Curate for the Time being and the said Governors 'should think fit; and it was further enacted, that the said Sum of Three thousand seven hundred and 'fifty-one Pounds Eighteen Shillings and Sixpence should be paid by the said *George Jones* to the 'Treasurer for the Time being of the said Governors of the Bounty of Queen *Anne* for the Augment-'ation of the Maintenance of the Poor Clergy, and that the Receipts of the said Treasurer should be a 'good and effectual Discharge for the same; and it was further enacted, that after Payment of all Costs 'and Expenses attending the making and executing of the said recited Contract, and attending or in 'anywise relating to the making and passing of the now-reciting Act, and of all other incidental Costs 'and Expenses, the Residue of the Monies to arise from such Sale should be invested by the said 'Governors, in their Names, in the Purchase of Three Pounds *per Centum* Bank Annuities, and be 'placed to the Credit of the said Perpetual Curacy of *Wolverhampton*, and applied for the perpetual 'Augmentation of such Curacy, in such and the like Manner as the same would have been applicable 'in case the Amount thereof had arisen by means of any Grant made by the said Governors for the 'Augmentation of the said Curacy: And whereas an Act was passed in the Session of Parliament held in
3 & 4 Vict. c. 113. 'the Third and Fourth Years of Her Majesty's Reign, intituled *An Act to carry into effect, with certain 'Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, and 'another Act was passed in the Session of Parliament held in the Fourth and Fifth Years of Her
4 & 5 Vict. c. 39. 'Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical 'Commissioners for* England: And whereas at the passing of the thirdly-recited Act the Church of '*Saint Peter*, *Wolverhampton*, was a Collegiate Church consisting of a Dean and Eight Prebendaries, 'of which the Dean was One, and a Sacrist or Sexton, and the said Sacrist was also the Perpetual 'Curate of *Wolverhampton*: And whereas by the said thirdly-recited Act it was enacted, that no new 'Appointment should be made to the Deanery of *Wolverhampton*, but that the said Deanery should 'upon the Vacancy thereof be suppressed, and that no Presentation or other Appointment to the Offices 'therein mentioned, nor to any Prebend not residentiary, in any Collegiate Church in *England*, should 'convey any Right or Title whatsoever to any Lands, Tithes, or other Hereditaments, or any other 'Endowments or Emoluments whatsoever, then belonging to any such Office or Prebend, and that all 'Lands, Tithes, and other Hereditaments, (excepting any Right of Patronage,) and all other Emolu-'ments and Endowments whatsoever, belonging to the said Deanery of *Wolverhampton* and certain 'other Deaneries therein mentioned, and to any Prebend not residentiary in any Collegiate Church in 'England, or enjoyed by the Holder of any such Deanery, Dignity, Office, or Prebend as such Holder, 'should,

'should, as to all such of the said Deaneries, Dignities, Offices, and Prebends respectively as might be 'vacant at the passing of the said Act, immediately upon its so passing, and as to all others immediately 'upon the Vacancies thereof respectively, without any Conveyance or Assurance in the Law other than 'the Provisions of the same Act, accrue to and be vested absolutely in the said Commissioners and 'their Successors for the Purposes of such Act; and by the fourthly-recited Act it was enacted, that all 'the Provisions in the said last-recited Act contained relating to Lands, Tithes, or other Hereditaments 'or Endowments belonging to Prebends not residentiary, should apply also to all Lands, Tithes, and 'other Hereditaments or Endowments belonging to the Office of Sacrist in any Collegiate Church or 'enjoyed by the Holder thereof in right of such Office, as fully and effectually as if such Office had 'been expressly named as subject to such Provisions: And whereas by the said thirdly-recited Act it 'was enacted, that out of the Endowments, of whatsoever Kind, belonging to the said Collegiate Church 'of *Wolverhampton*, better Provision should be made by the Authority therein mentioned for the Cure 'of Souls in the Districts or Places with which the said Church is connected: And whereas under the 'Provisions of the said thirdly and fourthly herein-before recited Acts the said Deanery of *Wolver-* 'hampton, on the Death of the Honourable and Very Reverend *Henry Lewis Hobart* Doctor of Divinity, 'the late Dean thereof, which happened on the Eighth Day of *May* One thousand eight hundred and 'forty-six, became suppressed: And whereas the Reverend *George Oliver* Doctor of Divinity, the late 'Sacrist and Perpetual Curate of the said Collegiate Church, vacated the said Offices by resigning the 'same on the Tenth Day of *April* One thousand eight hundred and forty-seven, and no Successor hath 'been appointed to the said Office of Sacrist, but the Reverend *John Osmonde Dakeyne* Master of Arts 'hath been instituted to and is now the Perpetual Curate of the said Perpetual Curacy of *Saint Peter's* 'Wolverhampton aforesaid: And whereas by an Act passed in the Session of Parliament held in the 'Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for establishing a* 10 & 11 Vict. 'general Cemetery at Wolverhampton *in the County of* Stafford, *and for making certain direct Roads* c. cclxxv. 'and Approaches to the said Cemetery from the Town of Wolverhampton *and the Neighbourhood thereof*, 'it was amongst other things enacted, that the Incumbents or officiating Ministers for the Time being 'of the said Church of *Saint Peter* and the Chapels of *Saint John* and *Saint George* in *Wolverhampton* 'aforesaid should and they were thereby required to officiate as Ministers or Chaplains in the Perform- 'ance of the Burial Service at the said Cemetery over the Bodies of Persons dying within the respective 'Ecclesiastical Districts of the said Churches or Chapels, and brought thence for Interment within the 'consecrated Portion of the said Cemetery, and that for the Performance of such Burial Service each of 'such Incumbents or Officiating Ministers should receive a yearly Salary or Stipend of not less than the 'Sum of Twenty Pounds, over and above all Fees or Sums of Money payable to each such Incumbent 'or officiating Minister under the Provisions of the now-reciting Act: And whereas the Monies already 'vested in pursuance of the Provisions contained in the herein-before recited Act called "The *Pelsall* 'Mining Act," and standing in the Names of the Right Honourable and Most Reverend *William* 'Howley deceased, late Lord Archbishop of *Canterbury*, the said *Henry Lewis Hobart* deceased, and 'the said *George Oliver*, in the Books of the Governor and Company of the Bank of *England*, amount 'to the Sum of Three thousand two hundred and eighty-three Pounds Fifteen Shillings and Eight-pence 'Three Pounds *per Centum* Consolidated Annuities, in part of the said Sum of Eight thousand Pounds, 'like Annuities, by the said Act directed to be invested as aforesaid, exclusive of a certain Sum of 'Three hundred and eighteen Pounds, or thereabouts, now in the Hands of and to be accounted for by 'the Executors of the said *Henry Lewis Hobart* deceased, and the Monies invested in pursuance of the 'Provisions contained in the said recited Act called "*Hobart's* Estate Act," and standing in the Names 'of the "Governors of the Bounty of Queen *Anne* for the perpetual Augmentation of the Maintenance 'of the Poorer Clergy," in the Books of the Governor and Company of the Bank of *England*, amount 'to the Sum of Three thousand four hundred and fifty-five Pounds Twelve Shillings and Sixpence 'Three Pounds *per Centum* Consolidated Bank Annuities: And whereas the Parish of *Wolverhampton* 'aforesaid is divided into so much of the said Parish as is included in the District of *Ettingshall* and 'Sixteen other Districts the Names of which said Districts respectively are set forth in the Schedule 'hereunto annexed: And whereas for the Purposes of Visitation and spiritual Superintendence, One of 'the said Districts called the District of *Saint Peter's Wolverhampton* hath been assigned to the said 'Collegiate Church by the Lord Bishop of *Lichfield* the Ordinary of the said Church, under the Provi- 'sions of an Act passed in the Session of Parliament held in the First and Second Years of the Reign 'of His late Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual* 1 & 2 W. 4. c. 38. 'an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act '*to amend the Acts for building and promoting the building of additional Churches in populous* '*Parishes*,' but the said Perpetual Curate, in right of his said Perpetual Curacy, is or claims to be 'entitled to the Perception of Surplice Fees throughout the whole Parish of *Wolverhampton* aforesaid: 'And whereas the Incumbent of the said Church of *Saint Peter, Wolverhampton*, by virtue of such 'Incumbency, and under the Provisions of an Act passed in the Session of Parliament held in the 'Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for* 58 G. 3. c. 45. 'building and promoting the building of additional Churches in populous Parishes, claims the Right of 'Patronage of the said District Churches or Chapels of *Saint George, Wolverhampton*, and *Saint Mary*, 'Bilston, which it is expedient and the said Incumbent is willing should be transferred to the Bishop 'for the Time being of the Diocese in which such District Churches or Chapels are respectively situate: 'And whereas the present Income of the Perpetual Curate of the Parish of *Wolverhampton* aforesaid

'consists of the Dividends arising from the said Two several Sums of Three thousand two hundred and 'eighty-three Pounds Fifteen Shillings and Eight-pence and Three thousand four hundred and fifty-five 'Pounds Twelve Shillings and Sixpence, and of Surplice Fees arising from the whole Parish of *Wolver-* 'hampton producing about Four hundred Pounds *per Annum*, and sundry small Endowments, which, 'including the said Sum of Twenty Pounds so payable by the said Cemetery Company, amount to a 'further Sum of Sixty-one Pounds Sixteen Shillings and Eight-pence, making together a total yearly 'Income of about Six hundred and sixty-five Pounds Six Shillings and Eight-pence, but which said 'Income would, upon the Completion of the Investment of Eight thousand Pounds Consolidated Bank 'Annuities, according to the Provisions of the said Act called the "*Pelsall* Mining Act," amount to 'about Eight hundred Pounds *per Annum*: And whereas there is no House of Residence nor any Land 'adapted for the Site of a House of Residence belonging to the said Perpetual Curacy: And whereas 'the Fabric of the Church of *Saint Peter Wolverhampton* is in a State of great Dilapidation: And 'whereas it is expedient, and would be greatly conducive to the spiritual Interests of the Parish of '*Wolverhampton* aforesaid, and to the better Cure of Souls therein, that new and further Arrangements 'should be made respecting the Constitution and Endowment of the several Districts in the said Parish 'of *Wolverhampton*; and the said Commissioners, with the Consent of the Reverend *John* Lord Bishop 'of *Lichfield*, as Ordinary of the said Parish, and Patron of the said Church of *Saint Peter*, and the said '*John Osmonde Dakeyne*, as Perpetual Curate of the said Parish, are desirous that the same should be 'made; and the said Commissioners have proposed certain Arrangements for effecting the Purposes 'aforesaid to be carried into execution under their Control and Management; but the same cannot be 'carried into complete Effect without the Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions contained in the said Act called "The *Pelsall* Mining Act," for the Investment of One Fourth Part of the Rents to arise as in the said Act mentioned, and for the Application of the Rents, Dividends, and Profits of the Land or Stock directed to be purchased therewith, and also the Provisions contained in the said Act called "The *Hobart*'s Estate Act," respecting the Residue of the Monies to arise from such Sale or Sales as in the said Act mentioned, after Payment of the Costs and Expenses therein specified, are hereby repealed; and the said several Sums of Three thousand two hundred and eighty-three Pounds Fifteen Shillings and Eight-pence and Three thousand four hundred and fifty-five Pounds Twelve Shillings and Sixpence Three Pounds *per Centum* Consolidated Bank Annuities, and Three hundred and eighteen Pounds Sterling, and all other the Sum or Sums of Money and Stock invested or liable to be invested and due as aforesaid under and by virtue of the Provisions contained in the said Acts of Parliament herein-before referred to, and respectively called the "*Pelsall* Mining Act," and "*Hobart*'s Estate Act," and the Interest and Dividends due in respect of the same Sums respectively from the First Day of *May* now last past, shall immediately upon the passing of this Act become and be vested in the said Ecclesiastical Commissioners for *England*, for the Purposes and to be disposed of in the Manner expressed in the said thirdly-recited Act of and concerning the Endowments of the said Collegiate Church of *Wolver-* *hampton*, and subject thereto for their said Common Fund, and shall be transferred and paid to the said Commissioners by the said *George Oliver*, the Representatives of the said *Henry Lewis Hobart* deceased, and the Governors of Queen *Anne*'s Bounty respectively, and other the Person or Persons in whose Name or Names the same may be now standing, or who now have or are entitled to the Order and Control or are liable to the Payment of the said several Sums or any Part thereof.

Monies raised, &c. under Pelsall Mining Act and Hobart's Estate Act vested in Ecclesiastical Commissioners.

'II. And be it declared and enacted, That the said Office of Sacrist of the said Collegiate Church of *Wolverhampton* shall be and the same is by this Act abolished, and all the Estates, Rents, Endowments, and other Emoluments (excepting any Rights of Patronage) formerly belonging or appertaining to the said Office in the said Collegiate Church of *Wolverhampton*, subject to any valid existing Lease or Leases thereof, and all other the Funds, Dividends, Fees, Emoluments, and Profits whatsoever belonging thereto, and also a certain Field or Parcel of Land numbered 1221 in the Tithe Commutation Map of the Township of *Wolverhampton* in the said Parish, forming Part of the Endowments of the said Perpetual Curacy, are and shall be vested in the said Commissioners, and shall be held by them and their Successors for the Purposes by the said thirdly-recited Act expressed concerning the Endowments late belonging to the said Collegiate Church of *Wolverhampton*, and subject thereto for their said Common Fund, freed and absolutely discharged of and from all and every the Claims or Demands of the said *John Osmond Dakeyne* and his Successors, Perpetual Curates of *Wolverhampton* aforesaid.

Office of Sacrist of Collegiate Church of Wolverhampton abolished.

III. And be it enacted, That the District of the Parish of *Wolverhampton*, which has been so assigned to the Collegiate Church of *Saint Peter* as aforesaid, shall be and the same is by this Act constituted a Rectory; and the Reverend *John Osmond Dakeyne*, and his Successors, Incumbents of the said Church for the Time being, shall henceforth be and be styled Rectors of *Saint Peter's Wolver-* *hampton*, and by that Name and Style shall have and enjoy all the Rights, Privileges, and Emoluments which would have belonged to the Perpetual Curate of *Saint Peter's Wolverhampton* aforesaid for the Time being, save and except so far as the same are otherwise appropriated or disposed of by the said thirdly and fourthly recited Acts or this Act; and the Minister for the Time being of each of the several other Districts of the said Parish of *Wolverhampton* specified in the Schedule to this Act, and of the District of *Ettingshall* so far as the same is in the said Parish of *Wolverhampton*, shall, immediately after the present Minister thereof respectively shall have given his Consent to this present

Constitution of the Rectory of Saint Peter's Wolverhampton.

Act

Act (to be testified by Writing under his Hand, and to be deposited and kept in the Registry of the Diocese), be entitled to have and receive all the Surplice Fees arising or accruing within the same District, and as to the respective Ministers of the said Districts of *Saint John* and *Saint George*, in addition to the said yearly Stipend of Twenty Pounds apiece payable to them by the said *Wolverhampton* General Cemetery Company, freed and discharged from all Claim in respect thereof by the said Incumbent of *Saint Peter's Wolverhampton*.

Ecclesiastical Commissioners to provide a Rectory House, and allow 750*l.* a Year to the Rector.

IV. And be it enacted, That in consideration of the Premises the said Commissioners shall, out of the Endowments late belonging to the said Collegiate Church or the Common Fund vested and to be vested in them by the said thirdly and fourthly recited Acts or this Act, as the said Commissioners shall see fit, and under the Authority provided by the said thirdly recited Act, provide a Sum not exceeding Seven hundred and fifty Pounds for or towards the Purchase of a Site, and a Sum of One thousand five hundred Pounds for or towards the Erection of a suitable Rectory House for the said District of *Saint Peter's* under the Sanction and Control of the said Commissioners, and to be conveyed to and vested in the Rector of *Saint Peter's* and his Successors Rectors of the said Rectory for ever; and the said Commissioners shall also out of such Endowments or Common Fund as aforesaid pay and allow to the said *John Osmond Dakeyne* and his Successors Rectors for the Time being of *Saint Peter's Wolverhampton* an annual Sum of Six hundred Pounds to be payable and paid half-yearly on the First Day of *November* and the First Day of *May* in each and every Year, the First Payment to be made on the First Day of *November* One thousand eight hundred and forty-eight, as and for an additional Endowment of the said Rectory over and above the Fees to arise within the said District of *Saint Peter's*, and the said yearly Sum of Twenty Pounds payable from the said *Wolverhampton* General Cemetery Company, and all other Endowments belonging to the said Rectory: Provided always, that if at the End of Three Years from the said First Day of *May* next before the passing of this Act, it shall appear to the Satisfaction of the said Commissioners that the average annual Income of the said Rectory during those Years, inclusive of the said annual Sum of Six hundred Pounds, shall not have amounted to Seven hundred and fifty Pounds, then and in that Case the said annual Sum of Six hundred Pounds shall be augmented by such Amount as with the said annual average Income during such Three Years will make up the said annual Sum of Seven hundred and fifty Pounds, and such augmented annual Sum shall thenceforth and for ever thereafter be payable to the Rector for the Time being of the said Rectory by the said Commissioners, out of the said Endowments of the said Collegiate Church, or of their Common Fund, as they may see fit, in lieu of the said annual Sum of Six hundred Pounds, and irrespective of any subsequent Variation in the annual Income of the said Rectory; and then and in that Case also the said Commissioners shall at the End of the said Three Years, out of the said Endowments or Common Fund, pay to the said *John Osmond Dakeyne*, or the Incumbent of the said Rectory for the Time being, such an Amount as shall make up the Deficiency in the said Income for that Period; and if the said *John Osmond Dakeyne* shall by Death, Resignation, or otherwise have ceased to be Rector of the said Rectory during the said Term of Three Years, then such last-mentioned Amount shall be payable to the said *John Osmond Dakeyne* or his Representatives, and the succeeding Rector, in such Proportions, or wholly to one, exclusively of the other, as under the Circumstances shall to the said Commissioners appear just and proper: Provided also, that in case the said Commissioners shall at any Time or Times hereafter under the Authority provided by the said thirdly-recited Act endow the said Rectory of *Saint Peter's* with any of the Lands or Hereditaments or any Rent-charge or Rent-charges late belonging to the said Collegiate Church of *Wolverhampton* aforesaid, the said yearly Sum of Six hundred Pounds, or such augmented annual Sum to be paid in lieu thereof as aforesaid, shall thenceforth and at all Times thereafter be diminished by the net Amount of such Rent-charge or Rent-charges or of the net yearly Rental or Value of the Lands or Hereditaments at the Time or respective Times of such Endowment, such net Amount to be ascertained and defined by the Surveyor for the Time being of the said Commissioners by Certificate under his Hand to be deposited and kept in the Registry of the Diocese.

As to Performance of Burial Service at the General Cemetery.

V. And be it enacted, That the aforesaid Provision contained in the said fifthly-recited Act requiring the Incumbents or Officiating Ministers for the Time being of the said Collegiate Church of *Saint Peter* and the said Chapel of *Saint John* and *Saint George* in *Wolverhampton* aforesaid respectively to officiate as Minister or Chaplain in the Performance of the Burial Service at the said Cemetery is hereby repealed, except so far as regards the Burial of Persons dying within their respective Parishes or Districts; and the Incumbents or Officiating Ministers of the several other Ecclesiastical Parishes or Districts in *Wolverhampton* aforesaid shall and they are hereby required to officiate as Ministers or Chaplains in the Performance of the Burial Service at the said Cemetery over the dead Bodies of Persons dying within their respective Parishes or Districts, in like Manner and subject to the like Qualifications as the Incumbents or Officiating Ministers of *Saint Peter*, *Saint John*, and *Saint George* are by the said last-mentioned Act required to perform such Service, and which they are by this Act required still to perform in the Case of Persons dying in their respective Districts; and such Incumbents or Officiating Ministers respectively shall be entitled to the like Fees for the Performance of such Burials as are thereby made payable to the Officiating Ministers for Interments: Provided nevertheless, that nothing in this Act contained shall be construed to deprive the said Rector of *Saint Peter*, or the respective Incumbents or Officiating Ministers of *Saint Peter*, *Saint John*, and *Saint George* for the Time being of his or their Right to receive the yearly Sum or Stipend of Twenty Pounds apiece, by the said Act made payable to them by the said Company, over and above the Burial Fees thereby made payable, but the same yearly Sums or Stipends shall continue payable to them in like Manner as if this Act had not been passed:

Provided always, that this present Clause shall not take effect in any such Parish or District unless or until the *Wolverhampton* General Cemetery Company shall consent thereto by Writing under their Common Seal, to be deposited and kept in the Registry of the said Diocese.

Rector to employ One or more Curates to officiate at Saint Peter's.

VI. And be it enacted, That the said *John Osmond Dakeyne* and his Successors Rectors of the said Rectory for the Time being shall at all Times hereafter retain and employ One or more Curate or Curates to assist in the accustomed Ordinances and Services to be duly performed in the said Church of *Saint Peter*, and in the Cure of Souls in the said District, and that such Curate or Curates shall be nominated by the Rector for the Time being under and subject to the Orders and Regulations as to Licence and Duties and otherwise of the Bishop or Ordinary of the Diocese for the Time being and all other usual Laws and Regulations applicable to Stipendiary Curates: Provided always, that in case such Rector for the Time being shall neglect or fail to nominate a Spiritual Person to supply any Vacancy occasioned by the Death, Resignation, or Revocation of the Licence of any such Curate as aforesaid within the Space of Fifty Days after he shall have had Notice of such Vacancy, it shall be lawful for the Bishop of the Diocese to license a Curate or Curates for such Parish, and every Curate so licensed shall be entitled to have and receive all Stipends, Endowments, and other Emoluments belonging to or provided for such Curate as aforesaid from the Period of such Death, Resignation, or Revocation of Licence, in such and the same Manner as a Curate or Curates appointed and licensed to a Living under Sequestration is or are entitled to have, hold, and enjoy the same.

Bishop to appoint a Curate in case of Neglect of Rector.

Ecclesiastical Commissioners may contribute out of Estates towards Repair of Saint Peter's Church.

VII. And be it enacted, That it shall and may be lawful to and for the said Commissioners, under the Authority aforesaid, to allow and contribute at any Time or Times hereafter, out of such Estates and Property or Common Fund as aforesaid, such Sum or Sums of Money as shall be deemed by them the said Commissioners reasonable and necessary towards the Costs, Charges, and Expenses to be incurred in the necessary Reparation of the Church of *Saint Peter's Wolverhampton* aforesaid, but without Prejudice nevertheless to the Liability (if any) of the said Commissioners or the Liability of their Lessees to maintain in good and substantial Repair the Chancel of or belonging to the said Church.

Right of Patronage of Saint George Wolverhampton and of Saint Mary Bilston vested in the Bishop.

VIII. And be it enacted, That the Advowson, Right of Patronage to, and of Nomination, Presentation, or Appointment of the Spiritual Persons to be Incumbents of the said District Churches or Chapels called *Saint George Wolverhampton* and *Saint Mary Bilston* respectively, so far as the same was heretofore in any way vested in the Incumbent for the Time being of *Saint Peter's Wolverhampton* aforesaid, shall no longer be exercised by the said Perpetual Curate or the Rector of *Saint Peter's Wolverhampton* aforesaid, but that the Advowson, Right of Patronage to, and of Nomination, Presentation, or Appointment of the Spiritual Persons to be from Time to Time Incumbents of the said District Churches or Chapels of *Saint George Wolverhampton* and *Saint Mary Bilston* respectively, shall from henceforth and for ever hereafter become and be transferred to and vested in, and shall and may be held, possessed, and exercised by, the Bishop for the Time being of the Diocese in which the same District Churches or Chapels are respectively situate.

One Set of Fees only to be payable.

IX. And be it enacted, That it shall be lawful for the Bishop of the Diocese and he is hereby directed, at such Time and in such Manner as he may see fit, to settle and adjust all Questions not settled by this Act respecting any double Surplice Fees at present payable in any of the Districts of *Wolverhampton* aforesaid, so and in such Manner that One Set of Fees only of such Amount as the said Bishop shall determine shall be payable in any Case or on any Occasion in any of the said Districts.

Saving Rights of Clerk.

X. Provided, and it is hereby enacted, That nothing in this Act contained shall deprive the present Clerk of the Church of *Saint Peter's Wolverhampton* aforesaid of any Fees or Perquisites to which he is by Law or Custom entitled in or out of any of the said Districts, but from and after his Death, Resignation, or Removal all Fees to the Clerk of the Rectory of *Saint Peter's* payable from or out or in respect of any other District shall be and the same are hereby abolished.

Powers vested in Her Majesty in Council and Ecclesiastical Commissioners by thirdly and fourthly recited Acts extended to this Act.

XI. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council, and in the said Ecclesiastical Commissioners for *England*, by the said Two herein thirdly and fourthly recited Acts relating to the said Commissioners, and passed respectively in the Sessions of Parliament held in the Third and Fourth Years and in the Fourth and Fifth Years respectively of Her present Majesty's Reign with reference to the Matters therein respectively contained, and all other the Provisions of the same Acts relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, and also all other the Provisions of the same Acts, so far as they are applicable, and not inconsistent with or repugnant to any thing herein contained, shall be extended and shall apply to all Matters contained in and all the Purposes of this Act as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

As to Constitution of Districts into separate Parishes.

XII. And be it enacted, That, by such Authority as is provided by the said last-mentioned Acts, and at such Time or Times and from Time to Time as by such Authority shall be deemed expedient, it shall be lawful to constitute and declare the several Districts and Parishes mentioned in the Schedule hereunto annexed, or any of them, or any other Districts or Parishes to be hereafter constituted in the said Parish of *Wolverhampton*, to be separate Parishes and Vicarages and the Incumbents thereof Vicars, but on such Conditions and with such respective Grants of Money or Augmentation of Income, or without the same, as to them the said Commissioners shall appear expedient and reasonable, and as shall be directed by the like Authority; and that on every such District being constituted a Vicarage the then existing Incumbent shall be the first Vicar thereof, and that every such Vicar shall be a Corporation Sole, and may receive, take, and hold such Lands, Tithes, or other Hereditaments as are vested in him as Incumbent of the District so constituted a Vicarage at the Time of the passing of this Act, or any future Augmentation

Augmentation thereof, in as full, ample, and beneficial a Manner as any other Corporation Sole can receive, hold, and take the same.

Saving Rights of Patronage.

XIII. And be it enacted, That nothing in this Act contained shall be construed to prejudice or affect the Right of Patronage, or of Nomination, Presentation, or Appointment of the Rector of the said Rectory of *Saint Peter's*, or of any of the Incumbents or Ministers of the Churches or Chapels of the several other Districts in *Wolverhampton* aforesaid, except with respect to the Church or Chapel of *Saint George Wolverhampton* and *Saint Mary Bilston*, so far as the Right of Patronage or Presentation is expressly transferred by this Act.

Altering Boundaries.

XIV. And be it enacted, That it shall be lawful, by the like Authority, and with the Consent of the Bishop of the Diocese for the Time being, at any Time or Times within Five Years from and after the passing of this Act, as to all Districts and new Parishes now existing in the said Parish of *Wolverhampton*, and as to all other Districts or new Parishes to be hereafter assigned or constituted in the said Parish within Five Years from the Date of the Licence of the Minister or Perpetual Curate first licensed to any such District or new Parish, to alter the Boundaries of such Districts or new Parishes; provided always, that the Scheme for making any such Alteration shall be subject to all the Provisions contained in an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty's Reign, intituled *An Act to make better Provision for the Spiritual Care of populous Parishes*, and in another Act passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, intituled *An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes*, relating to Schemes for constituting Districts thereunder, and that any Portion of any such District or new Parish which, by any such Alteration as aforesaid, shall become detached or excluded therefrom, shall to all Intents and Purposes again belong to and form Part of the Parish or District out of which such Portion was taken, upon such District or new Parish being originally constituted, or to and of any new District, as shall be determined by the like Authority.

6 & 7 Vict. c. 37.

7 & 8 Vict. c. 94.

Nothing herein to affect the Poor Laws or Municipal Regulations, &c.

XV. Provided also, and be it enacted, That nothing herein contained shall affect or in any Manner be construed to affect the Laws relating to the Relief, Maintenance, Settlement, or Management of the Poor, nor any Municipal or Parliamentary Laws or Regulations, nor prejudice or affect any Rights, Trusts, or Privileges incident or relating to any Free School or any Almshouses or Hospitals, nor any Rights of Sepulture in any existing Churchyard, Burial Grounds, Vaults, and Catacombs, within the Limits of the said existing Parish of *Wolverhampton*, nor any Offices, Trusts, Rights, Privileges, or Capacities whatsoever, which the Parishioners for the Time being of the said Parish are, in respect of their being such Parishioners, eligible or entitled to or capable of exercising or enjoying.

Not to affect Church Rates, &c.

XVI. Provided also, and be it enacted, That nothing herein contained shall alter or affect any Law, Statute, or Custom relating to the making, levying, or applying Church or Chapel Rates within the Limits of the Parish of *Wolverhampton* aforesaid, or to the Election or Duties of Churchwardens or Chapelwardens for the Parish of *Wolverhampton* aforesaid, or for any Church or Chapel within the existing Limits thereof, so far as relates to such making, levying, or applying, nor increase or diminish any Liability of any Inhabitant of the said existing Parish of *Wolverhampton* in respect of any Church or Chapel Rates.

Expenses of Act, how to be paid.

XVII. And be it enacted, That the Expenses of carrying this Act into execution shall be borne and paid by the said Commissioners out of the Estates, Property, or Endowment late belonging to the said Collegiate Church of *Saint Peter, Wolverhampton*, or the Common Fund aforesaid.

SCHEDULE.

Name of Church or District.	Estimated Amount of Population.	Accommodation in Churches.	Incumbents.	Patrons.	Residence or no Residence.
Wolverhampton: St. Peter's - under 1 & 2 W. 4. c. 38.	9,000	1,600, of which 559 free	Rev. J. O. Dakeyne	The Bishop -	No Residence.
St. George - under 58 G. 3. c. 45. s. 21.	7,000	2,300, of which 1,332 free	Rev. J. B. Clare -	Ditto -	No Residence.
St. James - under 1 & 2 W. 4. c. 38.	5,000	1,200, of which 400 free	Rev. T. Bromley -	Five Trustees -	Residence.
St. Mark's - under 6 & 7 Vict. c. 37.	3,600	Church not completed -	Rev. A. B. Gould	Crown and Bishop.	No Residence.
St. Mathew's - under 6 & 7 Vict. c. 37.	3,400	No Church - -	Rev. A. P. Luscombe.	Ditto -	No Residence.
St. John's - under Local Act, 28 G. 2.	8,000	1,660, of which 260 free	Rev. H. Pountney	The Earl of Stamford.	Residence.

Name of Church or District.	Estimated Amount of Population.	Accommodation in Churches.	Incumbents.	Patrons.	Residence or no Residence.
St. Paul's - under 1 & 2 W. 4. c. 38.	4,000	1,400, of which between 500 and 600 free.	Rev. W. Dalton -	Rev. Mr. and Mrs. Dalton.	Residence now building.
St. Mary's - under 1 & 2 W. 4. c. 38.	7,000	1,000, of which 443 free	Rev. G. Fraser -	Miss Hinkes -	Residence.
Willenhall -	6,000	620 private Property -	Rev. G. H. Fisher	Inhabitants.	—
Willenhall: Trinity - under 6 & 7 Vict. c. 37.	4,000	No Church - -	Rev. Jas. Lecky -	Crown and Bishop.	No Residence.
St. Stephen's - under 6 & 7 Vict. c. 37.	3,000	No Church - -	Rev. W. Fletcher -	Ditto -	No Residence.
Bilston: St. Leonard's -	5,500	2,200, of which 750 free	Rev. J. H. Fletcher	Inhabitants -	Residence.
St. Mary - under 59 G. 3. c. 134. s. 16.	8,060	1,500, of which 900 free	Rev. J. B. Owen -	Perpetual Curate of Wolverhampton.	No Residence.
St. Luke - under 6 & 7 Vict. c. 37.	4,400	No Church - -	Rev. R. J. Heafield	Crown and Bishop.	No Residence.
Pelsall -	1,200	632, of which 484 free -	Rev. W^{m} Jesse -	The Bishop -	No Residence.
Wednesfield -	7,000	864, of which 360 free -	Rev. L. A. Parker	John Paget, Esq.	No Residence.

CAP. XCVI.

An Act to continue certain Turnpike Acts for limited Periods. [31st *August* 1848.]

Continuance of certain Acts respecting Turnpike Roads in Great Britain, except as after mentioned.

'WHEREAS it is expedient that the several Acts herein-after specified should be continued for 'limited Times:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain*, which will expire on or before the End of the next Session of Parliament, shall be continued until the First Day of *October* in the Year One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, except as herein-after mentioned.

6 G. 4. c. clx. 1 & 2 G. 4. c. xli. 7 G. 4. c. xc. 5 & 6 W. 4. c. xxiii. and 3 & 4 W. 4. c. lxxxv. continued till 1st November 1849 only.

II. And be it enacted, That the following Acts, (*videlicet*,) an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* Brompton *and* Earles Court *in the Parish of* Saint Mary Abbott's Kensington *in the County of* Middlesex, *to communicate with the Road called* Fulham Fields Road *at* North End *in the same County; and for making another Turnpike Road to communicate therewith from the High Road from* London *to* Fulham *in the said County;* an Act passed in the Session of the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Flimwell Vent *in the Parish of* Ticehurst *in the County of* Sussex *to the Town and Port of* Hastings *in the said County;* an Act passed in the Seventh Year of the same Reign, intituled *An Act for making a Turnpike Road from* Saint John's *Chapel in the Parish of* Saint Marylebone *to the North-east End of* Ballard's Lane, *abutting upon the* North Road *in the Parish of* Finchley, *with a Branch therefrom, in the County of* Middlesex; an Act passed in the Session of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to incorporate the* Avenue Road *in the Parish of* Saint Marylebone *with the* Marylebone *and* Finchley *Turnpike Roads in the County of* Middlesex; and an Act passed in the Session of the Third and Fourth Years of the same Reign, intituled *An Act for continuing certain Powers to the Trustees of the* New North Road, *leading from the South End of* Highbury Place, Islington, *to* Haberdashers Walk *in the Parish of* Saint Leonard Shoreditch, *in the County of* Middlesex, shall continue in force until the First Day of *November* in the Year One thousand eight hundred and forty-nine, and no longer, unless Parliament shall in the meantime continue the said last-mentioned Acts.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XCVII.

An Act to repeal the Duties of Customs upon the Importation of Sugar, and to impose new Duties in lieu thereof. [4th *September* 1848.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for granting certain Duties on Sugar and Molasses*, certain Duties of Customs were imposed upon the Importation of Sugar and Molasses: And whereas it is expedient that the said Duties should be repealed, and that other Duties should be raised and levied in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties on Sugar and Molasses imposed by the said recited Act shall be and they are hereby repealed; and that from and after the Tenth Day of *July* One thousand eight hundred and forty-eight in lieu thereof there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Sugar or Molasses already or hereafter to be imported into the United Kingdom, the several Duties of Customs as the same are respectively inserted, described, and set forth in Figures, and according to the respective Dates and Periods following; (that is to say,) 9 & 10 Vict. c. 63.

Duties on Sugar and Molasses imposed by recited Act repealed, and in lieu thereof the Duties herein mentioned to be levied.

On Sugar or Molasses the Growth and Produce of any *British* Possession into which the Importation of Foreign Sugar is prohibited, being imported from any such Possession, the Duties following; (that is to say,)

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Cwt. -	0 17 4	0 16 0	0 14 8	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal to Refined, for every Cwt. - - - - -	0 15 2	0 14 0	0 12 10	0 11 8
Muscovado, or any other Sugar, not being equal in Quality to White Clayed, for every Cwt. - - -	0 13 0	0 12 0	0 11 0	0 10 0
Molasses, for every Cwt.	0 4 10	0 4 6	0 4 2	0 3 9

And so in proportion for any greater or less Quantity than a Hundred Weight.

And from and after the respective Days next herein-after mentioned,—

On Sugar or Molasses the Growth and Produce of any other *British* Possession, being imported from any such Possession, the Duties following; (that is to say,)

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851 to 5 July 1852 inclusive.	From and after 5 July 1852 to 5 July 1853 inclusive.	From and after 5 July 1853 to 5 July 1854 inclusive.	From and after 5 July 1854.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Cwt. - - - - -	1 2 0	1 0 4	0 18 8	0 17 0	0 16 4	0 15 4	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal to Refined, for every Cwt. -	0 18 4	0 16 11	0 15 5	0 14 0	0 13 5	0 12 10	0 11 8
Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed, and not equal to White Clayed, for every Cwt. -	0 17 0	0 15 8	0 14 4	0 13 0	0 12 5	0 11 10	0 10 0
Muscovado, or any other Sugar, not being equal in Quality to Brown Clayed Sugar, for every Cwt. -	0 15 9	0 14 6	0 13 3	0 12 0	0 11 6	0 11 0	0 10 0
Molasses, for every Cwt. - - -	0 5 10	0 5 5	0 4 11	0 4 6	0 4 4	0 4 2	0 3 9

And so on in proportion for any greater or less Quantity than a Hundred Weight.

On

On Sugar or Molasses the Growth and Produce of any Foreign Country, and on all Sugar or Molasses not otherwise charged with Duty, the Duties following; (that is to say,)

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851 to 5 July 1852 inclusive.	From and after 5 July 1852 to 5 July 1853 inclusive.	From and after 5 July 1853 to 5 July 1854 inclusive.	From and after 5 July 1854.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, for every Cwt. - - - -	1 6 8	1 4 8	1 2 8	1 0 8	0 19 4	0 17 4	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal to Refined, for every Cwt. -	1 1 7	0 19 10	0 18 1	0 16 4	0 15 2	0 14 0	0 11 8
Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed, and not equal to White Clayed, for every Cwt. -	1 0 0	0 18 6	0 17 0	0 15 6	0 14 6	0 13 0	0 10 0
Muscovado, or any other Sugar, not being equal in Quality to Brown Clayed Sugar, for every Cwt. -	0 18 6	0 17 0	0 15 6	0 14 0	0 13 0	0 12 0	0 10 0
Molasses, for every Cwt. - -	0 6 11	0 6 4	0 5 9	0 5 3	0 4 10	0 4 6	0 3 9

And so in proportion for any greater or less Quantity than a Hundred Weight.

Bounties or Drawbacks upon the Exportation from the United Kingdom of the several Descriptions of Refined Sugar herein-after mentioned:

	From and after 10 July 1848 to 5 July 1849 inclusive.	From and after 5 July 1849 to 5 July 1850 inclusive.	From and after 5 July 1850 to 5 July 1851 inclusive.	From and after 5 July 1851.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or such Sugar pounded, crushed, or broken, or Sugar Candy, the Cwt. - - - - -	0 16 4	0 15 0	0 13 9	0 12 6
Upon Bastard or Refined Sugar, broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded or crushed or broken, for every Cwt. - - -	0 13 0	0 12 0	0 11 0	0 10 0

And so in proportion for any greater or less Quantity than a Hundred Weight.

Her Majesty may, by Order in Council, allow Importation of Sugar, &c. from British Possessions in the East Indies at the lower Rate of Duty when Foreign Sugar is prohibited.

II. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council, that as respects any *British* Possession the Importation of Foreign Sugar has been prohibited, it shall and may be lawful for Her Majesty, and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare that Sugar and Molasses the Growth or Produce of any such *British* Possession may be imported from thence into the United Kingdom, and entered at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Growth or Produce of *British* Possessions into which the Importation of Foreign Sugar is prohibited; and from and after the Publication of such Order, whilst the same shall continue in force, the Sugars and Molasses therein mentioned may be so imported and entered accordingly.

Such Sugar, &c. to be entered at lower Rates of Duty, on the Conditions on which Bengal Sugar was admissible under 6 & 7 W. 4. c. 26.

III. Provided always, and be it enacted, That any Sugars or Molasses the Produce of any *British* Possession within the Limits of the *East India* Company's Charter in which the Importation of Foreign Sugar is or shall be prohibited, which shall be entered for Home Use at the lower Rates of Duty herein-before imposed on Sugar and Molasses the Produce of such Possessions, shall be entered in the same and the like Manner, and under the same or the like Conditions, in and under which Sugar the Growth of the Presidency of *Bengal* might be entered for Home Use, under the Provisions of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the granting to His Majesty, until the Fifth Day of* July *One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for*

for the Service of the Year One thousand eight hundred and thirty-six, at the lower Rate of Duty therein mentioned.

Collection of Duties to be under the Management of the Customs, under 8 & 9 Vict. c. 90. and 8 & 9 Vict. c. 92.

IV. And be it enacted, That the several Duties, Bounties, and Allowances by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the Provisions of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for granting Duties of Customs*, and of another Act passed in the same Years, intituled *An Act to grant certain Bounties and Allowances of Customs*, and of any other Act or Acts in force relating to the Customs.

Commissioners of Customs to provide Standard Samples of White Clayed Sugar.

None to be deemed such unless it shall equal Standard Samples.

V. And be it enacted, That the Commissioners of Customs shall provide Samples of White Clayed Sugar and of Sugar rendered by any Process equal in Quality to White Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, which Samples shall be deemed to be Standard Samples for the Purpose of comparing therewith such White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed Sugar, as from and after the passing of this Act may be entered for Home Consumption; and such Standard Samples shall from Time to Time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards the Payment of Duty, be deemed or taken to be White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, unless it shall, with reference to Colour, Grain, and Saccharine Matter, equal the Standard Samples so respectively provided by the said Commissioners.

Commissioners of Customs to provide Standard Samples of Brown Clayed Sugar.

None deemed such unless equal to Standard Samples.

VI. And be it enacted, That the Commissioners of Customs shall provide Samples of Brown Clayed Sugar, and of Sugar rendered by any Process equal in Quality to Brown Clayed Sugar, which Samples shall be deemed to be Standard Samples for the Purpose of comparing therewith such Brown Clayed Sugar or Sugar rendered by any Process equal in Quality to Brown Clayed Sugar, as from and after the passing of this Act may be entered for Home Consumption; and such Standard Samples shall from Time to Time be renewed whenever the said Commissioners may deem it expedient; and no Sugar shall, as regards Payment of Duty, be deemed or taken to be Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Brown Clayed Sugar, unless it shall equal the Standard Samples so respectively provided by the said Commissioners.

Sugar or Molasses imported or in Warehouse to be liable to the Duties imposed by this Act.

VII. And be it enacted, That all Sugar or Molasses imported, but not entered, or which shall have been warehoused without Payment of Duty on the first Importation thereof, and which shall be in Port or Warehouse at the respective Periods at which the Duties imposed by this Act shall become chargeable, shall be deemed and taken to be liable to the Duties so imposed by this Act; and the Rate or Rates of Duty chargeable by this Act upon Sugar or Molasses, from the Tenth Day of *July* One thousand eight hundred and forty-eight to the Fifth Day of *July* One thousand eight hundred and forty-nine, shall be deemed and taken to be applicable to Sugar or Molasses delivered for Home Consumption prior to the passing of this Act, and subsequently to the Tenth Day of *July* One thousand eight hundred and forty-eight.

Orders in Council to be published in the Gazette;

VIII. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*.

and may be revoked.

IX. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act.

Copies of Orders in Council to be laid before Parliament.

X. And be it enacted, That a Copy of every Order of Her Majesty in Council made under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after the issuing of the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XCVIII.

An Act to amend the Law for the Trial of Election Petitions. [4th *September* 1848.]

7 & 8 Vict. c. 103. repealed, except as to Acts done, &c.

Repeal of 7 & 8 Vict. c. 103. not to revive 9 G. 4. c. 22. and certain Parts of 42 G. 3. c. 106. and 47 G. 3. c. 14.

WHEREAS it is expedient to amend the Law for the Trial of Election Petitions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Law for the Trial of controverted Elections of Members to serve in Parliament*, shall be repealed, except as to any Act done or any Proceeding incident to any Election Petition presented under the said recited Act, all which Acts and Proceedings shall have effect, and shall, save as herein-after specially provided, be continued and completed as if this Act had not passed: Provided always, that this Enactment shall not revive an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, repealed by the said Act, nor shall it revive so much of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for* Ireland, nor so much of an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members*

to serve in Parliament, so far as the same relate to Ireland, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to anything not specified in such Lists or Statements, also repealed by the firstly-recited Act.

Reception of Petitions.

What shall be deemed Election Petitions.

II. And be it enacted, That every Petition presented to the House of Commons within the Time from Time to Time limited by the House for receiving Election Petitions, and complaining of an undue Election or Return of a Member to serve in Parliament, or complaining that no Return has been made according to the Requisition of any Writ issued for the Election of a Member to serve in Parliament, or complaining of the special Matters contained in any such Return, and which Petition shall be subscribed by some Person who voted or had a Right to vote at the Election to which the same relates, or by some Person claiming to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election, shall be deemed an Election Petition.

Before Petition presented Recognizances to be entered into.

III. And be it enacted, That before any Election Petition shall be presented to the House a Recognizance shall be entered into by One, Two, Three, or Four Persons, as Sureties for the Person subscribing such Petition, for the Sum of One thousand Pounds, in One Sum, or in several Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expenses which under the Provisions herein-after contained shall become payable by the Person subscribing the Petition to any Witness summoned in his Behalf, or to the sitting Member or other the Party complained of in such Petition, or to any Party who may be admitted to defend such Petition, as herein-after provided.

Persons entering into Recognizances to make Affidavits of Sufficiency.

IV. And be it enacted, That every Person who enters into any such Recognizance shall testify upon Oath in Writing to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance is taken, that he is seised or possessed of Real or Personal Estate (or both), above what will satisfy his Debts, of the clear Value of the Sum for which he is bound by his said Recognizance; and every such Affidavit shall be annexed to the Recognizance.

Form of Recognizance as set forth in Schedule.

V. And be it enacted, That in every such Recognizance shall be mentioned the Names and usual Places of Residence or Business of the Persons becoming Sureties as aforesaid, with such other Description of the Sureties as may be sufficient to identify them easily; and such Recognizance may be in the Form or to the Effect set forth in the Schedule to this Act, with such Alteration as may be necessary to adapt such Form to the Circumstances of each Case.

Persons signing Election Petition may pay Money into the Bank, instead of finding Security.

VI. And be it enacted, That any Person by whom an Election Petition is signed may, instead of procuring a Recognizance for the full Amount of the Sum herein-before required, pay into the Bank of *England*, to the Account of the Speaker and the Examiner of Recognizances, as Trustees for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he thinks fit, not being less than Two hundred and fifty Pounds; and in such Case the Person by whom the Petition is signed shall be required to find Sureties for so much only of the Sum of One thousand Pounds as the Sum paid into the Bank falls short of that Sum; and no Money shall be deemed for the Purposes of this Act to be paid into the Bank of *England* until a Bank Receipt or Certificate for the same is procured, and delivered to the Examiner of Recognizances.

No Petition to be received unless endorsed by the Examiner of Recognizances.

VII. And be it enacted, That no Election Petition shall be received unless at the Time it is presented to the House it be endorsed by a Certificate under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavit thereunto annexed, and, if the Recognizance have not been taken for the whole Amount, that a Bank Receipt or Certificate for so much Money as the Recognizance falls short of One thousand Pounds has been delivered to him, as herein-before required.

How Petitions may be withdrawn.

VIII. And be it enacted, That the Petitioner may, at any Time after the Presentation thereof, withdraw the same, upon giving Notice in Writing under his Hand, or under the Hand of his Agent, to the Speaker, and also to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that it is not intended to proceed with the Petition; and in such Case the Petitioner shall be liable to the Payment of such Costs and Expenses as have been incurred by the sitting Member or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition, to be taxed as herein-after provided.

Examiner of Recognizances.

Speaker to appoint Examiner.

IX. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

Appointment of Deputy in case of Illness, &c.

X. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and throughout this Act the Expression "Examiner of Recognizances" shall be deemed to include and apply to the Person so appointed, and for the Time being performing such Duties.

Entering into Recognizances.

How Recognizances are to be entered into.

XI. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn, before the Examiner of Recognizances or a Justice of the Peace, and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit taken before a Justice, being duly certified under the Hand of such Justice, shall be delivered to the Examiner of Recognizances.

XII. And

Names of Sureties, &c. to be kept in Examiner's Office, and to be open to Inspection.

XII. And be it enacted, That on or before the Day when any such Petition is presented to the House the Names and Descriptions of the Sureties, when there are Sureties, as set forth in the Recognizance, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits, and the Bank Receipt for any Money paid into the Bank of *England*, shall be open to the Inspection of all Parties concerned.

Recognizance may be objected to for Invalidity, or for Insufficiency of Sureties.

XIII. And be it enacted, That any sitting Member petitioned against, or any Electors petitioning and admitted Parties to defend the Election or Return, may object to any such Recognizance on the Ground that the same is invalid, or that the same was not duly entered into or received by the Examiner of Recognizances, with the Affidavit thereunto annexed as herein-before required, or on the Ground that the Sureties or any of them are insufficient, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not duly acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party or his Agent, and shall be delivered to the Examiner of Recognizances within Ten Days or not later than Twelve of the Clock at Noon of the Eleventh Day after the Presentation of the Petition, if the Surety objected to reside in *England*, or within Fourteen Days or not later than Twelve of the Clock at Noon of the Fifteenth Day after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*: Provided also, that if either such Eleventh or such Fifteenth Day happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, it shall be sufficient if such Notice of Objection be delivered to the Examiner of Recognizances not later than Twelve of the Clock at Noon of the following Day.

Notice of Objections to be published in Examiner's Office, and Copies may be taken.

XIV. And be it enacted, That as soon as any such Statement of Objection is received by the Examiner of Recognizances he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections, not less than Three nor more than Five Days from the Day on which he received such Statement; and the Petitioner and his Agent shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Objections, on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances may examine upon Oath any Persons tendered by either Party for Examination by him, and may also receive in Evidence any Affidavit relating to the Matter in dispute before him, sworn before him, or before any Master of the High Court of Chancery or Justice of the Peace, each of whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances may, if he think fit, adjourn the said Inquiry from Time to Time until he decide on the Validity of such Objection, and he may, if he think fit, award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expenses of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

In case of Death of a Surety, the Petitioner may pay the Money into the Bank.

XVI. And be it enacted, That if any Surety die, and his Death be stated as a Ground of Objection before the End of the Time allowed for objecting to Recognizances, the Petitioner may pay into the Bank of *England*, on the Account of the Speaker and the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances within Three Days after the Day on which the Statement of such Objection was delivered to the Examiner of Recognizances, the Recognizances shall be deemed unobjectionable, if no other Grounds of Objection thereto be stated within the Time before mentioned for stating Objections to Recognizances.

Examiner of Recognizances to report whether or not Recognizances are objectionable.

XVII. And be it enacted, That if the Examiner of Recognizances have received any Statement of Objection to the Recognizances to any such Election Petition, and have decided that such Recognizances are objectionable, he shall forthwith report to the Speaker that such Recognizances are objectionable; but if he shall have decided that such Recognizances are unobjectionable, or if he have not received any such Statement of Objection, then, as soon as the Time herein-before allowed for stating any such Objection has elapsed after the Presentation of the Petition, or as soon thereafter as he has decided upon the Statement of Objection, the Examiner of Recognizances shall report to the Speaker that the Recognizances to such Petition are unobjectionable; and every such Report shall be final and conclusive to all Intents and Purposes; and he shall make out a List of all Election Petitions on which he has reported to the Speaker that the Recognizances are unobjectionable, in which List the Petitions shall be arranged in the Order in which they are so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

Admission of Parties to defend.

Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return.

XVIII. And be it enacted, That if at any Time before the Appointment of a Select Committee, as herein-after provided, to try any Election Petition, the Speaker of the House of Commons be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons have resolved that the Seat of any such Member is by Law become vacant, or if the House be informed, by a Declaration in Writing subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition was presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the General

Admission of Parties to defend.

Committee of Elections, and to the Members of the Chairmen's Panel, herein-after mentioned, and also to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port or Place, to which such Petition relates; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall, or of the Parish Church, nearest to the Place where such Election has usually been held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next Two *London* Gazettes, and shall be communicated by him to the House.

Voters may become a Party to oppose the Petition.

XIX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition was presented, or within Twenty-one Days after the Day on which any Notice was inserted in the Gazette, to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods expire during a Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then, on or before the Second Day on which the House meets after such Prorogation or Adjournment, any Person who voted or had a Right to vote at the Election to which the Petition relates may petition the House of Commons, praying to be admitted as a Party to defend such Return, or to oppose the Prayer of such Petition; and such Person shall thereupon be admitted as a Party, together with the sitting Member, if he be then a Party against such Petition, or in the Room of such Member if he be not then a Party against the Petition; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

Members having given Notice of their Intention not to defend, not to appear as Parties.

XX. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition has given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons or voting on any Question until such Petition has been decided upon.

Double Return.

Provision for Cases of double Return where the Member complained of declines to defend his Return.

XXI. And be it enacted, That if in the Case of an Election Petition complaining of a double Return the Member whose Return is complained of in such Petition have given Notice as aforesaid that it is not his Intention to defend his Return, and if no Party, within the Period herein-before allowed for that Purpose, have been admitted to defend such Return, then, if there be no Election Petition complaining of the other Member returned on such double Return, it shall be lawful for the last-mentioned Member or other the Persons who subscribed the Petition complaining of such double Return to withdraw such Petition by Letter addressed to the Speaker; and thereupon the Order for referring such Petition to the General Committee of Elections shall be discharged, and the House shall give the necessary Directions for amending the said double Return, by taking off the File the Indenture by which the Person so declining to defend his Return was returned, or otherwise, as the Case may require.

General Committee.

At the Beginning of every Session the Speaker to appoint a General Committee.

XXII. And be it enacted, That in the first Session of every Parliament, on the Day after the last Day allowed by the House of Commons for receiving Election Petitions, and in every subsequent Session, as soon as convenient after the Commencement of the Session, the Speaker shall by Warrant under his Hand appoint Six Members of the House who are willing to serve, and against whose Return no Petition is then depending, and none of whom is a Petitioner complaining of any Election or Return, to be Members of a Committee to be called "The General Committee of Elections;" and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House meets for the Despatch of Business, shall take effect as an Appointment of such General Committee.

If first Appointment disapproved a new one to be made.

XXIII. And be it enacted, That if the House disapprove any such Warrant, the Speaker shall, on or before the Third Day on which the House meets after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members have been appointed by a Warrant not disapproved by the House.

Disapproval may be general or special.

XXIV. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member named in the Warrant.

Members not disapproved may be again named.

XXV. And be it enacted, That the Speaker may, if he think fit, name in the second or any subsequent Warrant any of the Members named in any former Warrant whose Appointment has not been specially disapproved by the House as aforesaid.

For what Time the Appointment shall be.

XXVI. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he cease to be a Member of the House of Commons, or until he resign his Appointment (which he may do by Letter to the Speaker), or until the General Committee report that he is disabled by continued Illness from attending the Committee, or until the Committee be dissolved as herein-after provided.

As to Vacancies in General Committee.

XXVII. And be it enacted, That in every Case of Vacancy in the General Committee of Elections the Speaker, on the First Day on which the House meets after such Vacancy is known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy is supplied as herein-after provided.

General Committee may be dissolved in certain Cases.

XXVIII. And be it enacted, That if the General Committee of Elections at any Time report to the House that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcileable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or if the House resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

XXIX. And

General Committee.

How Vacancies shall be supplied, and Re-appointments made.

XXIX. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker by Warrant under his Hand, laid upon the Table of the House on or before the Third Day on which the House meets after the Dissolution of the Committee or Notification of the Vacancy (as the Case may be); and the Warrant shall be subject to the Disapproval of the House in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee the Speaker may, if he think fit, re-appoint any of the Members of the former Committee who are then willing and not disqualified to serve on it.

Time and Place of First Meeting. Committee to be sworn.

XXX. And be it enacted, That the Speaker shall appoint the Time and Place of the First Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member shall act upon such Committee until he have been sworn at the Table of the House, by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, to the best of his Judgment and Ability, without Fear or Favour.

Members necessary to enable the Committee to act.

XXXI. And be it enacted, That no Business shall be transacted by the General Committee of Elections unless at the least Four Members thereof be then present together; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the General Committee agree in the Appointment.

Regulation of Committee Business.

XXXII. And be it enacted, That, subject to the Provisions of this Act, the General Committee shall make Regulations for the Order and Manner of conducting the Business to be transacted by them.

Clerk to keep Minutes of Proceedings, to be laid before the House.

XXXIII. And be it enacted, That the General Committee shall be attended by One of the Committee Clerks of the House selected for that Purpose by the Clerk of the House, and such Committee Clerk shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to Time directed by the Committee, and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

Speaker during Suspension of Proceedings may adjourn any Business.

XXXIV. And be it enacted, That if at the Time of the Dissolution or Suspension of the Proceedings of the General Committee of Elections there be any Business appointed to be transacted by such General Committee on any certain Day, the Speaker may adjourn the Transaction of such Business to such other Day as to him seems convenient.

Panels.

Members wholly excused from serving.

XXXV. And be it enacted, That every Member more than Sixty Years old shall be wholly excused from serving on Election Committees, provided that on or before the Reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he claim to be excused, by declaring in his Place, or in Writing under his Hand delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who does not claim to be excused before he is chosen to serve, as herein-after provided.

Names of Members claiming to be excused to be called over.

XXXVI. And be it enacted, That in the First Session of every Parliament, on the next Meeting of the House after the last Day allowed for receiving Election Petitions, and in every subsequent Session on the next Meeting of the House after the Speaker has laid on the Table his Warrant for the Appointment of the General Committee of Elections, the Clerk of the House shall read over the Names of all the Members who have so claimed to be excused.

Members temporarily excused from serving.

XXXVII. And be it enacted, That every Member having Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place offer any other Excuse, either at the reading over of the said Names or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House resolve that the said Member ought to be excused he shall be excused from serving on Election Committees for such Time as to the House seems fit, but no Member shall be so excused who does not claim to be excused before he is chosen to serve; and every Member who has served on One Election Committee, and who within Seven Days after such Committee has made its final Report to the House notifies to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who on account of Inability or Accident has been excused from attending the same throughout.

Members temporarily disqualified from serving.

XXXVIII. And be it enacted, That every Member who is a Petitioner complaining of an undue Election or Return, or against whose Return a Petition is depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification.

A corrected List, distinguishing the excused or disqualified Members, to be printed, and distributed with the Votes.

XXXIX. And be it enacted, That the Clerk of the House of Commons shall make out an alphabetical List of all the Members, omitting the Names of such Members as have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member for the Time being excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof; and such List shall be printed, and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed, and distributed with the Votes.

Further Correction of List.

XL. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it appear that any

Panels.

any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

Selection of Members to serve as Chairmen of Election Committees.

XLI. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections; and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they think duly qualified to serve as Chairmen of Election Committees; and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House; and while the Name of any Member is upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee otherwise than as Chairman; and every Member placed on the Chairmen's Panel shall be bound to continue upon it till the End of the Session, or until he sooner cease to be a Member of the House, or until, by Leave of the House, he be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel who has served on One or more Election Committees, and who notifies to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who on account of Inability or Accident has been excused from attending the same throughout.

List to be divided into Five Panels.

XLII. And be it enacted, That after the Chairmen's Panel has been so as aforesaid selected, the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them seems most convenient, but so nevertheless that each Panel may contain as nearly as may be the same Number of Members, and they shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they were drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLIII. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time by striking out of them the Name of every Member who ceases to be a Member of the House, or who from Time to Time becomes entitled and claims as aforesaid to be wholly excused from serving on Election Committees, and by inserting in One of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House not entitled and not having claimed as aforesaid to be wholly excused, and shall also from Time to Time distinguish in the Manner aforesaid in the said Panels the Names of the Members for the Time being excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they think fit, report to the House the Panels as corrected; and as often as the General Committee reports the said Panels to the House they shall be printed, and distributed with the Votes.

Power to transfer to another Panel Names of Members obtaining Leave of Absence.

XLIV. And be it enacted, That when Leave of Absence for a limited Time has been granted by the House to any Member, the General Committee of Elections may transfer the Name of such Member from the Panel in which it has been placed to some other Panel subsequent in Rotation, if they think fit so to do, having regard to the Length of Time for which such Leave of Absence has been granted, and to the Number of Select Committees then about to be appointed.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLV. And be it enacted, That whenever any Member of the Chairmen's Panel ceases to be a Member of the House, or is by Leave of the House discharged from continuing upon the Chairmen's Panel, or is so discharged by reason of Service under the Provision herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it at any Time appear to the General Committee that the Chairmen's Panel is too small, they may select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

Appointment of Select Committees.

Election Petitions to be referred to the General Committee; who shall make out a List of the same.

XLVI. And be it enacted, That all Election Petitions received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as hereinafter provided, to try such Petitions; and the Speaker shall communicate to the House and to the General Committee every Report by the Examiner of Recognizances to him concerning the Recognizances to any Election Petition; and in every Case in which any Election Petition is withdrawn, or the Examiner of Recognizances reports to the Speaker that the Recognizances are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances has reported to the Speaker that the Recognizances are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they were so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List are afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

Proceedings to be suspended in certain Cases.

XLVII. And be it enacted, That when Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, is given to the General Committee of Elections by the Speaker, as herein-before provided, the General Committee shall suspend their Proceedings in the Matter of the Petition referred to in such Notice, until Twenty-one Days after the Day on which Notice of such Death or Vacancy, or Intention not to defend, has

has been inserted in the Gazette, under the Provision herein-before contained, unless the Petition of some Person claiming to be admitted as a Party in the Room of such Member be sooner referred to them.

Provision for Cases where more than One Petition.

XLVIII. And be it enacted, That when more than One Election Petition relating to the same Election or Return are referred to the General Committee of Elections, they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as have not been withdrawn, is received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketed together, and such Petitions shall afterwards be dealt with as One Petition.

Committees to be chosen for Petitions according to their Order in the List.

XLIX. And be it enacted, That the General Committee of Elections shall choose the Committees to try the Election Petitions standing in the said List of Petitions in the Order in which such Petitions stand in such List, and they shall from Time to Time determine how many Committees shall be chosen in each Week for trying such Petitions, and the Days on which they will meet for choosing such Committees, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed, and they shall report to the House from Time to Time the Days appointed by them for choosing such Committees.

Committees to be appointed for Petitions standing over on a Prorogation of Parliament.

L. And be it enacted, That if Parliament is prorogued after any Election Petition has been presented, but before the Appointment of a Select Committee to try such Petition, the General Committee of Elections appointed in the following Session shall, within Two Days after their First Meeting, in case the Sureties have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition so standing over as aforesaid: Provided always, that if the Number of Petitions so standing over be so great that the Times for selecting Committees to try the whole thereof cannot, in the Judgment of the General Committee, be conveniently appointed within Two Days after their First Meeting, the said General Committee shall, within Two Days after their First Meeting, appoint the Times for selecting Committees to try so many of the said Petitions as the said General Committee deems convenient, and shall afterwards, from Time to Time, as soon as conveniently may be, appoint the Times for selecting the Committees to try the Remainder of such Petitions.

Notice of Time &c. when any Committee will be chosen shall be published with the Votes.

Notice of Suspension of Proceedings to be published; and sent to Returning Officer by Post.

LI. And be it enacted, That Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, not less than Fourteen Days before the Day on which such Committee is appointed to be chosen; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post, not less than Fourteen Days before the Day on which such Committee is appointed to be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves or their Agents, at the Time and Place appointed for choosing the Select Committee; and if (after any such Notice has been published with the Votes, or sent to the Returning Officer as aforesaid,) the Proceedings in the Matter of such Petition become suspended, Notice of such Suspension shall be immediately published with the Votes; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post.

Provision for Cases where the sitting Member does not defend, and no Party has been admitted to defend.

LII. Provided always, and be it enacted, That if Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, have been inserted in the Gazette, by Order of the Speaker, as herein-before provided, and no Party has been admitted to defend such Election or Return, then, if the Conduct of the Returning Officer is not complained of in such Petition, it shall not be necessary to insert such Petition at the Bottom of the then List of Petitions, but the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return, and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes; and in such Case it shall not be necessary to deliver to the Clerk of the General Committee of Elections a List of the Voters intended to be objected to, as herein-after is required in other Cases.

General Committee empowered to change the Day for choosing Select Committee.

LIII. And be it enacted, That the General Committee of Elections may change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and appoint some subsequent Day and Hour for the same, if in their Judgment it be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change is made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

Notice of Petitions and Panels.

LIV. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions, and each Panel shall serve for a Week, beginning with the Panel first drawn, and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee is appointed to be chosen.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

LV. And be it enacted, That the Parties complaining of or defending the Election or Return complained of in any Election Petition shall, except in the Case herein-before provided for, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objection, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office open to the Inspection of all Parties concerned.

LVI. And

Appointment of Select Committees.

Committee for trying Petitions to be chosen.

LVI. And be it enacted, That the General Committee shall meet at the Time and Place appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel in Service Four Members, not being then excused or disqualified for any of the Causes aforesaid, and not specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to him or to the Sitting Member by Kindred or Affinity in the First or Second Degree according to the Canon Law.

In case General Committee do not agree in choosing a Committee to try the Petition, they shall adjourn.

LVII. And be it enacted, That if at the least Four Members then present of the General Committee of Elections do not agree in choosing a Committee to try any Election Petition the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on the same Day, to the following Day, and the Parties shall be directed to attend on the following Day, or if such following Day happen during an Adjournment of the House, then on the Day to which the House stands adjourned, and so from Day to Day until all such Committees are chosen, or until the General Committee of Elections is dissolved, as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try an Election Petition until they have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which has not been then discharged, except in the Case where the Day originally appointed for choosing a Committee has been changed under the Provision herein-before contained.

Chairman to be chosen by the Members on the Chairmen's Panel, and his Name communicated to the General Committee.

LVIII. And be it enacted, That on the Day appointed by the General Committee to choose an Election Committee the Members upon the Chairmen's Panel shall select One of such Members to act as the Chairman of such Election Committee, and when they have been informed by the General Committee that Four Members of such Election Committee have been chosen they shall communicate the Name of the Member so selected by them to the General Committee; but no Member shall be so selected who would be disqualified from serving on such Committee if not upon the Chairmen's Panel: Provided always, that if, with reference to any Petition for trying which they are about to appoint a Chairman, the Members of the Chairmen's Panel receive Notice from the Speaker, under the Provision herein-before contained, of the Death or Vacancy of the Seat of the sitting Member petitioned against in such Petition, or that it is not his Intention to defend his Seat, they shall suspend their Proceedings with regard to the Appointment of a Chairman to try such Petition until the Day appointed by the General Committee of Elections for selecting a Committee to try such Petition.

Members upon Chairmen's Panel to make Regulations.

LIX. And be it enacted, That the Members upon the Chairmen's Panel may from Time to Time make such Regulations as they find convenient for securing the Appointment or Selection of Chairmen of Election Committees and for distributing the Duties of Chairmen among all of them.

When Committee chosen, Parties to be called in to hear Names read.

LX. And be it enacted, That as soon as the General Committee of Elections has chosen Four Members of a Committee to try any Election Petition, and has received from the Members of the Chairmen's Panel the Name of a Chairman to serve on such Committee, the Parties in attendance shall be called in, and the Names of the Members so chosen and of the Chairman shall be read over to them.

General Committee to proceed in order with all the Petitions appointed for that Day.

LXI. And be it enacted, That after hearing the said Names the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day, and so on until all the Committees appointed to be chosen on that Day are chosen, or until the choosing of any Committee is adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees have been previously chosen.

Within a certain Time Parties may object to Members on account of Disqualification.

LXII. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition have withdrawn, or if the Parties to any other Election Petition be then before the General Committee of Elections, then, after such other Parties have withdrawn, the Parties in attendance shall be again called before the General Committee in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member, or such Party as may have been admitted as aforesaid to defend the Return or Election, or their Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, or to the Chairman, as being then disqualified or excused for any of the Reasons aforesaid from serving on the Committee for the Trial of that Election Petition, but not for any other Reason.

If General Committee allow the Disqualification, a new Committee to be chosen.

LXIII. And be it enacted, That if at the least Four Members then present of the General Committee be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose from the same Panel another Committee to try that Petition; or if the Member to whom any such Objection is substantiated be the Chairman, they shall send back his Name to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and shall communicate his Name to the General Committee, and so as often as the Case requires.

In the new Committee, Members not before objected to may be included.

LXIV. And be it enacted, That in the Second or any following Committee the General Committee may, if they think fit, include any of the Members previously chosen by them to whom no Objection has been substantiated; and no Party shall be allowed to object to any Member included in the Second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

When Committee chosen,

LXV. And be it enacted, That when Four Members and a Chairman have been chosen, to none of whom any Objection has been substantiated, the Clerk of the General Committee of Elections shall give

Notice

Notice thereof in Writing to each of the Members so chosen; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

Notice to be sent to every Member thereof.

LXVI. And be it enacted, That the General Committee shall meet on the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any such Member then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that for any of the Reasons aforesaid he is disqualified or excused from serving on the Committee for which he has been so chosen, or if any such Member prove, to the Satisfaction of at least Four Members then present of the General Committee, that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee, such Circumstances having regard, not to his own Convenience, but solely to the impartial Character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Quarter of an Hour after the Time mentioned in the Notice no Member so appear, or if any Member so appearing do not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, the Select Committee shall be taken to be appointed.

If any Member chosen proves a Disqualification, another Committee to be chosen.

LXVII. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee has been appointed the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party, and such Report shall be published with the Votes.

Select Committee to be reported to the House.

LXVIII. And be it enacted, That at or before Four of the Clock on the next Day on which the House meets for the Despatch of Business after such Report the Five Members chosen to be the Select Committee shall attend in their Places, and shall before departing the House be sworn at the Table by the Clerk well and truly to try the Matter of the Petitions referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred to them by the House, and the Legality of such Appointment shall not be called in question on any Ground whatever; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee; and they shall not depart the House until the Time for the meeting of such Committee is fixed by the House, as herein-after provided.

Members of Select Committee to be sworn.

LXIX. And be it enacted, That if any Member of the said Select Committee do not attend in his Place within One Hour after Four of the Clock on the Day appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like Time on the following Day of sitting), or if, after attending, any Member depart the House before the said Committee is sworn, unless the Committee be discharged, or the swearing of the said Committee be adjourned, as herein-after provided, he shall be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

Members of Committee not present within One Hour after Four o'Clock to be taken into Custody by the Serjeant at Arms.

LXX. And be it enacted, That if any such absent Member be not brought into the House within Three Hours after Four of the Clock on the Day first appointed for swearing the said Committee (provided the House sits so long, or if not, then within the like Time on the following Day of sitting), and if no sufficient Cause be shown to the House before its rising whereon the House dispenses with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House; and all the Members of the said Committee shall be bound to attend in their Places, for the Purpose of being sworn, on the Day of the next Meeting of the House, in like Manner as on the Day first appointed for that Purpose.

If any such Member is not present within Three Hours after Four o'Clock, the Proceedings to be adjourned.

LXXI. And be it enacted, That if on the Day to which the swearing of the said Committee is so adjourned all the Members of the Committee do not attend, and be sworn, within One Hour after Four of the Clock (provided the House sits so long, or if not, then within the like Time of the following Day of sitting), or if on the Day first appointed for swearing the said Committee sufficient Cause be shown to the House before its rising why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged; and the General Committee shall meet on the following Day, or if such following Day happen during an Adjournment of the House, then on the Day to which the House stands adjourned, and shall proceed to choose a new Committee from the Panel on Service for the Time being, in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

If all the Members do not attend after Adjournment, the Committee to be discharged.

Proceedings of Election Committees.

LXXII. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time to be fixed by the House, which shall be within Twenty-four Hours of their being sworn at the Table of the House, unless a *Sunday*, *Christmas Day*, or *Good Friday* intervene; and the Place of their meeting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

Petitions and Lists to be referred to Committee, and Time and Place of meeting appointed by the House.

Proceedings of Election Committees.

LXXIII. And be it enacted, That every such Select Committee shall meet at the Time and Place appointed for that Purpose, and shall proceed to try the Merits of the Election Petition so referred to them, and they shall sit from Day to Day, *Sunday, Christmas Day*, and *Good Friday* only excepted, and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday, Christmas Day*, or *Good Friday* intervene, and in such Case not for more than Twenty-four Hours exclusive of such *Sunday, Christmas Day*, or *Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and if the House be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee have occasion to apply or report to the House, and the House be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

Committees not to adjourn for more than Twenty-four Hours without Leave of the House.

Evidence to be confined to Objections specified in Lists.

LXXIV. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by such Committee, against the Validity of any Vote not included in One of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than One of the Heads specified against him in such List.

No Member of Committee to absent himself.

LXXV. And be it enacted, That no Member of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown and verified upon Oath; and in every such Case the Member to whom such Leave is granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on such Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met; and in case all such Members do not meet within One Hour after the Time appointed for the First Meeting of such Committee, or within One Hour after the Time to which such Committee has been adjourned, a further Adjournment shall be made, and reported to the House by their Chairman, with the Cause thereof.

No Sitting till all be met. On Failure within One Hour, to adjourn.

Absentees to be directed to attend the House.

LXXVI. And be it enacted, That every Member whose Absence without Leave or Excuse is so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the said Select Committee.

Committee not to be dissolved by the Death or Absence of not more than Two Members.

LXXVII. And be it enacted, That an Election Committee shall not be dissolved by reason of the Death or necessary Absence of One Member or Two Members thereof only, but the remaining Members shall thenceforward constitute the Committee; and if there ever be occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman, and if in that Election there be an equal Number of Voices the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a second or casting Vote.

Committee reduced to less than Three by the Non-attendance of its Members to be dissolved, unless by Consent

LXXVIII. And be it enacted, That if the Number of Members able to attend any such Select Committee be, by Death or otherwise, unavoidably reduced to less than Three, and so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in the Case herein-after provided), and another shall be appointed to try the Petition referred to such Committee; and the General Committee and Members of the Chairmen's Panel shall meet for that Purpose as soon as conveniently may be after the Occasion arises, at a Day and Hour to be appointed by the General Committee, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that, if all the Parties before the Committee consent thereto, the Two remaining Members of the Committee, or the sole remaining Member, if only One, shall continue to act, and shall thenceforward constitute the Committee.

When Committee is deliberating, the Room to be cleared.

LXXIX. And be it enacted, That whenever any such Select Committee thinks it necessary to deliberate among themselves upon any Question arising in the course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them, as soon as they have heard the Evidence and Counsel on both Sides relative thereto, the Room where they sit shall be cleared, if they think proper, whilst the Members of the Committee consider thereof.

Questions to be decided by a Majority.

LXXX. And be it enacted, That all Questions before the Committee, if for the Time being consisting of more than One Member, shall be decided by a Majority of Voices; and whenever the Voices are equal the Chairman shall have a second or casting Voice; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee is divided.

Names of Members voting for or against any Question to be reported.

LXXXI. And be it enacted, That whenever the Select Committee is divided upon any Question, the Names of the Members voting in the Affirmative and in the Negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee.

Committee to be attended by a Short-hand Writer.

LXXXII. And be it enacted, That every such Committee shall be attended by a Shorthand Writer, appointed by the Clerk of the House of Commons, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as occasion requires, to write or cause the same to be written in Words at Length for the Use of the Committee.

LXXXIII. And

Proceedings of Election Committees.

Committee empowered to send for and examine Persons, Papers, and Records.

LXXXIII. And be it enacted, That every such Select Committee may send for Persons, Papers, and Records, and may examine any Person who has subscribed the Petition which such Select Committee are appointed to try, unless it otherwise appear to such Committee that such Person is an interested Witness, and they shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee may administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons (which Warrants the Speaker may issue from Time to Time as he thinks fit), disobey such Summons, or if any Witness before such Select Committee give false Evidence or prevaricate, or otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the course of their Proceedings report the same to the House for the Interposition of the Authority or Censure of the House, as the Case requires, and may, by a Warrant under his Hand directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputes, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House be then sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House stands adjourned.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

How Oaths to be administered.

LXXXIV. And be it enacted, That where in this Act anything is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may be sworn before any Justice of the Peace or Master of the High Court of Chancery.

Giving false Evidence to be Perjury.

LXXXV. And be it enacted, That every Person who wilfully gives false Evidence before the House of Commons, or before any Election Committee, or before the Examiner of Recognizances or Taxing Officer of the House of Commons, under the Provisions of this Act, or who wilfully swears falsely in any Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Committee to decide, and to report their Decision to the House.

LXXXVI. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election complained of in the Election Petition referred to them, and shall determine by a Majority of Voices, if for the Time being consisting of more than One Member, whether the sitting Members, or either of them, or any and what other Person, were duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committee may report their Determination on other Matters to the House.

LXXXVII. And be it enacted, That if any such Select Committee come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that they inform the House of such Determination, and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them seems proper.

Committees not dissolved by the Prorogation of Parliament.

LXXXVIII. And be it enacted, That if the Parliament be prorogued after the Appointment of any Select Committee for the Trial of any Election Petition, and before they have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament meets again for the Despatch of Business (*Sunday*, *Good Friday*, and *Christmas Day* always excepted); and all Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it is so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they have reported to the House their Determination on the Merits of such Petition.

Costs.

Costs where Petition reported frivolous or vexatious.

LXXXIX. And be it enacted, That whenever any Committee appointed to try an Election Petition reports to the House that such Petition was frivolous or vexatious, the Parties, if any, who have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Persons, or any of them, who signed such Petition, the full Costs and Expenses which such Parties have incurred in opposing the same, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs where Opposition reported frivolous or vexatious.

XC. And be it enacted, That whenever such Committee reports to the House that the Opposition made to any such Petition by any Party appearing before them was frivolous or vexatious, the Persons who signed such Petition shall be entitled to recover from the Party with respect to whom such Report is made the full Costs and Expenses which such Petitioners have incurred in prosecuting their Petition, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs where no Party appears to oppose a Petition.

XCI. And be it enacted, That whenever no Party has appeared before any such Committee in opposition to such Petition, and such Committee reports to the House that the Election or Return, or the Omission or Insufficiency of a Return, complained of in such Petition, was vexatious or corrupt, the Persons who signed such Petition shall be entitled to recover from the sitting Members (if any) whose Election or Return is complained of in such Petition (such sitting Members not having given Notice as aforesaid of their Intention not to defend the same), or from any other Persons admitted by the House as aforesaid to oppose such Petition, the full Costs and Expenses which such Petitioners have incurred in prosecuting their Petition, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs.

Costs upon frivolous Objections to Voters.

XCII. And be it enacted, That if any Ground of Objection be stated against any Voter in any List of Voters intended to be objected to as herein-before provided, and if such Select Committee be of opinion that such Objection was frivolous or vexatious, they shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover from the Party on whose Behalf any such Objections were made the full Costs and Expenses incurred by reason of such frivolous or vexatious Objections, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs upon unfounded Allegations.

XCIII. And be it enacted, That if either Party make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and either bring no Evidence in support thereof, or such Evidence that the Committee is of opinion that such Allegation was made without any reasonable or probable Ground, the Committee may make such Orders as to them seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expenses incurred by reason of such unfounded Allegation, such Costs and Expenses to be ascertained in the Manner herein-after directed.

Costs, how to be ascertained.

XCIV. And be it enacted, That the Costs and Expenses adjudged by any such Select Committee as aforesaid to be paid, or which otherwise may become payable, under the Provisions of this Act or the said recited Act of the Eighth Year of Her Majesty, to any Party prosecuting or opposing or preparing to oppose any Election Petition, or to any Witness summoned to attend before any Committee, under the Provisions of this or the said recited Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner, Party, or Witness, for ascertaining such Costs and Expenses, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances or by the Taxing Officer of the House of Commons; and the said Examiner or Taxing Officer shall examine and tax such Costs and Expenses, and shall report the Amount thereof, together with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party a Certificate, signed by himself, expressing the Amount of the Costs and Expenses allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate so signed by the Speaker shall be conclusive Evidence for all Purposes whatever as well of the Amount of the Demand as of the Title of the Party therein named to recover the same from the Party therein stated to be liable to the Payment thereof; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Persons appointed to tax Costs empowered to examine on Oath.

XCV. And be it enacted, That the Examiner of Recognizances or the said Taxing Officer may examine upon Oath any Party claiming any such Costs or Expenses, and any Witnesses tendered to him for Examination, and may receive Affidavits, sworn before him, or before any Master of the High Court of Chancery or any Justice of the Peace, relative to such Costs or Expenses.

Recovery of Costs when taxed.

XCVI. And be it enacted, That the Party entitled to such taxed Costs and Expenses, or his or her Executors or Administrators, may demand the whole Amount thereof, so certified as above, from any One or more of the Persons liable to the Payment thereof, and in case of Nonpayment thereof, on Demand, may recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum mentioned in the said Certificate; and the said Plaintiff shall, upon filing the said Declaration, together with the said Certificate and an Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court.

Persons paying Costs may recover a Proportion from other Persons liable thereto.

XCVII. And be it enacted, That in every Case it shall be lawful for any Person from whom the Amount of such Costs and Expenses have been so recovered to recover in like Manner from the other Persons, or any of them (if such there be) who are liable to the Payment of the same Costs and Expenses, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Recognizances when to be estreated, &c.

XCVIII. And be it enacted, That if any Person having subscribed an Election Petition presented under this Act, or under the said recited Act of the Eighth Year of the Reign of Her Majesty, neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness summoned on his Behalf before any Committee under the Provisions of this or the said recited Act the Sum so certified as aforesaid by the Speaker, under the Authority of this or the said recited Act, to be due to such Witness, or if such Petitioner neglect or refuse, for the Space of Six Months after Demand, to pay to any Party opposing the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Party for his Costs and Expenses, and if such Neglect or Refusal be, within One Year after the granting of such Certificate, proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case every Person who has entered into a Recognizance relating to such Petition under the Provisions of this or the said recited Act shall be

Costs.

be held to have made Default in his said Recognizance, and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer in *England*, if the Person who entered into such Recognizance reside in *England*, or into the Court of Exchequer in *Ireland* if such Person reside in *Ireland*, or into the Court of Exchequer in *Scotland* if such Person reside in *Scotland*, and shall also certify that such Person has made Default therein, and such Certificate shall be conclusive Evidence of the Validity of such Recognizance and of such Default; and the Recognizance, being so certified, if the Person who entered into such Recognizance reside in *England*, shall be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron or One of the Barons of the Court of Exchequer in *England*, or of some Officer appointed by the Court to receive the same, or if such Person reside in *Ireland* or *Scotland* shall be transmitted through the Post, in manner herein-after mentioned, to the Chief Baron of the Court of Exchequer in *Ireland*, or to One of the Judges of the Court of Session discharging for the Time the Powers and Duties of the Court of Exchequer in *Scotland*, as the Case may require, and in every such Case such Delivery or Transmission of such Recognizance shall have the same Effect as if the same were estreated from a Court of Law, and the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in the said Court.

Transmission of Recognizances of Parties in Ireland or Scotland through the Post.

XCIX. And be it enacted, That for the Purpose of transmitting any such Recognizance through the Post as aforesaid the Clerk or One of the Clerks Assistant of the House of Commons, or some other Person appointed by the Speaker for that Purpose, shall carry such Recognizance, under a Cover directed to the Lord Chief Baron or One of the Barons of the Court of Exchequer in *Ireland*, or to One of the Judges of the Court of Session discharging for the Time the Powers and Duties of the Court of Exchequer in *Scotland*, as the Case may require, to the General Post Office in *London*, and there deliver the same to the Postmaster General for the Time being, or to such other Person as the said Postmaster General shall depute to receive the same (and which Deputation such Postmaster General is required to make), who on Receipt thereof shall give an Acknowledgment in Writing of such Receipt to the Person from whom the same is received, and shall keep a Duplicate of such Acknowledgment, signed by the Parties respectively to whom the same is so delivered; and the said Postmaster General shall despatch all such Recognizances by the First Post or Mail after the Receipt thereof to the Person to whom the same is directed, accompanied with proper Directions to the Postmaster or Deputy Postmaster of the Town or Place to which the same is directed, requiring such Postmaster or Deputy Postmaster forthwith to carry such Recognizance, and to deliver the same to the Person to whom the same is directed, who (or some Officer appointed by the Court for that Purpose) is hereby required to give to such Postmaster or Deputy Postmaster a Memorandum in Writing under his Hand, acknowledging the Receipt of every such Recognizance, and setting forth the Day and Hour the same was delivered by such Postmaster or Deputy Postmaster, which Memorandum shall also be signed by such Postmaster or Deputy Postmaster, and by him transmitted by the First or Second Post afterwards to the said Postmaster General, or his Deputy, at the General Post Office in *London*.

Monies received under Recognizances to be paid into the Bank, and applied in Payment of Costs.

C. And be it enacted, That all Monies which shall be received or recovered by reason or in pursuance of the estreating of any such Recognizance as aforesaid shall, after deducting all Expenses incurred in respect thereof, be forthwith paid by the proper Officer for that Purpose into the Bank of *England*, to the Account of the Speaker and of the Examiner of Recognizances, and shall be applied by them, in manner herein-after mentioned, in satisfaction, so far as the same will extend, of the Costs and Expenses intended to be secured by such Recognizance.

Surety may pay Money into the Bank in discharge of his Recognizance.

CI. And be it enacted, That any Person who has entered into any such Recognizance may, before the same has been estreated, pay the Sum of Money for which he is bound by such Recognizance into the Bank of *England*, to the Account of the Speaker and the Examiner of Recognizances; and upon Production to the Examiner of Recognizances of a Bank Receipt or Certificate for the Sum so paid in, he shall endorse on the Recognizance in respect of which such Money has been so paid in a Memorandum of such Payment, and thereupon such Recognizance shall, so far as regards the Person by or on whose Behalf such Money has been so paid, be deemed to be vacated, and shall not afterwards be estreated as against him, but such Recognizance shall continue to be in force as regards any other Person who has entered into the same.

Examiner of Recognizances to order Payment of Expenses out of Money so paid into the Bank.

CII. And be it enacted, That in every Case in which any Money is paid into the Bank of *England* to the Account of the Speaker and the Examiner of Recognizances, as herein-before provided, a Bank Receipt or Certificate of the Amount so paid in shall be delivered to the Examiner of Recognizances by the Person paying in the same, and such Money shall, in the first place, and in such Order of Payment as the Examiner of Recognizances in his Discretion, but with the Approbation of the Speaker, thinks fit, be applied in satisfaction of all the Costs and Expenses for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter the Residue (if any) shall be paid to or transferred to the Account of the Party by whom or on whose Account the same was paid in.

Miscellaneous.

Returning Officer may be sued for neglecting to return any Person duly elected.

CIII. And be it enacted, That if any Sheriff or other Returning Officer shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall recover Double the Damages

he

Miscellaneous.

he has sustained by reason thereof, together with full Costs of Suit; provided such Action be commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commencement of Act.

CIV. And be it enacted, That this Act shall commence and take effect from the End of this Session of Parliament.

Provision for Election Petitions remaining at the Close of the present Session.

CV. And be it enacted, That if at the Close of the present Session of Parliament there be any Election Petitions before the House, the Order for taking which into consideration has not been discharged, and for trying which no Committees have been appointed, such Election Petitions shall, in case the Sureties relating thereto have been reported unobjectionable, be tried by Committees to be chosen under the Provisions of this Act, and shall be referred to the General Committee of Elections before any Petition presented in the next Session; and the General Committee shall, within Two Days after their first Meeting, appoint a Day and Hour for selecting a Committee to try every such Petition; and if the present Parliament be prorogued after the Appointment of a Select Committee for the Trial of any such Petition as aforesaid, and before they have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be adjourned in manner herein-before provided in the Case in which Parliament is prorogued after the Appointment of a Select Committee for the Trial of an Election Petition, and before they have reported to the House their Determination thereon; and in the Case of all such Petitions as aforesaid, all such further Proceedings shall be had with reference thereto as if this Act had been in force when such Petitions were presented; and the Recognizances entered into in respect of such Petitions shall be taken to be and remain in force, and shall take effect for securing Payment of all Costs and Expenses which the Petitioners shall be liable to pay, as if the same had been entered into under the Provisions of this Act.

No Stamps on Recognizances or Affidavits.

CVI. And be it declared and enacted, That no Recognizance entered into, or Affidavit sworn, under the Provisions of this Act, shall require to be impressed with any Stamp.

Short Title.

CVII. And be it enacted, That in citing this Act it shall be sufficient in all Cases to use the Expression "The Election Petitions Act, 1848."

Interpretation of Act.

CVIII. And be it enacted, That in construing this Act Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular, unless there be something in the Subject or the Context repugnant to such Construction; and the Words "Oath" and "Affidavit" respectively shall mean Affirmation in the Case of Quakers, or any Declaration lawfully substituted for an Oath in the Case of Persons allowed by Law to make a Declaration instead of taking an Oath.

Act may be amended, &c.

CIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

BE it remembered, That on the Day of in the Year of our Lord 184, before me *A.B.* Esquire [Examiner of Recognizances for the House of Commons, *or* One of Her Majesty's Justices of the Peace for the of], came and acknowledged himself [*or* severally acknowledged themselves] to owe to our Sovereign Lady the Queen the Sum of One thousand Pounds [*or* the following Sums, (that is to say,) the said the Sum of the said the Sum of the said the Sum of and the said the Sum of], to be levied on his [*or* their respective] Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if [*here insert the Names of all the Petitioners, and, if more than One, add,* or any of them,] shall well and truly pay all Costs and Expenses in respect of the Election Petition signed by him [*or* them] relating to the [*here insert the Name of the Borough, City, or County,*] which shall become payable by the said Petitioner [*or* Petitioners] under the Election Petitions Act, 1848, to any Witness summoned in his [*or* their] Behalf, or to the sitting Member, or other Party complained of in the said Petition, or to any Party who may be admitted to defend the same as provided by the said Act, then this Recognizance to be void, otherwise to be of full Force and Effect.

CAP. XCIX.

An Act to further extend the Provisions of the Act for the Inclosure and Improvement of Commons. [4th *September* 1848.]

8 & 9 Vict. c. 118.

'WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Nonexecution, of the Powers of General and Local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases:* And whereas an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to amend the Act to facilitate the Inclosure and Improvement of Commons:* And whereas an Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her present Majesty, intituled *An Act to extend the Provisions of the Act for the Inclosure and Improvement of Commons:* And whereas it is expedient that the Provisions

9 & 10 Vict. c. 70.

10 & 11 Vict. c. 111.

of

of the said Acts should be further extended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners in their Provisional Order in the Matter of any Inclosure to set forth any special Agreement or Matter concerning or affecting the Lands to be inclosed, and to make the same a Condition of such Inclosure; and that where, after an Application shall have been made to the Commissioners to sanction an Inclosure, or to certify the Expediency of an Inclosure, under the Provisions of the said firstly-recited Act, any Person interested within the Meaning of the said Act in Land not subject to the Operation of the Inclosure proposed to be made under such Application shall, by Application in Writing to the Commissioners, submit to the Operation of the proposed Inclosure such Land, or any Easement or other Right or Interest in such Land, in consideration of any Allotment, Easement, or Benefit to be made or secured under such Inclosure, and shall specify his Estate and Interest in such Land, the Commissioners, if they shall think the Proposal beneficial, may embody in their Provisional Order in the Matter of the said Inclosure any Directions and Agreements in reference to such Proposal, and make such Directions and Agreements a Condition of such Inclosure; and an Award made in the Matter of such Inclosure, in pursuance of any Provisional Order containing such Condition, and signed by the Person making such Application, shall have as full Effect and be as binding, as well as respects the Land or Right or Interest in Land which shall have been so submitted to the Operation thereof as the Lands subject to be inclosed under the original Application, as if the Land or Right or Interest in Land so submitted had been Land subject to be inclosed under the original Application, and as if such Person so interested had signed the same Application: Provided always, that if such Person shall refuse or neglect to sign such Provisional Order, such Inclosure may proceed as regards the Land the immediate Subject of such Inclosure as if no Application by such Person had been made, and as if the Directions and Agreements in reference to such Proposal had not been embodied in such Provisional Order: Provided also, that no such Direction or Agreement as last aforesaid shall be embodied in a Provisional Order unless Notice of the Intention so to do shall have been given by Advertisement in Two successive Weeks, and One Calendar Month shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Month any Person entitled to any Estate in or to any Charge upon the Land to be so submitted to the Operation of the Inclosure shall give Notice to the Commissioners of his Dissent from such Direction or Agreement, the Commissioners shall not embody such Direction or Agreement in such Provisional Order unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased.

Persons not interested in Lands to be inclosed may apply to submit Land to Operation of Inclosure.

II. 'And whereas the Provision of the said firstly-recited Act, that the Map to be annexed to the 'Valuer's Report shall comprise and show the Lands in respect of which any Allotments have been made, 'occasions unnecessary Expense in certain Cases:' Be it enacted, That it shall be lawful for the Commissioners, in the Matter of any Inclosure, if they shall think fit, by Order under their Seal, to direct that such Lands shall not be comprised nor shown in such Map, and after such Direction shall have been made by any such Order in the Matter of any Inclosure, it shall not be necessary for the Valuer to comprise or show any such Lands in any such Map to be annexed to his Report.

Maps of old inclosed Lands may be dispensed with.

III. And be it enacted, That where the Valuer, acting in the Matter of any Inclosure, shall certify in Writing to the Commissioners that the Value of the Allotment of any Person interested in the Lands to be inclosed, in case such Allotment should be made, would not exceed Five Pounds in Value, it shall be lawful for the Commissioners, with the Consent of such Person, to direct the Valuer under their Seal to award to such Person, in lieu of such Allotment, a Sum of Money which he shall deem equivalent in Value to the Allotment which would have been made to him in respect of his Right and Interest under the said recited Act; and every such Sum shall be set forth in the Valuer's Report before the same is deposited; and the Sum of Money which may be awarded in respect of such Right and Interest may be raised in the same Way that Money may be raised for Expenses incident to Inclosures under the Provisions of the said recited Act, and shall be paid to the Party for the Time being interested, as in the Case of Surplus of Purchase Money on the Sale of Part of an Allotment for Expenses.

Allotments of less than Five Pounds Value may be compensated in Money.

IV. And be it enacted, That the Valuer acting in the Matter of any Inclosure may, where he shall think fit, set out such Private or Occupation Roads and Ways through the Land to be inclosed as by reason of the Alteration of public Roads or Ways, or otherwise, he shall think requisite for the Use, wholly or in part, of Persons interested in other Lands; and any Expenses which the Valuer may incur in relation to the setting out or Formation or Completion of such private Roads, or any of them, shall, unless the Valuer shall otherwise direct, be paid by such of the Owners for the Time being of the Land the Subject Matter of such Inclosure, and of the Owners of Land for whose Use the said Roads shall have been set out, or of either of such Classes, and in such Shares and Proportion as the Valuer shall direct; and after the Formation and Completion of such private Roads and Ways the same shall be maintained and kept in repair by and at the Expense of such of the said several Owners, in such Shares and Proportions and in such Manner as the Valuer shall direct: Provided always, that the Grass and Herbage on such Roads shall be subject to the same Regulations as if they had been Private or Occupation Roads set out under the said firstly-recited Act.

Valuer may set out Private and Occupation Roads in certain Cases for Use of Lands other than Lands to be inclosed.

V. And be it enacted, That it shall be lawful for the Valuer, with the Sanction of the Commissioners, by his Award to direct that the Expenses of repairing, cleansing, and maintaining all or any of the private Roads and Ways, Common Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges, thereby directed to be set out and made, enlarged, or altered and maintained, shall be raised by Rate to be

Expenses of maintaining private Roads, &c. may be raised by a Rate on Owners.

be levied on the Lands of which the Owners for the Time being might have been directed by such Award to repair, cleanse, and maintain the same Roads, Ponds, Ditches, Watercourses, Embankments, Tunnels, and Bridges respectively, in such Proportions as he shall by his Award direct.

Rating Officer may be appointed for repairing private and common Ronds, Ditches, &c.

VI. And be it enacted, That where the Expenses of repairing, cleansing, and maintaining any Private or Occupation Roads and Ways, Common Ponds, Ditches, Watercourses, Embankments, Tunnels, or Bridges shall have been directed to be raised by Rate as aforesaid, a Meeting shall be called by the Commissioners of the Owners of the Lands subject to such Rate, at such Time after the Confirmation of the Award as the Commissioners shall by Notice on the Church Door appoint; and the major Part in Value of such Owners present, by themselves or their Agent authorized in this Behalf, at such Meeting, shall elect a fit Person to be Rating Officer; and every such Officer so to be elected as aforesaid, or to be elected or re-elected at any subsequent Meeting, shall continue in Office until the Expiration of Fifteen Days after the Day of the Annual Meeting of such Owners then next following, and no longer, unless he shall be re-elected at such Annual Meeting; and such Owners shall ever after such first Meeting meet for the Election of a Rating Officer on the First *Monday* in *February* in every Year; and the Owners assembled at such Meetings shall from Time to Time fix, increase, or diminish the Salary or Payment to be made to every such Rating Officer; and any such Rating Officer may be removed by Four Fifths in Value of the Owners of such Lands present, by themselves or their Agents authorized in this Behalf, at any Meeting called for the Purpose, by Fourteen Days Notice on the Church Door, under the Hands of any Two such Owners; and in case any such Rating Officer shall die while he shall hold such Office, or shall be removed as aforesaid, it shall be lawful for the Majority in Value of Owners of such Lands present as aforesaid at any Meeting, which upon such Vacancy any Two Owners may call, by Fourteen Days Notice on the Church Door, to appoint a Rating Officer in his Place, who shall hold the Office until the Expiration of Fifteen Days after the then next Annual Meeting; and a Certificate in Writing, under the Hands and Seals of Two Justices of the Peace, of the Election of any Rating Officer, (which Certificate any Two Justices of the Peace are authorized, if they think fit, to give, on the Request and upon the Declaration of any Owner of such Lands, or the Agent of any such Owner, present at the Meeting at which the Election shall have taken place,) shall, in all Matters and Proceedings whatsoever in which any Acts done by any Rating Officer in the Execution of his Office shall be in question, be Evidence that he was duly appointed Rating Officer.

How Rates to be raised.

VII. And be it enacted, That the Rating Officer for the Time being shall, subject to such Orders and Instructions in Writing as may from Time to Time be agreed on by the Majority in Value of the Owners of such Lands as aforesaid at their yearly Meetings, maintain and keep in order the said Roads, Ways, Common Ponds, Ditches, Drains, Watercourses, Embankments, Tunnels, and Bridges, and shall, for the Payment to be made to Rating Officers, and all Expenses in and about the Premises, under the Directions of any such Meeting of Owners, from Time to Time, make a Rate on the respective Owners for such Sum as the Majority in Value of Owners present at such Meeting shall think requisite, and every such Rate shall be apportioned and paid by the Owners according to the Proportions directed by the Award as aforesaid, and shall be paid to the Rating Officer on Demand thereof, and in case the same shall not be paid within Fourteen Days after Demand thereof shall be recoverable by such Rating Officer by Distress; and any such Demand or Distress may be made of or on the Occupier of any such Land as if the Occupier were the Owner liable to the Payment of such Rate, and such Rate may be paid by any such Occupier on Demand thereof; and the Money so paid by such Occupier shall be deemed a Payment on account of his Rent, and shall be allowed by his Landlord accordingly.

Money raised for Expenses to be paid to Commissioners.

VIII. And be it enacted, That where any Persons shall, under the Provisions of the said first-recited Act, mortgage their Allotments or demise the same in trust, for the Purpose of raising Money to defray the Inclosure Expenses, the said Money shall be paid to the Commissioners, and the Receipt of the Commissioners shall be a sufficient Discharge to the Mortgagee or Lessee for the Receipt of such Money; and such Money shall be applied by the Commissioners for the Purpose for which it may be raised under the said recited Act.

How Claims may be made.

IX. And be it enacted, That notwithstanding anything in the said first-recited Act contained it shall be lawful for the Valuer in the Matter of any Inclosure to receive any Claims in Writing made by any Persons claiming any Common or other Right or Interest in such Inclosure, although such Claims may not contain the several Particulars in respect whereof they are made, nor distinguish the Claims in respect of Freehold, Copyhold, or Customary and Leasehold Property from each other, nor mention therein the Places of Abode of the respective Claimants or their Agents; but such Claims shall be good and valid if the Persons making the same shall state therein that they claim Common or other Right or Interest in the Land proposed to be inclosed in respect of the Land, Premises, or Right named in such Claims: Provided always, that it shall be lawful for the Valuer to require Persons delivering any Claims to amend the same in such Particulars and on such Conditions as the said Valuer shall think just and reasonable, and no such Claims shall be inserted in the Statement of Claims to be deposited by him under the Provisions of the said Act until the Places of Abode of the respective Claimants, or their Agents, shall have been given in Writing in the said Claims or indorsed thereon.

How Person trespassing where Rights suspended or extinguished, or Allotments

X. And be it enacted, That where the Valuer acting in the Matter of any Inclosure shall, under the Authority and Direction of the Commissioners, and in manner provided by the said first-recited Act, have ordered all or any Part of the Rights of Sheep-walk, Common, or other Rights in or over the Land to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, or where such Valuer shall have directed any of the Allotments to be made in such Inclosure to be entered upon

upon by the Persons respectively for whom the same shall be intended, if any Person shall wilfully or maliciously commit any Damage, Injury, or Spoil to or upon any Fences, Ditches, or other Works made or done for the Purposes of such Inclosure, or to or upon any such Allotment, the Person so offending, being convicted thereof before Two Justices of the Peace having Jurisdiction in the County or Place, shall forfeit and pay such Sum of Money as shall appear to such Justices to be a reasonable Compensation for the Damage, Injury, or Spoil so committed, not exceeding the Sum of Five Pounds, and such Sum shall be paid to the Valuer, to be applied by him in aid of the Expenses in such Inclosure, or to the Person in possession of such Allotment, as the Justices may think fit and direct; and the Provisions of the Act of the Seventh and Eighth Years of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to malicious Injuries to Property*, concerning the Apprehension of Offenders and the Prosecution of Offences punishable on summary Conviction under such Act, and the Form of such Conviction, and concerning the Cases of a summary Conviction under such Act, where the Sum which shall be forfeited for the Amount of the Injury done shall not be paid, and all other Provisions of such Act consequent upon or in relation to such Proceedings and Conviction, shall be applicable to the Offences under this Act, and the Prosecution and Conviction for the same respectively, save that any Matter by the said Act directed to be done by the Justice shall be done by Two Justices as aforesaid.

entered upon, may be proceeded against.

7 & 8 G. 4. c. 30.

XI. And be it enacted, That where the Valuer acting in the Matter of any Inclosure shall have directed any of the Allotments to be entered upon by the Persons for whom the same shall be intended, it shall be lawful for any Person who shall have entered upon or taken possession of any such Allotment by virtue of such Direction, or his Tenant, to commence, prosecute, and maintain any Action of Trespass, Ejectment, or other Suit at Law for any Entry upon or Injury or Damage that may be done or committed to such Allotment, or the Soil or Herbage thereof, or the Fences thereof, or for the Recovery of the Possession thereof, although the Award in the Matter of such Inclosure may not have been made, without Prejudice nevertheless to the Power of the Valuer, under the said Acts, to make Alterations in Allotments.

Person having taken possession of Allotment may maintain Action for Damage.

XII. And be it enacted, That where any Person to whom an Allotment shall have been made by an Award in the Matter of any Inclosure, or the Owner for the Time being of such Allotment, shall refuse or neglect to make any Ditch or Fence which, according to the Directions of such Award, ought to be made by or at the Expense of the Owner of such Allotment, it shall be lawful for the Owner or Occupier of any other Allotment made in the same Inclosure, who shall be aggrieved in the Enjoyment of his Allotment by such Refusal or Neglect, to cause the Person so refusing or neglecting to be served, in the Manner herein-after mentioned, with a written Notice, signed by the Owner or Occupier so aggrieved, or his Agent, of his Intention to proceed under the Authority of this Act to make such Ditch or Fence, in case the same should not be made within Three Calendar Months from the Time of serving such Notice; and in case such Ditch or Fence shall not be made within such Three Calendar Months, it shall be lawful for the Owner or Occupier so aggrieved, or his Agent (if such Owner or Occupier shall so think fit), to make or cause to be made such Ditch or Fence in such Manner as the same ought to have been made according to the Directions of the said Award, by the Owner so neglecting or refusing as aforesaid, and for such Purpose, with Labourers and Workmen, to enter upon the Allotment by the Owner of which such Ditch or Fence ought to have been made, and to do all such Acts as may be necessary or proper; and all Costs and Expenses incurred in such Work by the Owner or Occupier so aggrieved shall be reimbursed to him by the Owner so neglecting or refusing as aforesaid, and may be recovered by Action of Debt or on the Case, and if the Amount claimed in respect thereof shall not be more than Twenty Pounds shall be recoverable in the County Court of the District where the Work shall be done; and any Notice as aforesaid may be served either personally or by leaving the same with some Person being in and apparently residing at the Place of Abode of the Owner for the Time being of the Allotment to which such Notice shall relate; but if such Owner cannot be found, and his Place of Abode shall not be known, or Admission thereto cannot be obtained for serving such Notice, the posting of such Notice conspicuously on the Allotment to which the same shall relate shall be deemed good Service on the Owner thereof: Provided always, that neither the Power herein-before contained, nor the making of such Ditch or Fence by the Owner or Occupier so aggrieved as aforesaid, shall affect any Right or Remedy which such Owner or Occupier would otherwise have had in respect of the Neglect to make such Ditch or Fence, or of any Trespass or Damage occasioned thereby.

On Neglect of Owner of an Allotment to fence, Owner of any other Allotment prejudiced by his Neglect may obtain Possession and do the necessary Work.

XIII. 'And whereas it is expedient that the Provisions of the said recited Acts concerning Exchanges 'should extend to Partition:' Be it enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of the Persons interested, according to the Definitions in the said first-recited Act contained, in the several undivided Parts or Shares of any Land not subject to be inclosed under the said first-recited Act, or in Land subject to be inclosed under such Act as to which no Proceedings for an Inclosure shall be pending, and who shall desire to effect a Partition of such Land, to direct Inquiries whether such proposed Partition would be beneficial to the Owners of such undivided Parts or Shares, and in case the Commissioners shall be of opinion that such Partition would be beneficial, and that the Terms of the proposed Partition are just and reasonable, they shall, unless Notice of Dissent to the proposed Partition shall be given, under the Provision herein by Reference contained, cause to be framed and confirmed an Order of Partition, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Land allotted in Severalty to each Person so interested in respect of the undivided Part or Share in which he shall be so interested respectively; and the Land allotted in Severalty upon every such

Provisions of Inclosure Acts concerning Exchanges of Land not subject to be inclosed, &c. extended to Partition.

such Partition, in respect of each such undivided Part or Share, shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the undivided Part or Share in respect whereof the same shall be allotted would have stood limited or been subject to in case such Order had not been made.

Provisions of Inclosure Acts applicable to such Exchange to apply to Partition under this Act.

XIV. And be it enacted, That the Provisions of the said first-recited Act concerning Notice, Dissent, and Confirmation and Expenses with respect to an Exchange of Lands not subject to be inclosed under such Act, or of Lands subject to be inclosed under such Act, as to which no Proceedings for an Inclosure shall be pending, and all other Provisions of the said first-recited Act and of the Acts for amending and extending the same, applicable to such Exchange as aforesaid, shall be applicable to a Partition of Land under this Act.

In Common Wood Inclosure Power to pay Value of Allotments to Crown in Money.

XV. 'And whereas by the Provisional Order made by the Inclosure Commissioners in the Matter of 'the Inclosure of Common Wood situate in the Parish of *Holt* in the County of *Denbigh*, dated the 'Twenty-ninth Day of *January* One thousand eight hundred and forty-six, it was declared that One 'Twentieth Part in Value of the said Common Wood should be allotted to Her Majesty as Lady of the 'Manor of *Bromfield* and *Yale* in respect of Her Right and Interest in the Soil, exclusively of all Right 'and Interest of Her Majesty in all Mines, Minerals, Stone, and other Substrata under the said Common 'Wood: And whereas it is expedient that the said One Twentieth Part in Value of the said Common 'Wood should be compensated by a Money Payment, and not by an Allotment of Land:' Be it therefore enacted, That it shall be lawful for the Valuer in the Matter of the said Inclosure to award, and for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being to receive, on behalf of Her Majesty, the Value of the said One Twentieth Part of the said Common Wood in Money, the same to be accounted for and applied in the same Manner as Monies received by them in respect of Sales of the Possessions and Land Revenues of the Crown in *England*; and from and immediately after Payment thereof as aforesaid such Payment shall be in full Satisfaction of all the Right, Title, and Interest of Her Majesty, Her Heirs and Successors, in, to, over, and upon the said Common Wood, save and except of the Rights and Interests in Mines, Minerals, Stone, and other Substrata reserved to Her Majesty, Her Heirs and Successors, by the said Provisional Order.

Recited Acts deemed Part of this Act.

XVI. And be it enacted, That this Act shall be taken to be Part of the said recited Acts of the Eighth and Ninth, of the Ninth and Tenth, and of the Tenth and Eleventh Years of the Reign of Her present Majesty.

CAP. C.

An Act to permit the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom. [4th *September* 1848.]

10 & 11 Vict. c. 6.
4 G. 4. c. 94.
6 G. 4. c. 80.

'WHEREAS an Act was passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to further encourage the Distillation of Spirits from Sugar in the United Kingdom*; and in an 'Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in* Scotland *and* Ireland, *and upon Licences for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty*, it is 'enacted, "that it shall not be lawful for any Distiller in *Scotland* or *Ireland* licensed under this Act to '"make or brew any Wort or Wash or to make or distil any Spirits from Sugar, or from any Materials '"other than Malt, Corn, or Grain, or any Mixture thereof; and if any such Distiller shall make or '"brew any Wort or Wash or shall make or distil any Spirits from Sugar, or from any Materials other '"than Malt, Corn, or Grain, or some Mixture thereof, such Distiller shall forfeit the Sum of Two '"hundred Pounds, and all such Wort, Wash, and Spirits shall be forfeited, and may be seized by any '"Officer of Excise;" and in another Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits, without Payment of Duty, for Exportation*, there are enacted the following Clauses, Provisions, and Regulations: "That it shall '"not be lawful for any Distiller to make or brew at the same Time any Wort or Wash or to make or '"distil any Spirits from Malt, Corn, or Grain, or any Mixture thereof, and from Sugar or Potatoes or '"any Mixture thereof respectively, or to make or brew any Wort or Wash or distil any Spirits from '"any other Materials whatsoever; and if any such Distiller shall at the same Time make or brew any '"Wort or Wash or shall make or distil any Spirits from Malt, Corn, or Grain, or any Mixture thereof, '"and from Sugar or Potatoes or any Mixture thereof respectively, or shall at any Time make or brew '"any Wort or Wash or distil any Spirits from any other Materials whatsoever, such Distiller shall '"forfeit the Sum of Two hundred Pounds, and all such Wort, Wash, and Spirits shall be forfeited, and '"may be seized by any Officer of Excise;" and further, "that every Distiller who shall, under the '"Regulations of this Act, intend or desire to distil Spirits from Worts or Wash brewed and made from '"Sugar or Potatoes only, shall, Six Days before he shall commence to brew or make any Wort or Wash, '"give Notice in Writing to the proper Officer surveying such Distillery, in which Notice shall be '"stated that such Distiller intends to use Sugar or Potatoes only, not being mixed with any other '"Materials whatever; and if at any Time after such Notice shall have been given any Corn, Grain,

'"or

‘ “ or Malt, ground or bruised, or other Material for Distillation except Sugar or Potatoes, according to
‘ “ such Notice as aforesaid, shall be found in such Distillery, or in any Store, Mill, or other Premises
‘ “ thereto belonging, or if any Wort or Wash made of any Materials save and except Sugar or Potatoes
‘ “ only, as the Case may be, according to such Notice, shall be found in the Distillery of such Distiller,
‘ “ or in any Store belonging to such Distillery, then and in each and every such Case such Distiller shall
‘ “ (except in the Case herein-after provided) forfeit the Sum of Two hundred Pounds;” provided “ that
‘ “ if any Distiller who shall have given any such Notice of using Sugar or Potatoes only as aforesaid
‘ “ shall intend to commence or to recommence to use the other of them, or to use Corn or Grain and
‘ “ Malt, at any Time when there shall not be any Wort or Wash or Sugar or Potatoes respectively in
‘ “ the Distillery of such Distiller, such Time being at least One Calendar Month distant from the Time
‘ “ such Distiller began to use Sugar or Potatoes only under any such Notice, it shall be lawful for such
‘ “ Distiller, on giving Six Days previous Notice to the proper Officer, so to commence or recommence
‘ “ to use the other of them, or to use Corn or Grain and Malt, and such Distiller shall not thereafter be
‘ “ liable to any such Penalty aforesaid; provided also, that if any Distiller using Corn or Grain and Malt
‘ “ shall be desirous of commencing or recommencing to use Sugar or Potatoes only as aforesaid, at any
‘ “ Time when there shall not be any Wort or Wash, or Malt, Corn, or Grain, in the Distillery of such
‘ “ Distiller, such Time being at least One Calendar Month from the Time such Distiller shall have com-
‘ “ menced or recommenced using Corn or Grain and Malt as aforesaid, it shall be lawful for such
‘ “ Distiller, on giving Six Days Notice as aforesaid, so to commence or recommence to use Sugar or
‘ “ Potatoes only;” and further, “ that from and after the Fifth Day of *January* One thousand eight
‘ “ hundred and twenty-six it shall be lawful for any Licensed Distiller in *Scotland* or *Ireland* to make
‘ “ or brew any Wort or Wash and to make or distil Spirits from Sugar only, or from Potatoes only,
‘ “ anything in any other Act or Acts of Parliament to the contrary notwithstanding; provided always,
‘ “ that whenever Sugar or Potatoes are used for that Purpose the same shall be done under the like
‘ “ Rules and Regulations as are contained in a certain Act made in the Fourth Year of the Reign of His
‘ “ present Majesty, for granting certain Duties of Excise upon Spirits distilled from Corn or Grain in
‘ “ *Scotland* and *Ireland*, and upon Licences for Stills for making such Spirits, and to provide for the
‘ “ better collecting and securing such Duties, and for the warehousing of such Spirits without Payment
‘ “ of Duty, for making or brewing Wort or Wash and making and distilling Spirits from Malt only,
‘ “ unmixed with any unmalted Corn or Grain, except that in the annual Account of every such Dis-
‘ “ tiller, so far as shall relate to Spirits made or distilled from Sugar, he shall be chargeable and charged
‘ “ with Duty after the Rate or Proportion of One Gallon of Proof Spirits for every Four Degrees of
‘ “ the declared Gravity of the Worts from which such Spirits were made or distilled:” And whereas it
‘ is expedient to repeal the said Act of the Tenth Year of the Reign aforesaid, and so much of the said
‘ Acts of the Fourth and of the Sixth Years of the Reign aforesaid as are before recited, and to permit
‘ the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom, under the Regu-
‘ lations after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Act of the Tenth Year of the Reign aforesaid, and so much of the said Acts of the Fourth and of the Sixth Years of the Reign aforesaid as are before recited, shall be and the same are hereby repealed, save and except as to any Allowance granted by the said Act of the Tenth Year aforesaid, and payable for or in respect of any Spirits distilled before the passing of this Act, and save and except as to any Penalty or Forfeiture before then incurred under the said Act of the Tenth Year aforesaid, or under any of the Clauses of the said Acts of the Fourth and of the Sixth Years aforesaid, before recited.

Repeal of first-recited Act and of Part of the Two last-recited Acts.

II. And be it enacted, That every Licensed Distiller in *England* may make or brew Worts or Wash and may distil Spirits from Sugar only, or from Potatoes only, or from Molasses only, or from the Extract or Preparation from Sugar or Molasses commonly known or called by the Name of Treacle, or from any Mixture of Sugar, Molasses, and Treacle, or of any Two of them, or from any Mixture of Sugar, Molasses, and Treacle, or any of them, and Malt or Grain, under the Provisions of this Act and of the said Act of the Sixth Year aforesaid (so far as the same is not hereby repealed), and under and subject to the Duties and Regulations, Penalties and Forfeitures, now by Law imposed for and in respect of Spirits distilled in *England*; and every Licensed Distiller in *Scotland* or *Ireland* may make or brew Worts or Wash and may distil Spirits from any of the Materials aforesaid, or from any Mixture of the Materials, as before specified, under the Provisions of this Act and of the said Act of the Fourth Year aforesaid (so far as the same is not hereby repealed), and under and subject to the respective Duties and Regulations, Penalties and Forfeitures, now by Law imposed for and in respect of Spirits distilled in *Scotland* and *Ireland* respectively.

Licensed Distillers may distil from Sugar only, or from Potatoes only, or from Molasses only, or from Treacle, or from any of these Materials and Malt or Grain mixed.

III. Provided always, and be it enacted, That in the annual Account on which a Charge of Duty may be made on every such Distiller, by the said Acts of the Fourth and Sixth Years of the Reign of His said Majesty King *George* the Fourth, when the Spirits are distilled from Sugar only, he shall be chargeable and charged with Duty after the Rate or Proportion of One Gallon of Proof Spirits for and in respect of every One hundred Gallons of the Worts or Wash attenuated during the Period of such annual Account for every Four Degrees of the Gravity specified in the Notice or Notices given by such Distiller of the Gravity of the Worts intended to be made by him during such Period in his Distillery; and when the Spirits are distilled from Sugar and any Mixture of such Materials, as before specified, he shall be chargeable and charged with Duty after the Rate or Proportion aforesaid for and in respect of the Worts made from Sugar, and for and after the Rate or Proportion of One Gallon of Proof Spirits for and in respect

Charge on annual Account when Sugar only is used, and when Sugar mixed with Grain, &c. is used in the brewing the Worts.

respect of every One hundred Gallons of the Worts or Wash attenuated during the Period of such annual Account for every Five Degrees of the Gravity specified in such Notice or Notices as aforesaid for and in respect of the Worts made from Grain, Molasses, and Treacle; and for the Purpose of ascertaining what Proportion of the whole Worts made during the Period comprised in such annual Account has been made from Sugar, and what from Grain, Molasses, and Treacle, it shall be calculated that the Quantity of Sugar necessary to make One Gallon of Worts at the Gravity specified in such Notice is the Quantity in Pounds Weight Avoirdupois of solid Extract *per* Imperial Gallon as indicated by the Saccharometer and such Tables as are approved of by the Commissioners of Excise for that Purpose, with Five *per Centum* added for Moisture and Impurities in the Sugar to such indicated Weight, and the total Number of Gallons of Worts made from Sugar shall be so calculated from the Quantity of Sugar removed from the Store-room in the Presence of the proper Officer to the Mash Tun or other Vessel, as in this Act after mentioned, and actually used in brewing or making the Worts distilled during the Period of such annual Account, and such Quantity of Worts being deducted from the whole Quantity of Worts made during the Period comprised in such annual Account, the Residue shall be deemed and taken to have been made from Grain, Molasses, and Treacle.

Distiller not to distil from other Materials than Malt and Grain, except as provided by this Act and 2 & 3 W. 4. c. 74.

IV. And be it enacted, That, except as provided by this Act, and by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to permit the Distillation of Spirits from Mangel Wurzel*, it shall not be lawful for any Licensed Distiller in *England*, *Scotland*, or *Ireland* to make or brew any Worts or Wash or to distil any Spirits from any other Materials whatsoever than Malt, Corn, or Grain, or some Mixture thereof; and if any Licensed Distiller in *England*, *Scotland*, or *Ireland* makes or brews any Worts or Wash or distils any Spirits otherwise than as aforesaid he shall incur the Penalty of Two hundred Pounds, and all such Materials, Worts, Wash, and Spirits shall be forfeited.

Notice to be given by the Distiller of his Intention to use Sugar, &c.

V. And be it enacted, That every Distiller who is desirous of distilling Spirits from Worts or Wash made or brewed from any of the Materials as aforesaid, or from any Mixture of the Materials, as before specified, under the Provisions of this Act, shall, Six Days before he commences to brew any such Worts or Wash, give Notice in Writing to the proper Officer surveying his Distillery of his Intention so to do, specifying in such Notice which of the particular Materials aforesaid, or what Mixture of the Materials, as before specified, he intends to use, and that the same are not mixed with any other Materials whatever; and if at any Time after such Notice has taken effect any other Materials for Distillation than according to such Notice are used in the Distillery of such Distiller, or are found in any Place in or about such Distillery, other than the Rooms or Places entered for keeping such Materials, then and in every such Case such Distiller shall incur the Penalty of Two hundred Pounds, and all Materials found contrary hereto shall be forfeited.

Distiller may change his Materials, on Notice.

VI. Provided always, and be it enacted, That if any Distiller who has given any such Notice as aforesaid is desirous of commencing or recommencing to use any other of the Materials aforesaid, or any other of the Mixtures of Materials in this Act before specified, and other than as mentioned in the Notice by him before given, such Distiller may do so at any Time (such Time being at the Close of a distilling Period, and at least Seven Days distant from the Time when such Distiller began to use such Materials under the Notice last given by him), on giving Six Days previous Notice in Writing to the proper Officer of his Intention so to do.

No Sugar or Molasses to be received by Distillers except from the Customs Warehouse, and in same State as when cleared on Payment of Duty, the same to be accompanied with a Certificate from the proper Officer of Customs.

VII. And be it enacted, That no Distiller of Spirits using Sugar or Molasses for the Distillation of Spirits shall receive into his Custody or Possession any such Sugar or Molasses except from the Warehouse in which the same was warehoused under the Laws and Regulations of the Customs, and in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon, in which the same was cleared and delivered from such Warehouse on Payment of the Duty; and all such Sugar or Molasses shall be accompanied with a Certificate from the proper Officer of Customs, setting forth the Name of the Warehouse or Place from which the Sugar or Molasses is removed, and the Name of the Distillery and Distiller where and to whom the same is to be carried, and the Kind or Quality of such Sugar or Molasses, and the Number of Hogsheads, Puncheons, Casks, Bags, and Packages in which the same is contained, together with the Marks and Numbers thereon respectively, with the Tare and Net Weight of each, and the Amount and Rate of Duty paid on such Sugar or Molasses, together with the Date of such Payment; and every Distiller who receives into his Custody or Possession any Sugar or Molasses except as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall for every such Offence incur the Penalty of Two hundred Pounds, and all such Sugar or Molasses shall be forfeited.

No Treacle to be received by Distillers except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, and unless accompanied with Certificate from

VIII. And be it enacted, That no Distiller of Spirits using Treacle as aforesaid for the Distillation of Spirits shall receive into his Custody or Possession any such Treacle except from the Warehouse of the Sugar Refiner or Manufacturer of such Treacle from Sugar or Molasses, and in the same State, and in the same Hogsheads, Puncheons, or Casks, (none of them being less than of the Content of Fifty Gallons,) with the same Marks and Numbers thereon, in which the same was first prepared and packed in Warehouse; and all such Treacle shall be accompanied with a Certificate from the Sugar Refiner or Manufacturer by whom the same was made or prepared, setting forth the Name of the Warehouse or Place where such Treacle was made and from which the same was removed, and the Name of the Distillery and Distiller where and to whom the same is to be carried, and the Number of Hogsheads, Puncheons, and Casks, not being less than aforesaid, in which the same is contained, together with the Marks and Numbers thereon respectively, with the Tare and Net Weight of each; and every Distiller who receives into his

Custody

Custody or Possession any Treacle except as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall for every such Offence incur the Penalty of Two hundred Pounds, and all such Treacle shall be forfeited. the Refiner or Manufacturer.

IX. And be it enacted, That every Distiller intending to use Sugar or Molasses or Treacle, as aforesaid, in the Distillation of Spirits, shall provide and keep a separate and convenient and secure Storehouse or Room for each (if so required by the Commissioners of Excise) at his Distillery, which has sufficient Light, and is approved of by the Commissioners of Excise, for the Purpose of depositing, storing, and securing therein respectively the Sugar, Molasses, or Treacle received by him for the Distillation of Spirits, and every such Storehouse or Room, when so approved of, shall be specially entered by such Distiller for the Purpose aforesaid, and the proper Collector or Supervisor of the District shall provide and affix proper Locks and Fastenings thereto, at the Expense of such Distiller, who may, if he please, affix other Locks and Fastenings thereto, the Keys of which last-mentioned Locks he may keep; and in such separate Storehouse or Room every such Distiller shall keep all Sugar, Molasses, or Treacle received by him as aforesaid, to be deposited therein in the Presence of an Officer of Excise, and on such Notice as after mentioned; and no such Sugar, Molasses, or Treacle shall be delivered or removed out of any such Storehouse or Room except in the Presence of an Officer of Excise, and on such Notice as after mentioned, and except for the Purpose of being conveyed immediately to the Mash Tun or to such other Vessel as with the Approbation of the Commissioners of Excise is entered for that Purpose, to be there immediately dissolved and used in the Manufacture of Spirits; and if any such Distiller refuses or neglects to provide and keep any such Storehouse or Room, or to make Entry thereof, as aforesaid, or refuses or neglects to pay for any Lock, Key, or Fastening for securing the same provided and fixed by such Collector or Supervisor as aforesaid, or obtains Admission or Entrance into any such Storehouse or Room, or has the Means of so doing, or deposits any Sugar, Molasses, or Treacle therein, or removes any Sugar, Molasses, or Treacle therefrom, except in the Presence of and upon due Notice to the proper Officer of Excise, and except for such Purpose as aforesaid, or does not deposit in a separate and secure Storehouse or Room as aforesaid all Sugar, Molasses, or Treacle received by him, every such Distiller shall for every such Offence incur the Penalty of Two hundred Pounds, and all Sugar, Molasses, and Treacle deposited or removed contrary hereto shall be forfeited. Distiller using Sugar, &c. to provide Storehouses at his Distillery, to be approved of, in which all Sugar, &c. received by him shall be deposited, and secured under Lock of the proper Officer. No Sugar, &c. to be removed out of such Storehouse, except in the Presence of an Officer of Excise. Penalty.

X. And be it enacted, That every Distiller using Sugar, Molasses, or Treacle, as aforesaid, for the Distillation of Spirits, shall, before receiving any such Sugar, Molasses, or Treacle, give Twelve Hours previous Notice in Writing to the Officer surveying his Distillery of the Time of Arrival of such Sugar, Molasses, or Treacle; and every such Distiller shall, on the Attendance of the Officer on such Notice, produce to him all the Sugar, Molasses, or Treacle, as the same have been respectively received by him, in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon, as the same was cleared and delivered from the Customs Warehouse on Payment of Duty, if Sugar or Molasses, (or as the same was prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof if the same be Treacle,) and such Distiller shall at the same Time deliver up to such Officer the Certificate which accompanied such Sugar, Molasses, or Treacle, and, on being required by the Officer, such Distiller shall weigh or cause to be weighed and shall give the Officer all necessary Assistance in taking Account of all such Sugar, Molasses, and Treacle, in such Manner as the Commissioners of Excise may direct; and such Officer, after due Examination, and on being satisfied therewith, shall permit and suffer such Distiller to deposit the same in a separate locked-up Storehouse or Room, as before mentioned; and if any such Distiller receives any such Sugar, Molasses, or Treacle without having given such Notice, or fails to produce such Sugar, Molasses, or Treacle, or to deliver up such Certificate as aforesaid, or makes any Alteration in the Quantity or Quality of such Sugar, Molasses, or Treacle, or in the Hogsheads, Puncheons, Casks, Bags, or Packages containing the same, or in the Marks or Numbers thereon, from that which the same respectively were when such Sugar or Molasses was cleared and delivered from the Customs Warehouse, or when such Treacle was prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof, and before such Officer as aforesaid has seen such Sugar, Molasses, or Treacle weighed or taken account of and deposited as aforesaid, every such Distiller so offending shall incur the Penalty of Two hundred Pounds, and all such Sugar, Molasses, and Treacle shall be forfeited. Distiller to give Twelve Hours Notice of receiving Sugar, &c., and produce the same in the same State, with the Certificate, to be deposited in the Storehouse.

XI. And be it enacted, That when any Distiller using Sugar, Molasses, or Treacle, as aforesaid, in the Distillation of Spirits, is desirous of taking or removing any Sugar, Molasses, or Treacle out of such Storehouse or Room as aforesaid, for the Purpose of the same being conveyed to the Mash Tun, or to such other Vessel as, with the Approbation of the Commissioners of Excise, is entered for that Purpose, to be there dissolved and used in the Manufacture of Spirits, such Distiller shall give Six Hours previous Notice in Writing to the Officer surveying the Distillery of the Time when and the Quantity of Sugar, Molasses, or Treacle which he is desirous of removing as aforesaid; and every such Officer receiving such Notice shall attend in pursuance thereof at the Time therein mentioned, and shall unlock the Storehouse or Room from which such Sugar, Molasses, or Treacle is to be removed, and shall see weighed out therefrom the Quantity of Sugar, Molasses, or Treacle expressed in such Notice, or such Part thereof as the Distiller may desire; and all such Sugar, Molasses, or Treacle shall be delivered from such Storehouse or Room in the original Package only; and all such Sugar, Molasses, or Treacle shall then be conveyed by the Distiller directly from such Storehouse or Room to the Mash Tun, or to such other Vessel as aforesaid in the Distillery of such Distiller, to be there dissolved and used in the Manufacture of Spirits, or shall forthwith be deposited again by such Distiller in such separate Storehouse Six Hours Notice before removing from the Storehouse to the Mash Tun.

house or Room as aforesaid, under the Lock of the Officer, until the same is again removed on like Notice as aforesaid; and if any such Distiller removing any Sugar, Molasses, or Treacle as aforesaid does not convey the same directly from the Storehouse or Room to the Mash Tun, or to such other Vessel as aforesaid, and there dissolve and use the same in the Manufacture of Spirits, or does not forthwith deposit the same again as aforesaid, or removes or disposes of the same otherwise than as aforesaid, every such Distiller so offending shall for every such Offence forfeit and lose the Sum of Two hundred Pounds, and all Sugar, Molasses, and Treacle so removed, which are not conveyed, dissolved, and used, or again deposited as aforesaid, and all Sugar, Molasses, and Treacle which are found deposited in any other Place in the Distillery, or in any Premises adjoining thereto, except in the separate Storehouse or Room, or Mash Tun or such other Vessel as aforesaid, shall be forfeited.

To be conveyed direct from the Storehouse to the Mash Tun, or re-deposited. Penalty 200*l.* and Forfeiture.

XII. And be it enacted, That the proper Officer of Excise shall, in such Manner and at such Times as the Commissioners of Excise may direct, keep an Account, by way of Debtor and Creditor, of the Sugar, Molasses, or Treacle as aforesaid in Stock in each separate Storehouse or Room provided by every Distiller using Sugar, Molasses, or Treacle in the Distillation of Spirits as aforesaid, and shall in such Account credit such Stock with the full Quantity of Sugar, Molasses, or Treacle which is from Time to Time deposited in such Storehouse or Room as aforesaid, and shall debit such Stock with the full Quantity of Sugar, Molasses, or Treacle which is from Time to Time weighed by him and removed from such Storehouse or Room for the Purpose of the same being conveyed to the Mash Tun or to such other Vessel as, with the Approbation of the Commissioners of Excise, is entered for that Purpose, to be there dissolved and used in the Distillation of Spirits; and if at any Time, upon striking a Balance on such Account, the Quantity of Sugar, Molasses, or Treacle in such Storehouse or Room as aforesaid is found to exceed the Quantity which by the Stock Account kept by such Officer as aforesaid ought to be in such Storehouse or Room, every such Distiller shall be deemed and taken to have deposited Sugar, Molasses, or Treacle therein without the same having been deposited in the Presence of and upon due Notice to the proper Officer of Excise, and all such Excess of Sugar, Molasses, or Treacle shall be forfeited; and if the Quantity of Sugar, Molasses, or Treacle in such Storehouse or Room as aforesaid is found to be less than the Quantity which by the Stock Account kept by such Officer as aforesaid ought to have been in such Storehouse or Room, every such Distiller shall be deemed and taken to have removed Sugar, Molasses, or Treacle therefrom without the same having been removed in the Presence of and upon due Notice to the proper Officer of Excise; and every such Distiller shall, over and above all other Penalties, forfeit the Penalty of Twenty Pounds: Provided always, that such last-mentioned Penalty shall not be incurred if such Deficiency is proved to the Satisfaction of the Commissioners of Excise to have arisen from unavoidable Accident or Loss.

Officer to keep Account of Stock in the Storehouse.

XIII. And be it enacted, That every Distiller using Sugar, Molasses, or Treacle as aforesaid in the Distillation of Spirits, and providing such Storehouses or Rooms as aforesaid, shall keep sufficient and just Scales and Weights therein respectively, and shall, when thereunto required by any Officer of Excise, arrange and place all Sugar, Molasses, or Treacle deposited in such Storehouse or Room so as to enable such Officer easily and conveniently to weigh and take an Account of the same; and such Distiller shall, by himself or his Servants, assist the Officer, as thereunto required, in weighing and taking an Account of all such Stock, and in weighing and taking an Account of all Sugar, Molasses, or Treacle received and deposited in each such Storehouse or Room as aforesaid, or removed therefrom for the Purpose of being conveyed to the Mash Tun or to such other Vessel as, with the Approbation of the Commissioners of Excise, is entered for that Purpose; and if any such Distiller keeps any false, unjust, or insufficient Scales and Weights, or by any Art, Device, or Contrivance prevents or impedes such Officer from taking a just and true Account of such Stock or Commodities as aforesaid, he shall incur the Penalties and Forfeitures now in that respect imposed by the Laws of Excise in such Case made and provided; and if any such Distiller does not arrange and place such Stock as aforesaid, or does not assist such Officer as aforesaid, he shall for each and every such last-mentioned Offence incur the Penalty of One hundred Pounds.

Distiller to provide Scales and Weights, and assist the Officer in weighing the Sugar, &c.

XIV. And for encouraging the Use of Sugar in the Distillation of Spirits, be it enacted, That every Distiller who, under the Regulations of this Act, distils Spirits from Worts or Wash brewed or made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle or Malt or Grain, shall at the Close of every brewing and distilling Period be entitled, under such Regulations, Provisoes, and Restrictions as after mentioned, to an Allowance at and after the Rate specified in Schedule (A.) to this Act annexed for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of the Sugar actually used by him in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period, and to an Allowance at and after the Rate specified in Schedule (B.) to this Act annexed for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of the Molasses actually used by him in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period, such respective Allowances being severally granted for and in respect of the Duty charged upon the Sugar or Molasses respectively deposited in such Storehouse or Room as aforesaid, and afterwards removed therefrom to be conveyed to the Mash Tun or to such other Vessel as with the Approbation of the Commissioners of Excise is entered for that Purpose, and actually dissolved there, and used in making the Worts or Wash from which the Spirits distilled during such Period and charged with Duty have been made.

Allowance to Distiller on Spirits made from Worts or Wash in which Sugar or Molasses is used for every 112 lbs. Weight of the Sugar used according to Schedule (A.), and of the Molasses used according to Schedule (B.)

XV. And be it enacted, That every Distiller who uses Sugar or Molasses in the Distillation of Spirits, and claims any such Allowance aforesaid, shall from Time to Time, and at the End of every distilling Period,

Distiller who claims the Al-

Period, deliver to the proper Officer an Account in Writing of the Quantity of Sugar and Molasses removed from his locked-up Storehouse or Room, and conveyed to the Mash Tun or such other Vessel as aforesaid, and actually dissolved there, and used in brewing or making Worts or Wash distilled during such Period; and such Officer shall thereupon transmit such Account, and at the same Time make a Return in Writing, signed by such Officer, to the Collector of Excise, specifying the Quantity of Sugar and Molasses which appears by the Stock Account kept by such Officer of the Sugar and Molasses in such Storehouse or Room as aforesaid to have been removed therefrom for the Purpose of being conveyed to the Mash Tun or to such other Vessel as aforesaid, to be used in the Distillation of Spirits, during such Period, and of the Quantity of Proof Spirits with which such Distiller has been charged with Duty for or in respect of such Worts or Wash as aforesaid, and whether such Worts or Wash had been made from Sugar only, or from Molasses only, or from any Mixture of these Materials and Treacle or Malt or Grain; and every such Distiller, or the principal Manager of his Distillery, shall make and subscribe a Declaration to the Truth of the Account so delivered by him as aforesaid, in the Form or to the Effect following:

Allowance to deliver an Account of the Quantity of Sugar or Molasses used;

and to make Declaration thereto.

'I *A.B.* [Distiller, *or* principal Manager of the Distillery of *C.D.*, *as the Case may be*,] do solemnly declare, That within the brewing Period commencing on the Day of and ending on the Day of both inclusive, there were actually removed from locked-up Storehouse or Room, situate at Distillery, and conveyed to the Mash Tun *or* to the Vessel entered for that Purpose at the said Distillery, the Quantity of Pounds Weight of Sugar [*or* Molasses, *or both, as the Case may be*], and no more, and that within the said Period there were actually dissolved and used in the Distillation of Spirits Pounds Weight of Sugar, [*or* Molasses, *or both, as the Case may be*], and no more, and that all the Duties of Customs on the whole of the Sugar [*or* Molasses, *or both, as the Case may be*,] so dissolved and used were duly paid, and that all the Spirits distilled in the aforesaid Period have been duly brought to charge and charged with Duty by the proper Officer.'

And if such Declaration is untrue in any Particular the Distiller by whom or on whose Behalf such Declaration has been made shall forfeit all such Allowance, and also the Sum of Two hundred Pounds.

Penalty for false Declaration.

XVI. And be it enacted, That the Collector of Excise who receives such Account, and Declaration thereto, and the Return in Writing aforesaid, shall, on being satisfied therewith, pay or allow to such Distiller, in such Manner as the Commissioners of Excise may direct, in respect of the Sugar used, a Sum after the Rate specified in Schedule (A.) annexed to this Act for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of Sugar which appears by such Account and Return in Writing as aforesaid to have been actually used in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period; and in respect of the Molasses used such Collector shall in like Manner allow a Sum after the Rate specified in Schedule (B.) to this Act annexed, for and in respect of every One hundred and twelve Pounds Weight Avoirdupois of Molasses which appears by such Account and Return in Writing as aforesaid to have been actually used in the brewing or making of the Worts or Wash from which the Spirits were distilled during such Period: Provided always, that in every Case of such Allowance as aforesaid, if the Distiller has been charged with or owes any Duty or Duties, or is liable to the Payment of any Penalty or Penalties adjudged against such Distiller for any Offence against this Act, or any other Act relating to the Revenue of Excise, such Collector may from Time to Time apply the Amount of every such Allowance, or a sufficient Part thereof, in satisfaction of such Duty or Duties, Penalty or Penalties, or any of them.

The Collector, on receiving such Account and Declaration, to pay the Allowance according to the Quantity of Sugar and Molasses actually removed.

If the Distiller owes Duties or Penalties, the same may be deducted from the Allowance.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

	From the passing of the Act to 10th July 1849.	From 10th July 1849 to 10th July 1850.	From 10th July 1850 to 10th July 1851.	From and after 10th July 1851.
Allowances to be paid to Distillers for and in respect of Sugar used in the Distillation of Spirits; viz.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For and in respect of every 112 lbs. of Sugar actually used in the brewing or making of the Worts or Wash - - - -	0 11 10½	0 10 10½	0 9 10½	0 8 10½

SCHE-

SCHEDULE (B.)

	From the passing of the Act to 10th July 1849.	From 10th July 1849 to 10th July 1850.	From 10th July 1850 to 10th July 1851.	From and after 10th July 1851.
Allowances to be paid to Distillers for and in respect of Molasses used in the Distillation of Spirits; viz.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For and in respect of every 112 lbs. of Molasses actually used in the brewing or making of the Worts or Wash - - - -	0 4 1	0 3 9	0 3 5	0 3 0

CAP. CI.

An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties. [4th *September* 1848.]

5 & 6 Vict. c. 109.

'WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Appointment and Payment of Parish Constables*, it was enacted, that it should be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled, if they should think fit, to order that Lock-up Houses for the temporary Confinement of Persons taken into Custody by any Constable, and not yet committed for Trial, or in execution of any Sentence, should be provided in such Places within their County as the said Justices should think fit, and for that Purpose to purchase and hold Lands and Tenements, or to appropriate to that Purpose any Lands and Tenements belonging to the County which were not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, or, instead of providing new Lock-up Houses, to order that the Lock-up Houses, Strong-rooms, or Cages belonging to any Parish be appropriated for the Purpose of that Act, and, if necessary, be enlarged or improved, and that the Expenses of building, hiring, or otherwise providing, repairing, and furnishing such Lock-up Houses should be defrayed out of the County Rates: And whereas it is often desirable that on the Borders of Two or more Counties or Places having respectively a separate General or Quarter Sessions of the Peace, or in some other Situation convenient for the common Use of such Counties or Places, a Lock-up House for the Purposes in the said Act mentioned should be provided and maintained, to which Persons apprehended by Constables or remanded by Justices in each of such Counties or other Places may be temporarily confined previously to their being committed for Trial, or in execution of any Sentence:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices of the Peace in and for any County, and for the Mayor, Aldermen, and Burgesses of any Borough (having a separate Commission of the Peace), to agree with the Justices of the Peace of any One or more County or Counties, or with the Mayor, Aldermen, and Burgesses of any One or more such Borough or Boroughs, that a Lock-up House shall be erected, hired, or otherwise provided at some Place or Places on or near any common Boundary, or in any other Situation convenient for the Purposes aforesaid, or that a Lock-up House for any County or Borough, or any Lock-up House, Strong-room, or Cage which might have been appropriated for a County under the said Act, and which shall be in a Situation convenient for the Purposes aforesaid, shall be appropriated, and, if necessary, enlarged or improved for such Purposes accordingly, and that the same shall be so provided or appropriated, enlarged and improved, and shall be from Time to Time repaired and furnished, and a Superintendent Constable appointed and paid for taking charge thereof, at the joint Expense of the Counties and Boroughs, by the Justices and Mayor, Aldermen, and Burgesses of which respectively such Agreement shall be made, in such Manner and Proportions as in the said Agreement shall be specified: Provided always, that no such Lock-up House shall be erected, hired, provided, appropriated, enlarged, or improved, except upon such Plan as shall be approved of by One of Her Majesty's Secretaries of State: Provided also, that every such Lock-up House shall be subject to the Inspection of the Inspectors of Prisons.

Power to Justices to enter into Agreements for providing Lock-up Houses for Two or more Counties, &c. which shall be maintained at their joint Expense; but no Lock-up House to be erected except as approved by Secretary of State.

II. And be it enacted, That it shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions assembled (and due Notice having been previously given according to the Practice of the said Sessions) to take into consideration the Expediency of making any such Agreement as aforesaid with any such Parties as aforesaid, and if the Justices then and there assembled shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Justices for the said County to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at such Quarter Sessions, or at any Adjournment thereof, to fill up any Vacancy in the said Committee; and it shall be also lawful for the Council of any such Borough, at a Special Meeting to be called for that Purpose, to take into

Justices in Quarter Sessions may appoint a Committee of Justices;

and Councils of Boroughs

into consideration the Expediency of making any such Agreement as aforesaid with any of such Parties as aforesaid, and if the Council shall resolve that it is expedient that such Agreement should be made, to appoint not less than Three and not more than Five Persons, being Members of such Council or Justices for such Borough, to be a Committee for treating with any Committee appointed by any other of the Parties aforesaid for the Purposes aforesaid, and from Time to Time at a quarterly Meeting of the Council to fill up any Vacancy in the said Committee.

may appoint a Committee of Councillors to make such Agreement.

III. And be it enacted, That the Committees so appointed shall be deemed to represent severally each of the contracting Parties, and shall meet and form One Joint Committee, and may draw up an Agreement for the Purposes of this Act, which Agreement, when subscribed by the greater Number of the Members of such Joint Committee severally representing each of the contracting Parties, and approved as herein-after directed, shall be binding upon all the said Parties to all Intents and Purposes; and every such Agreement shall specify the Place where such Lock-up House is to be situated, and the Salary of the Superintendent Constable, and the Proportion in which the Expenses of purchasing (where a Site is to be purchased) the Site, and of building or enlarging, improving and fitting and furnishing, such Lock-up House, and of repairing the same; and the Salary of such Superintendent Constable shall be borne by each of the contracting Parties; and such Agreement may specify or provide where a Site is to be purchased for the Appointment of Trustees to and in whom the same shall be conveyed and vested in trust for all the Counties and Boroughs on behalf of which the same shall be purchased; and such Agreement shall provide how the Appointment of the Superintendent Constable of such Lock-up House shall be from Time to Time made.

Committees so appointed may unite for the Purpose of forming One Committee.

Agreements to specify Situation of Lock-up House.

IV. And be it enacted, That wherever any Agreement shall have been so entered into and signed, the Committee appointed by each County and Borough respectively shall report the Agreement for Approval to the General or Quarter Session of the Peace of every such County holden next after the making thereof, and to a Special Meeting of the Council of every such Borough, to be convened for the Purpose, and shall deliver to the Court and Council respectively a Duplicate of the Agreement to be filed by the Clerk of the Peace and by the Town Clerk of each of the said Parties respectively, to be by them kept with the Records of the several Parties aforesaid: Provided always, that if such Agreement be not so approved, it shall be lawful for the said contracting Parties severally to refer the same back for Reconsideration to the said Joint Committee, after which the same shall be again reported until finally approved as aforesaid, or until any of the Parties shall break off the Agreement or Treaty; and after such Agreement shall have been approved the Justices of each County and the Council of each Borough concerned therein may direct the Committees by them respectively appointed to re-assemble, or may from Time to Time appoint other Committees to meet, together with Committees appointed by the Justices or Council, as the Case may be, of the other County or Borough concerned therein, to execute such Agreement, and to do all necessary Acts consequent upon such Agreement as Occasion may require; and such Committees shall have Power to do all necessary Acts accordingly, and may cause to be purchased and conveyed in such Manner as by such Agreement shall be provided, or as the Justice or Justices and Council, Parties to any such Agreement, may direct, any Land which may be required for the Purposes of this Act.

Agreements to be approved by General or Quarter Sessions and Councils of Boroughs respectively.

Committees may be directed to re-assemble, or other Committees may be appointed, for carrying the Agreement into execution.

V. And be it enacted, That so far as respects the Power to detain therein and remand thereto, and to convey thereto and therefrom, Persons taken into Custody, every such Lock-up House shall be deemed a Lock-up House in and for each of the Counties and Boroughs for the joint Use of which the same shall be provided, and all Justices, Constables, and others shall have Authority accordingly.

Lock-up Houses to be deemed Lock-up Houses for each County, &c.

VI. And be it enacted, That every Superintendent Constable so appointed as aforesaid to take charge of such Lock-up House as aforesaid shall be entitled to hold his Office during good Behaviour, or until he shall be dismissed therefrom by the Orders of such Justices and Council, or otherwise as by such Agreement may be provided, and shall be paid such Salary, and in such Manner, and at such Times, and in such Proportions, out of the County, Borough, or other Rates, as shall be provided by such Agreement; and every such Superintending Constable shall have all the Powers and Immunities of a Parish Constable under the said recited Act, and shall have the Superintendence of all the Parish Constables appointed in such Parishes as shall be specified in the said Agreement, and under such Regulations as shall be therein provided.

Superintendents to hold Office during good Behaviour, and be paid a Salary, and have Powers of Parish Constables.

VII. And be it enacted, That in this Act the Word "County" shall include every Riding, Part, or Division of a County having a separate Commission of the Peace, and every Liberty having a separate Commission of the Peace; the Word "Borough" shall include a City, Town, or Port; Words importing the Plural Number shall include the Singular Number, and Words importing the Singular Number shall include the Plural Number.

Interpretation of Act.

VIII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

Act may be amended, &c.

CAP. CII.

An Act to enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in *Battersea Fields*; to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements; and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods.

[4th *September* 1848.]

9 & 10 Vict. c. 38.

9 & 10 Vict. c. 83.

'WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a Royal Park in* Battersea Fields *in the County of* Surrey, the said Commissioners, with the Consent of the Lord High Treasurer, or the Commissioners for the Time being for executing the Office of Lord High Treasurer of the United Kingdom, were authorized, out of any Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, to be advanced and lent to them by the Commissioners for issuing Exchequer Bills for Public Works, to purchase Lands for a Royal Park in the Parish of *Saint Mary, Battersea*, in the County of *Surrey*: And whereas by an Act passed in the same Session of Parliament, intituled *An Act to empower the Commissioners for the Issue of Loans for Public Works and Fisheries to make Loans in Money to the Commissioners of Her Majesty's Woods, in lieu of Loans heretofore authorized to be made in Exchequer Bills*, the Commissioners for Loans for Public Works and Fisheries were empowered to make Loans to the Commissioners of Woods in Money, in lieu of Exchequer Bills, and the Provisions in the said first-recited Act contained with respect to Loans in Exchequer Bills were extended to Loans in Money: And whereas the said Commissioners of Her Majesty's Woods have proceeded to execute the said first-recited Act, and have contracted to purchase Lands required for the Site of the said intended Park, under the Powers and pursuant to the Directions in the said Act contained; but the Commissioners for the Issue of Loans for Public Works and Fisheries have not at present Funds at their Command whereout they can advance sufficient Monies to enable the said Commissioners of Her Majesty's Woods to complete such Purchases, and much Inconvenience to the Public and Injury to Individuals may be occasioned if the Completion of the said Purchases and the Formation of the said Park be suspended:' In remedy whereof may it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case where the Value of any Lands, Tenements, or Hereditaments, or of any subsisting Leases, Terms, Shares, Estates, or Interests therein or Charges thereon, which have been or shall be agreed to be purchased by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, (hereinafter designated as the Commissioners of Her Majesty's Woods,) under the Powers or for the Purposes of the said first-recited Act, or the Price or Consideration to be paid for the same has been or shall be agreed upon or ascertained, and such Price or Consideration shall remain unpaid, and the Person or Persons entitled thereto shall be willing to receive Security on the Land Revenues of the Crown for such Price or Consideration, in lieu of immediate Payment of the same, it shall and may be lawful for the said Commissioners, by and with the Consent and Approbation of the Lord High Treasurer, or of the Commissioners for the Time being for executing the Office of Lord High Treasurer of the United Kingdom, or any Three or more of them, upon such Conveyances of the Premises as the said Commissioners of Her Majesty's Woods for the Time being shall require being executed, and delivered to the said Commissioners, to make out and deliver to the Person or Persons to whom such Price or Consideration shall be due, or to their respective Trustees or Trustee, a Certificate under their Hands and Seals, or under the Hands and Seals of any Two of them, in the Form or to the Effect following; (that is to say,)

Commissioners of Woods, &c. empowered to give Securities for Purchase Money.

Form of Certificate to be granted of such Security.

'IN pursuance of a Warrant from the Lord High Treasurer [*or* from the Commissioners of Her Majesty's Treasury, *as the Case may be*], we, *A.* and *B.*, Two of the Commissioners for executing an Act passed in the Ninth and Tenth Years of the Reign of Queen Victoria, intituled "An Act" [*here insert the Title of the first-recited Act*], in exercise of the Powers vested in us by the said Act, and by another Act passed in the Eleventh and Twelfth Years of the Reign of Queen Victoria [*here insert the Title of this Act*] do certify that the Sum of Pounds, being the Consideration agreed to be paid to *C.D.* [*insert the Name or Description of the Person or Persons entitled thereto*] for the Purchase of his [her *or* their] Interest [*or* Interests] in certain Lands, Tenements, or Hereditaments [*state the Nature and Description of the Premises sold*], which has [*or* have] been purchased by the said Commissioners for the Purposes of the said first-recited Act, remains due and unpaid to the said *C.D.*, and that the said Sum of Pounds, being such Purchase Money as aforesaid, is to, and shall immediately from the Date hereof, by virtue of the said last-recited Act of the Eleventh and Twelfth Years of Her Majesty's Reign, become and be a Charge on [*the whole, or any particular Portion, to be therein described,*] of the Land Revenues of the Crown (other than Royal Parks and Palaces, and the Possessions and Land Revenues of the Crown in the County of Middlesex and City of London respectively), and such Revenues, other than as aforesaid, shall (save and except so far as the same are liable for any existing Loans advanced on the Credit thereof, or Charges thereon,) henceforth be subject and liable to the Payment to the said *C.D.*, his Executors, Administrators, or Assigns, of the said Principal Sum so due to him [*or* them], on the Day of [*insert the Time or Times of Payment agreed upon*], and to the Payment of Interest for the same, or for so much of the said Principal Sum as shall from Time to Time remain unpaid,

'unpaid, after the Rate of Five Pounds per Centum per Annum [*or lower Rate, as the Case may be*], 'such Interest to be computed from the Date hereof, and to be paid, without any Deduction (save the 'Income or Property Tax, if any, for the Time being), by half-yearly Payments, until the whole of 'the said Principal Sum, and Interest thereon, shall be fully paid and discharged. Given under our 'Hands and Seals, this Day of One thousand eight hundred and .'

Certificates to be enrolled in the Office of Land Revenue Records and Enrolments.

And every such Certificate shall be witnessed by One of the Secretaries (if any) or Clerks of the said Commissioners of Her Majesty's Woods, and shall be enrolled in the Office of Land Revenue Records and Enrolments, and a Minute or Extract thereof shall be entered and preserved in the Office of the said Commissioners; and every such Certificate, when so given, granted, and enrolled, shall be and is hereby declared to be conclusive Evidence of the Purchase Money remaining due to the Person or Persons receiving such Certificate: Provided always, that the aggregate Amount for or in respect of which such Certificates may be granted by the said Commissioners shall not exceed the Sum of Two hundred thousand Pounds.

Land Revenues charged with the Payment of Principal and Interest of Monies expressed in Certificates.

II. And be it enacted, That when any such Certificate shall be so signed, and enrolled, and entered as aforesaid, every Sum or Sums of Money therein expressed or acknowledged to be due as such Purchase Money as aforesaid shall be and the same is and are hereby charged upon the whole, or such particular Portion as shall be therein described, of the Land Revenues of the Crown, other than Royal Palaces and Parks, and the Possessions and Land Revenues of the Crown in the County of *Middlesex* and City of *London* respectively, and such Revenues, other than as aforesaid, and the Income thereof, shall from thenceforth be subject and liable to the Payment of the same and the Interest thereof, and such Principal and Interest shall be paid and satisfied out of the said Revenues and the Income thereof at the Time or Times and in the Manner mentioned and appointed for the Payment thereof in and by every such Certificate, and such Principal and Interest, when and as the same shall become due and payable, shall be paid and payable out of the said Land Revenues of the Crown, other than as aforesaid, and the Income thereof, prior to any other Application of such Revenues and Income, except the Payment of Interest due and payable on any existing Loan or Loans antecedently advanced on the Credit thereof, and except so far as such Revenues, or the Income thereof, are or ought to be applied in the Repayment of any such Loan or Loans, or in the Payment of any Charges to which such Revenues are now by Law liable.

Delivery of Certificates to be deemed equivalent to Payment of Money awarded for Purposes of first-recited Act.

III. 'And whereas by the said first-recited Act of the Ninth and Tenth Years of Her Majesty's Reign 'certain Powers and Authorities are given to the said Commissioners of Her Majesty's Woods, to be 'exercised after Payment or legal Tender of the Sum or Sums of Money, Recompence, and Satisfaction 'to be agreed for, awarded, or assessed as therein mentioned:' Be it enacted, That the Certificates hereby authorized to be granted by the said Commissioners for any Purchase Monies, Price, or Consideration due to any Person or Persons shall, on Delivery of the same, be deemed and taken to be and be equivalent to and as Payment of Money agreed for, awarded, or assessed for all the Purposes of the said first-recited Act; and all the Powers, Authorities, and Provisions in the said Act contained shall and may, on the Delivery of each such Certificate, be exercised and carried into effect as fully and amply as if the Sum or Sums of Money mentioned in each such Certificate, and the Interest thereof, had been actually paid.

Loans by Public Works Commissioners to be applied in Redemption of Certificates.

IV. And be it enacted, That the Monies to be advanced by the Commissioners for the Issue of Loans for Public Works and Fisheries, *et cætera*, upon the Security mentioned in the said first-recited Act, shall, when received by the said Commissioners of Her Majesty's Woods, be appropriated and applied by them in paying off and discharging the Securities which may be granted by them upon the Land Revenues of the Crown under the Authority of this Act.

4 & 5 Vict. c. 40.

V. 'And whereas by an Act passed in the Session of Parliament held in the Fourth and Fifth Years 'of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's 'Woods to raise Money for certain Improvements in the Metropolis on the Security of the Land 'Revenues of the Crown within the County of* Middlesex *and City of* London, it was enacted, that 'it should be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, 'and Buildings for the Time being, with the Consent of the Lord High Treasurer, or of the Commis-'sioners for executing the Office of Lord High Treasurer as therein mentioned, notwithstanding any 'Provisions, Restrictions, or Clauses contained in any Act or Acts of Parliament relating to Her Majesty's 'Land Revenue, from Time to Time to borrow and take up, at any Rate of Interest not exceeding Five 'Pounds *per Centum per Annum*, and on such Terms and Conditions as they should think proper, such 'Sum or Sums of Money as the said Commissioners, with such Consent as aforesaid, should judge 'necessary, for the Purpose of carrying into effect and completing the several Improvements and new 'Streets authorized and directed to be made by them by the several Acts therein recited or referred to, 'on Mortgage of all or any Part or Parts of the Houses, Buildings, Lands, Tenements, and Hereditaments 'of or belonging to Her Majesty, Her Heirs and Successors, within the County of *Middlesex* and City of 'London, or either of them, (other than Royal Palaces and Parks,) and to secure the Repayment of the 'Sum or Sums so to be borrowed, or any Part or Parts thereof, with Interest for the same, with such 'Consent as aforesaid, by Grant, Demise, or Mortgage of all or any Part or Parts of the same Houses, 'Buildings, Lands, Tenements, and Hereditaments, as therein mentioned: And whereas by an Act passed 'in the Seventh Year of Her present Majesty, intituled *An Act to enlarge the Powers of an Act of the 'Fourth and Fifth Years of Her present Majesty, empowering the Commissioners of Her Majesty's 'Woods to raise Money for certain Improvements in the Metropolis, on the Security of the Land Revenues 'of the Crown within the County of* Middlesex *and City of* London, after reciting to the Effect herein-

7 & 8 Vict. c. 1.

'before recited, and also reciting that Doubts had been entertained whether the said recited Act extended 'to empower the Governor and Company of the Bank of *England*, and certain other public Companies 'and Corporations, to advance and lend Monies to the said Commissioners on the Security of the said 'Land Revenues of the Crown, it was by the Act now in recital enacted, that it should be lawful for the 'Governor and Company of the Bank of *England*, and for any Person whomsoever, and any Bodies 'Politic or Corporate, or Companies whatsoever, to advance and lend from Time to Time to the Com-'missioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings any 'Sum or Sums of Money for the Purposes of the said several Acts in the said first herein-before recited 'Act recited or referred to, on Mortgage of any of the Hereditaments of Her Majesty, Her Heirs or 'Successors, (other than Royal Palaces and Parks,) within the County of *Middlesex* and City of *London*, 'or either of them, in manner therein mentioned; but it was by the Act now in recital provided, that 'the Sum to be advanced by the Governor and Company of the Bank of *England* under the Provisions 'thereof should not exceed in the whole the Sum of Two hundred and fifty thousand Pounds: And 'whereas it is expedient that the last-mentioned Restriction should be removed, to the Extent of 'allowing the Governor and Company of the Bank of *England* to advance any Sum or Sums of Money 'which the said Commissioners are authorized to borrow, in addition to the said Sum of Two hundred 'and fifty thousand Pounds, by the said last-recited Act authorized to be advanced, not exceeding the 'further Sum of Three hundred thousand Pounds:' Be it therefore enacted, That notwithstanding the aforesaid Proviso and Restriction in the said recited Act of the Seventh Year of Her present Majesty contained, it shall be lawful for the Governor and Company of the Bank of *England*, if they shall think fit, from Time to Time to advance and lend to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Provisions of the said last-mentioned Act and this Act, any Sum or Sums of Money which the said Commissioners are authorized to borrow, over and above and in addition to the Sum of Two hundred and fifty thousand Pounds by the said last-recited Act limited as the Sum to be advanced by the said Governor and Company of the Bank of *England*, not exceeding the further Sum of Three hundred thousand Pounds; and that all and every the Provisions of the said last-recited Act shall be and continue in force and apply as if the Restriction as to the total Amount of Monies to be advanced by the said Governor and Company of the Bank of *England* had not been therein contained.

Power to Bank of England to advance additional Money not exceeding 300,000*l.*

Regulations as to Payment of Interest on Loans charged under various Acts on "The London Bridge Approaches Fund."

VI. 'And whereas the said Commissioners are by divers Acts of Parliament authorized to charge 'certain Funds, Duties, and Revenues constituting a Fund which is commonly called "The *London* '*Bridge* Approaches Fund" with certain Sums of Money amounting altogether to the Sum of Four 'hundred and eighty-nine thousand Pounds, with Interest on such Sums respectively, for the Purpose of 'effecting certain Improvements in the Metropolis, and the said Commissioners are authorized to raise 'Monies for the aforesaid Improvements on the Credit of the Funds, Duties, and Revenues so charged, 'but by reason of prior existing Charges, which wholly absorbed and will for some Time continue to 'absorb the said Funds, Duties, and Revenues, the said Commissioners were, by the said Act of the 'Fourth and Fifth Years of Her Majesty's Reign, herein-before recited, authorized to borrow Monies as 'aforesaid, for the Purposes of the said Improvements, on the Security of the Land Revenues of the 'Crown, as in the said Act is mentioned; and by the said Act it was provided that all such Monies as 'should come to the Hands of the said Commissioners by means of Leases or Sales of Property purchased 'for effecting the said Improvements, and the Income thereof, and Monies to be borrowed on the Credit 'of Charges made by the said Commissioners on the said Duties, Funds, and Revenues called "The '*London Bridge* Approaches Fund," and otherwise, as in the said Act is mentioned, should be applied 'in Repayment of such Sums of Money as might be borrowed on the Credit of the Land Revenues of 'the Crown, and the Interest thereof: And whereas the said Commissioners have from Time to Time, 'by and out of the Principal Monies borrowed on the Security of the Land Revenues of the Crown for 'the Purposes aforesaid, and other the Monies which came to their Hands in the Exercise of the Powers 'granted to them for the Purpose of effecting the said Improvements, paid Interest, which has from 'Time to Time accrued on the Sums so borrowed by them, and when such Principal and other Monies 'have for the Time been exhausted they have paid such Interest out of the annual Income of the Land 'Revenues of the Crown: And whereas it was intended that the Monies which the said Commissioners 'were so as aforesaid authorized to charge on the said Fund called "The *London Bridge* Approaches 'Fund," and the Interest thereon, and other the Monies which should come to the Hands of the said 'Commissioners in respect of the said Improvement, should be applicable to the Payment, not only of 'all Principal Monies which might be borrowed on the Security of the Land Revenues of the Crown, 'but of all Interest thereon, and to the Intent that thereby the Land Revenues of the Crown, although 'liable to the Mortgagees for the Monies charged and secured thereon, should by the Means aforesaid be 'wholly indemnified from the Payment of any Part of the Monies applicable to the aforesaid Improve-'ments:' Be it therefore enacted, That all Payments heretofore made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, out of any Principal Monies so borrowed by them as aforesaid, or out of Interest arising from any temporary Investment of any such Principal Monies, in respect or by way of Interest accrued on any such Principal Monies, shall be and the same are hereby declared valid, and are hereby confirmed; and that it shall be lawful for the said Commissioners for the Time being, from Time to Time and at all Times hereafter, to pay and apply any Principal Monies which they have borrowed or may hereafter borrow, or the Interest arising from any Investment of any such Principal Monies, or any other Monies which shall come to their Hands by

reason

reason of the Premises, in discharge of the Interest accruing due on any Monies so borrowed or to be borrowed as aforesaid, and thereout also to reimburse and repay to the Credit of the Income arising from the Land Revenues of the Crown all such Sums of Money as the said Commissioners have paid or may hereafter pay out of such Income for Interest upon Monies borrowed by them for the Purposes of the said Improvement.

Rights of Mortgagees not to be affected.

VII. Provided nevertheless, and be it enacted, That nothing in this Act contained shall in anywise alter or affect any Security by way of Mortgage on the Land Revenues of the Crown already made, or which may hereafter be made thereof, in pursuance of the Powers aforesaid, but that the same shall continue and be in all respects, as regards the Rights of the Mortgagees in any such Mortgage, in all respects as if the Provision lastly herein-before contained had not been made.

10 G. 4. c. 50.

VIII. 'And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King 'George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management* 'and Improvement of His Majesty's Woods, Parks, and Chases, of the Land Revenue of the Crown 'within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for 'extending certain Provisions relating to the same to the Isles of Man and Alderney, it was amongst other 'things enacted, that the Commissioners for the Time being of His Majesty's Woods, Forests, and Land 'Revenues should and they were thereby required, within Thirty Days after the Commencement of the 'Session of Parliament which should be in the Year One thousand eight hundred and thirty, and also 'within Thirty Days after the Commencement of the first Session of Parliament in every following Year, '(without any special or other Requisition to be made to them for that Purpose,) to certify and report 'in Writing under their Hands and Seals to the King's most Excellent Majesty and both Houses of 'Parliament what Leases, Sales, Purchases, and Grants should have been made during the Year preceding 'the Fifth Day of *January* One thousand eight hundred and thirty, and during each subsequent Year 'comprised in each Report, and also the other Matters and Things therein mentioned relating to the 'Possessions and Land Revenues of the Crown which had been granted or done by them as therein is 'mentioned, and also a Statement of the Income and Expenditure of the Monies which should have 'arisen from the Possessions and Land Revenues of the Crown to which that Act related, and of any 'other Monies placed under the Management of the said Commissioners during the Period comprised in 'each Report: And whereas by an Act passed in the Second Year of the Reign of His late Majesty

2 & 3 W. 4. c. 1.

'King *William* the Fourth, intituled *An Act for uniting the Office of Surveyor General of His Majesty's* 'Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and 'Land Revenues, and for other Purposes, His Majesty was authorized to appoint, in the Place of the 'Commissioners of His Majesty's Woods, Forests, and Land Revenues, and of the Surveyor General of 'His Majesty's Works and Buildings, Three Persons for performing the Duties and exercising the Powers 'then performed and exercisable by the Commissioners of His Majesty's Woods, Forests, and Land 'Revenues, and the Duties and Powers then performed and exercisable by the Surveyor General of His 'Majesty's Works and Buildings, to be called "The Commissioners of His Majesty's Woods, Forests, 'Land Revenues, Works, and Buildings:" And whereas by reason that the Accounts of other Depart-'ments of the Public Service are made up to the Thirty-first Day of *March* in each Year it is expedient 'that the aforesaid Accounts and Statements of the Commissioners of Woods, Forests, Land Revenues, 'Works, and Buildings should also be made up to the Thirty-first Day of *March* in every Year, and that 'the Lord High Treasurer or Commissioners of Her Majesty's Treasury should be empowered to make 'from Time to Time such Regulations as they may think convenient with respect to the Manner in 'which the Accounts and Payments of or to or on account of the Commissioners of Her Majesty's 'Woods, Forests, Land Revenues, Works, and Buildings shall be kept and made:' Be it therefore enacted,

Annual Reports of Commissioners of Woods to be made up to 31st March instead of 5th January in every Year.

That the annual Report by the said recited Act of the Tenth Year of His late Majesty King *George* the Fourth directed to be made within Thirty Days after the Commencement of every Session of Parliament shall hereafter be made, according to the Terms and Provisions of the said Act, within Three Calendar Months after the Thirty-first Day of *March* in every Year, instead of within Thirty Days after the Commencement of every Session of Parliament, and that the next annual Report shall be made of all Matters and Things as from the Fifth Day of *January* last up to the Thirty-first Day of *March* next, and in all respects, except as regards the Time of making such Report, as by the said recited Act is directed and provided; and that in each of such annual Reports as aforesaid a Statement of all Debts or Debts incurred by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Amount of Interest due on such Debt or Debts, shall be laid before Parliament.

Treasury empowered to make Rules and Regulations for keeping the Accounts of the Commissioners of Woods.

IX. And be it enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, at any Time after the passing of this Act, and from Time to Time, by Writing under his or their Hand or Hands, to make such Rules and Regulations as he or they shall think expedient with respect to the Receipt and Payment of Monies by or on behalf of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Persons to be employed in conducting such Receipts and Payments, and the Manner, Form, and Place in which the Accounts of such Receipts and Payments shall be kept; and all such Rules and Regulations shall extend, not only to the Monies to be received and paid in respect of the Land Revenues of the Crown, but to all Monies to be received and paid by or to the said Commissioners of Her Majesty's Woods (and whether incorporated for any particular Object or not), or to any Officer duly authorized on their Behalf, under or by virtue of any Act of Parliament or otherwise; and where by any Act of Parliament now in force any Monies are directed to

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be paid to the said Commissioners in any Capacity, and whether as Part of the Land Revenues of the Crown or otherwise, or to a particular Account, the same may be paid into any Account, and either general or special, at the Bank of *England* or the Bank of *Ireland*, as the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, by any General or Special Order, direct, and the Receipt of the Cashier of the Bank of *England* or the Bank of *Ireland*, as the Case may be, shall be a sufficient Discharge to the Persons or Bodies respectively paying the same, and without such Persons or Bodies being bound to inquire as to any such Order or Direction, and in all respects as if such Monies had been paid in pursuance of the Directions contained in any Act of Parliament in that Behalf; and any Monies now or hereafter standing to any particular Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings may be transferred to such other general or separate Account or Accounts, or otherwise, as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time direct.

Power to Treasury to regulate the Mode of drawing Monies.

X. And be it enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, to make Rules and Orders from Time to Time as to the Form in which Cheques or Orders for the Payment of Monies placed to any Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be drawn, any Act of Parliament, Law, or Custom whatsoever to the contrary notwithstanding, and also from Time to Time to authorize the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by Power of Attorney, from Time to Time to nominate and appoint One or more Person or Persons, in the Names of them the said Commissioners of Her Majesty's Woods for the Time being, to draw Cheques or Orders for Monies standing to the Account of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings at the Banks of *England* or *Ireland*, or otherwise (so that nevertheless such Power of Attorney shall continue in force until absolutely revoked, and notwithstanding any Change in the Commissioners appointing such Attorney); and also it shall be lawful for the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, to authorize the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time to nominate a Person or Persons whose Duty it shall be to countersign such Cheques, and any Monies so placed to such Account may be drawn for by such Cheques, signed by such Person or Persons so appointed as aforesaid, and countersigned by such Person or Persons so appointed as aforesaid, and shall be paid and payable according to the Direction in such Cheques or Orders contained, any Act of Parliament or other Provision to the contrary notwithstanding; but nothing herein contained shall prevent the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings from drawing for any such Monies as aforesaid as they are now authorized to draw, except so far as the contrary may be directed by any Order of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury as aforesaid.

Extent of Act.

XI. And be it enacted, That this Act shall extend to *Scotland* and *Ireland*.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CIII.

An Act to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of the Royal Military Asylum, and in improving such Asylum. [4th *September* 1848.]

2 & 3 W. 4. c. 53.

'WHEREAS by the Act of the Second Year of His late Majesty King *William* the Fourth, for consolidating and amending the Laws relating to the Payment of Army Prize Money, the Commissioners of the Royal Hospital at *Chelsea* were authorized from Time to Time to appropriate such Sums of Money, forming a Part of the Prize Money then already forfeited or unclaimed, or thereafter to become forfeited or unclaimed, as they might think expedient and proper, to the general Service and Expenses of the said Royal Hospital, or relating thereto: And whereas a Sum of One hundred thousand Pounds Three *per Centum* Consolidated Bank Annuities, arisen from forfeited and unclaimed Shares of Army Prize Money, is now standing in the Books of the Governor and Company of the Bank of *England*, to an Account intituled "The Stock Account of the Paymaster General and Secretary at War as Trustees for the Army Prize Fund:" And whereas the Site of the Royal Military Asylum at *Chelsea* for the Reception of the Children of Soldiers is held for a Term of Years, and it is expedient that a Part of the said Annuities should be applied in purchasing such Site, and in improving the Buildings of the said Asylum:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Paymaster General and Secretary at War, or in case of the Vacancy of the Office of either of them, then the other of them, shall, by Sale of a sufficient Part of the said Sum of One hundred thousand Pounds Three *per Centum* Consolidated Bank Annuities, raise such Sum or Sums, not exceeding in the whole the Sum of Thirty thousand Pounds, as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall by Warrant under their Hands direct, and pay or cause to be paid such Sum or Sums to the Governor and Company of the Bank of *England*, to the Credit of Her Majesty's Commissioners of Woods and Forests; and such Sum or Sums shall be placed to such Account as such last-mentioned Commissioners

Power to Treasury to direct that a Sum be raised by Sale of Part of unclaimed Army Prize Money, and paid to Commissioners of Woods, &c., who shall apply the same in pur-

Commissioners shall direct, and shall be applied by such Commissioners in such Manner as they, with the Approbation of the said Commissioners of Her Majesty's Treasury shall think fit, in the Purchase of the Site of the said Royal Military Asylum, and in enlarging, altering, repairing, and improving the Buildings thereof. Purchasing the Site of the Royal Military Asylum, &c.

II. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament. Act may be amended, &c.

CAP. CIV.

An Act for amending the Act for regulating the Prison at *Millbank*. [4th *September* 1848.]

'WHEREAS by an Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act for regulating the Prison at* Millbank, it is enacted, that such of the Inspectors of Prisons as shall be appointed for that Purpose by One of Her Majesty's Principal Secretaries of State shall have the same Powers and Duties with respect to the said Prison which the Visiting Justices of any other Prison have with respect to their Prison: And whereas it is expedient that the Persons to whom the said Powers and Duties are intrusted should not in all Cases be Inspectors of Prisons:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint any fit and proper Persons to be Visitors of the said Prison, and from Time to Time to remove any of such Visitors and to appoint another or others in his or their Stead, and that the Persons so appointed Visitors of the said Prison shall during their Appointment have and perform the same Powers and Duties with respect to the said Prison which the Visiting Justices of any other Prison have with respect to their Prison, and which under the said Act of the Seventh Year of Her Majesty's Reign are vested in or to be performed by the Inspectors of the *Millbank* Prison, and all other the Powers, Duties, and Functions vested in and to be performed by "The Inspectors of the *Millbank* Prison" under the said Act; and all the Powers, Duties, and Functions which under the said Act may be exercised and performed by One or by Two of such Inspectors respectively may be exercised and performed by One or by Two of such Visitors, as the Case may be; and all the Provisions of the said Act in relation to such Inspectors shall from and after the Appointment of such Visitors as aforesaid be applicable to such Visitors. 6 & 7 Vict. c. 26. Power for Secretary of State to appoint Visitors of Millbank Prison. Duties of Visitors.

II. And be it enacted, That the said Visitors and their Successors shall be a Body Corporate, by the Style of "The Visitors of the *Millbank* Prison," and by that Name shall have perpetual Succession and a Common Seal, and may sue and be sued in all Courts and before all Justices and others. Visitors to be a Body Corporate, &c.

III. And be it enacted, That from and immediately after the first Appointment of such Visitors as aforesaid the Powers, Duties, and Functions of the Inspectors of the *Millbank* Prison under the said Act shall cease and determine. After Appointment of Visitors Powers of Inspectors to cease.

CAP. CV.

An Act to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of contagious or infectious Disorders. (*a*) [4th *September* 1848.]

'WHEREAS it is expedient, in order to prevent the Introduction of contagious or infectious Disorders among Sheep, Cattle, Horses, and other Animals, that Power should be given to Her Majesty in Council to take such Measures as may appear to be necessary for preventing or regulating the Importation of Animals from Parts beyond the Seas where such infectious or contagious Disorders prevail:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, from Time to Time, by Order in Council, to prohibit the Importation or Introduction into the United Kingdom, or into any particular Port or Ports thereof, of Cattle, Sheep, Horses, or other Animals, either generally or from any Place or Places that may be named in such Order, for such Period or Periods as She may deem to be necessary, for the Purpose of preventing the Introduction of any infectious or contagious Disorder among the Sheep, Cattle, Horses, or other Animals in this Country. Power to prohibit, by Order in Council, the Importation of Sheep, Cattle, &c., in order to prevent Contagion.

II. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by Order in Council, to make such Regulations for subjecting Sheep, Cattle, Horses, or other Animals to Quarantine, or for causing the same to be destroyed upon their Arrival in this Country, or for destroying any Hay, Straw, Fodder, or other Article whereby it appears to Her that Infection or Contagion may be conveyed, and generally to make such Regulations with respect to the Importation of Sheep, Cattle, Horses, or other Animals, as She may consider to be necessary in order to prevent the Introduction of any contagious or infectious Disorder. Power to make, by Order in Council, Regulations for subjecting Sheep, &c. to Quarantine.

III. And be it enacted, That if any Cattle, Sheep, Horses, or other Animals be imported or introduced, or attempted to be imported or introduced, contrary to the Provisions of any Order or Orders in Council made in pursuance of this Act, the same shall be forfeited in like Manner as Goods prohibited to be imported by any Act relating to the Customs; and all Persons importing or introducing or attempting to import or introduce the same shall be liable to such Penalties as are imposed on Persons importing or attempting to import Goods prohibited by Acts relating to the Customs. Cattle, &c. imported contrary to Provisions of Orders in Council to be forfeited. Penalty on importing, &c.

(*a*) *See post*, c. 107.

IV. And

Orders in Council may be revoked in whole or in part from Time to Time.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any further Order or Orders in Council, from Time to Time to revoke the whole or any Part of any Order or Orders issued by Her Majesty in Council under the Authority of this Act; and that from and after a Day to be named in such Order or Orders of Revocation such Order or Orders issued under the Authority of this Act, or such Part thereof as shall be specified in such Order or Orders of Revocation, shall cease and determine.

Orders in Council to be published in the London Gazette.

V. And be it enacted, That every Order or Orders in Council issued under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette;* and that a Copy of every Order or Orders in Council issued under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CVI.

An Act to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland* by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings. [4th *September* 1848.]

10 & 11 Vict. c. 10. s. 3.

'WHEREAS by an Act passed in the Tenth Year of Her Majesty, intituled *An Act to render valid certain Proceedings for the Relief of Distress in* Ireland *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings*, it is amongst other things enacted, that all 'Undertakings therein recited which had been or should be accepted and acted upon, and all Presentments 'for Works mentioned and referred to in such Undertakings respectively made at any Sessions called 'and held before the passing of the said Act, under the Provisions of the Act therein recited, in whatever 'Form or at whatever Time or Times such Undertakings respectively might have been or should be so 'given or accepted and acted upon, and in whatever Form or at whatever Time or Times such Present-'ments respectively might have been made, should be ratified and confirmed to all Intents and Purposes, 'and such Undertakings respectively should be valid and binding upon the Person or Persons respectively 'giving the same, and upon the Lands therein respectively specified; and the Money mentioned in any 'such Undertaking, or so much thereof as by an Award to be made by the said Commissioners of Public 'Works, or any Two of them, and which said Award the said Commissioners or any Two of them were 'authorized and required to make, should appear to have been expended upon any of the Lands specified 'in any such Undertaking, should be a Charge on the Lands specified in such Undertaking and Award; 'and the Money mentioned in any such Award, with Interest thereon at the Rate of Three Pounds Ten 'Shillings *per Centum per Annum*, should be charged upon, raised, and levied from and out of the 'Lands so specified in such Award, and should be payable at the Time or Times appointed in such 'Award by the Person or Persons who, under the Provisions of the Act passed in the Sixth Year of the 'Reign of Her Majesty therein mentioned, and of the several Acts for the Amendment thereof, would 'be liable for the Repayment of the same, provided the same had been expended and charged on the 'said Lands for Works of Drainage executed under the Provisions of the said last-mentioned Acts, and 'should be raised, levied, and recovered by such Persons as the Commissioners of the Treasury should 'from Time to Time appoint, in the same Manner, and by the like Remedies, and with the like Powers 'and Authorities, and subject to the like Provisions, as by the said last-mentioned Acts is provided for 'the Recovery of Money for Works of Drainage, in so far as the same might be applicable for the 'Purposes of the said Act: And whereas no Provision is made by the said recited Act for giving notice 'of such Awards to the Parties interested therein, or for the Registry of the same, and it is advisable 'that the said Act should be amended in that and other respects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which the said Commissioners of Public Works in *Ireland* shall make or have already made any Award under the Provisions of the said Act of the Tenth Year of Her Majesty's Reign, the said Commissioners of Public Works shall cause a Copy of such Award to be transmitted by Post, or in such other Manner as they shall think fit, to the Proprietor or Proprietors, as in the said Act mentioned, of the Lands which shall be the Subject of such Award; and the said Commissioners shall execute a Copy or Duplicate of every such Award as and for a Memorial thereof for the Purposes of Registry, and forthwith cause such Award to be registered in the Office for the Registry of Deeds in the City of *Dublin;* and the Registrar of the said Registry Office, his Deputies and Assistants, and other Officers, shall and he and they are hereby required to register every such Award in the same Manner as any Deed or Instrument is registered in the said Office, and to file, retain, and enter such Duplicate or Memorial in the Abstract Books and Indexes of or relating to Deeds and Memorials registered and kept in the said Office; and no Fees whatsoever shall be payable for or in respect to such Registration, anything in any former Act to the contrary notwithstanding.

Copy of any Award made by Commissioners of Public Works to be sent to Persons affected by same.

Award to be registered.

Lands mentioned in the Award to become chargeable, and Award to be conclusive.

II. And be it enacted, That the Lands specified in that Behalf in every such Award shall, from and after the Registry thereof as aforesaid, become and the same are hereby charged with the Amount mentioned in such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, such Interest to be calculated from the Tenth Day of *October* One thousand eight hundred and forty-seven, and to be payable by half-yearly Instalments on the Days and Times in such Award mentioned

mentioned; and such Amount and Interest shall have Priority over all Charges affecting the same Lands; and every such Award in respect of the Lands therein specified shall be binding upon all Persons having any Estate or Interest in such Lands, or Lien or Incumbrance thereon; and every such Award shall be conclusive Evidence that all Requisites by the said last-mentioned Act and this Act with respect thereto have been fully complied with; and it shall not be lawful for any Person to question the Validity of such Award of the said Commissioners of Public Works in respect of anything whatsoever done or omitted to be done, or for any other Reason whatsoever.

Award free of Stamp Duty.

III. And be it enacted, That no such Award, or Memorial thereof, shall be liable to any Stamp Duty whatever.

Principal, &c. may be paid off within Period fixed for Repayment.

IV. And be it enacted, That it shall and may be lawful for the Proprietor for the Time being of the Lands specified in any such Award, at any Time within the Period fixed by such Award for Repayment, to pay off in One Sum the Amount of Principal and Interest charged upon the said Lands, and which may then be due and payable thereout.

Upon Payment of Amount due Lands to be released.

V. And be it enacted, That upon Payment of the Sum mentioned in such Award, or such Portion thereof as may from Time to Time be due on Foot thereof, together with the Interest due thereon, and also upon Payment of all Costs, Charges, and Expenses (if any) incurred in proceeding to recover the same, or in relation thereto, the Paymaster of Civil Services in *Ireland* for the Time being shall and he is hereby required, at the Request of the Party paying the same, to execute a Release of the Lands so charged as aforesaid, at the Cost and Expense of the Party to whom such Release shall be granted.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CVII.

An Act to prevent, until the First Day of *September* One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. [4th *September* 1848.]

'WHEREAS a contagious or infectious Disorder, known or described as the Sheep Pox or Variola 'Ovina, now prevails among the Sheep in some Parts of the United Kingdom, and it is 'necessary to take Measures to prevent such Disorder from spreading:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Infected Sheep exposed for Sale may be seized and destroyed, together with Pens, Hurdles, &c.

That in case any Sheep or Lambs infected with or labouring under the said Disorder, or any Disorder of the like Nature, be exposed or offered for Sale, or be brought or attempted to be brought for the Purpose of being so exposed or offered for Sale, in any Market, Fair, or other open or public Place where other Animals are commonly exposed for Sale, then and in any such Case it shall be lawful for any Clerk or Inspector or other Officer of such Fair or Market, or for any Constable or Policeman, or for any other Person authorized by the Mayor, or by any Two Justices of the Peace having Jurisdiction in the Place, or for any Person authorized or appointed by Her Majesty in Council, to seize the same, and to report such Seizure to the Mayor or any Justice of the Peace having Jurisdiction in the Place; and it shall be lawful for such Mayor or Justice either to restore the same, or to cause the same, together with any Pens, Hurdles, Troughs, Litter, Hay, Straw, or other Articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of in such Manner as he shall deem proper, or as may be directed in manner herein-after provided; and any Person bringing or attempting to bring any Sheep, Lambs, Oxen, Bulls, Cows, Calves, or other horned Cattle, into any such Market, Fair, or open or public Place as aforesaid, knowing such Sheep, Lambs, or Cattle to be infected with or labouring under either of such Disorders as aforesaid, shall, upon Conviction thereof, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Parties exposing Cattle for Sale, knowing them to be diseased.

Penalty on Persons depasturing diseased Sheep, &c.

II. And be it enacted, That if any Person turn out, keep, or depasture any Sheep or Lambs infected with or labouring under the said Disorder in or upon any Forest, Chase, Wood, Moor, Marsh, Heath, Common, waste Land, open Field, Road Side, or other undivided or uninclosed Land, such Person shall, on Conviction thereof, forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Persons exposing for Sale Meat unfit for Human Food.

III. 'And whereas it is expedient' for the Preservation of the public Health to make more effectual 'Provision for preventing the Exposure for Sale of any Meat unfit for Human Food:' Be it enacted, That if any Meat unfit for Human Food be exposed or offered for Sale in any Market, Fair, or other open or public Place, it shall be lawful for such Clerks, Inspectors, Constables, Policemen, or other Persons authorized as aforesaid to seize the same, and to report such Seizure to such Mayor or Justice as aforesaid; and such Mayor or Justice may either order the same to be restored, or to be destroyed or otherwise disposed of as aforesaid; and any Person publicly exposing or offering such Meat for Sale shall, upon Conviction, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds.

Privy Council may make Regulations as to Removal of Sheep, &c.;

IV. And for the more effectually preventing the spreading of contagious or infectious Disease, be it enacted, That it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any Two or more of them, from Time to Time to make such Orders and Regulations as to them may seem necessary for the Purpose of prohibiting or regulating the Removal, to or from such Parts or Places as they may designate in such Order or Orders, of Sheep, Cattle, Horses, Swine, or other Animals, or of Meat, Skins, Hides, Horns, Hoofs, or other Parts of any Animals, or of Hay, Straw, Fodder, or other Articles likely to propagate Infection; and also for the Purpose of purifying any Yard, Stable, Outhouse, or other Place,

as to purifying Yards, Stables,

&c., and Disposal of Animals dying in an infected State; and Notice of Appearance of Disease, &c.

Place, or any Waggons, Carts, Carriages, or other Vehicles; and also for the Purpose of directing how any Animals dying in a diseased State, or any Animals, Parts of Animals, or other Things seized under the Provisions of this Act, are to be disposed of; and also for the Purpose of causing Notices to be given of the Appearance of any Disorder among Sheep, Cattle, or other Animals, and to make any other Orders or Regulations for the Purpose of giving Effect to the Provisions of this Act, and again to revoke, alter, or vary any such Orders or Regulations; and all Provisions for any of the Purposes aforesaid in any such Order or Orders contained shall have the like Force and Effect as if the same had been inserted in this Act; and all Persons offending against the same shall for each and every Offence forfeit and pay any Sum not exceeding Twenty Pounds, or such smaller Sum as the said Lords or others of Her Majesty's Privy Council may in any Case by such Order direct.

Penalty for offending.

Orders, &c. to be published in Gazette, and in Country Newspapers;

V. And be it enacted, That all Orders and Regulations made under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette;* and in case such Orders or Regulations apply to any particular Places or Districts, then the same shall also be twice published, within Fourteen Days as aforesaid, in some Newspaper or Newspapers circulating in the County or Counties within which each of such Places or Districts, or any Part or Parts thereof respectively, is or are situated.

and to be laid before Parliament.

VI. And be it enacted, That a Copy of every such Order or Orders shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if Parliament be not then sitting, then within Six Weeks after the Commencement of the then next Session of Parliament.

Penalty for obstructing Persons in the Execution of this Act.

VII. And be it enacted, That in case any Person wilfully obstruct or impede any Person acting under the Authority of this Act, or of any Order or Regulation made in pursuance of this Act, every Person so offending, and all others aiding and assisting therein, shall and may be seized and detained by such Person so acting under the Authority of this Act as aforesaid, or any Person or Persons he may call to his Assistance, until such Offender or Offenders can be conveniently taken before some Justice of the Peace having Jurisdiction in the County or Place wherein such Offence shall be committed, and when convicted before such Justice as aforesaid (who is hereby authorized and required, upon Complaint to him upon Oath, to take cognizance thereof, and to act summarily in the Premises,) shall, in the Discretion of such Justice, forfeit any Sum not exceeding Five Pounds, and in default of Payment thereof shall and may be imprisoned for any Term not exceeding Two Calendar Months, unless the Amount of the Penalty shall have been sooner discharged.

Penalties to be summarily recovered before Two Justices.

VIII. And be it enacted, That every Penalty or Forfeiture imposed by this Act may be recovered by summary Proceeding before Two Justices; and upon the Exhibition of any Information in Writing before any Justice such Justice shall issue a Summons requiring the Party complained against to appear before Two Justices having Jurisdiction, at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his last or usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the Service of such Summons, it shall be lawful for any Two Justices having Jurisdiction to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay such Penalty as may seem fit, and not greater than the Penalty or Forfeiture specified in this Act, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

IX. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices, or either of them, or any other Justice having Jurisdiction as aforesaid, shall issue their or his Warrant of Distress accordingly.

In default of Distress, Justices may commit the Offender to Prison.

X. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day being not more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Distress, how to be levied.

XI. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

XII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the

the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Application of Penalties.

XIII. And be it enacted, That all Penalties and Forfeitures recovered under this Act shall be applied as follows; one Half thereof shall be paid to the Person who shall sue or proceed for the same, and the other Half to Her Majesty's Use, and shall be paid to the Sheriffs of the County, City, or Town where the same shall have been imposed, and shall have been duly accounted for by him; and that all Convictions before Justices, and all Fines, Forfeitures, or Penalties imposed in consequence of such Convictions, shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.*

Convictions to be returned to Quarter Sessions under 3 G. 4. c. 46.

Penalties to be sued for within Two Months after Commission of Offence.

XIV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Two Months next after the Commission of such Offence.

Penalty on Witnesses making default.

XV. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined on Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

XVI. And be it enacted, That no Warrant of Commitment consequent upon any summary Conviction under this Act shall be held void by reason of any Defect in such Warrant, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same; nor shall any Conviction, Order, or other Proceeding in pursuance of this Act be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Parties aggrieved may appeal to Quarter Sessions, on giving Security.

XVII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court may make such Order as they think reasonable.

XVIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

If Suit brought on account of Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have 2*d.* Damages, and Defendant fined not more than 1*s.*

XIX. And be it enacted, That in case the Mayor or Justice to whom the Seizure of any Sheep, Lambs, or Cattle supposed to be infected as aforesaid, or of any Meat supposed to be unfit for Human Food, may have been reported, shall upon Inquiry order the same to be restored, and in case it appear to such Mayor or Justice that there was a probable Cause of Seizure, then and in such Case such Mayor or Justice shall grant a Certificate to the Party making the Seizure that there was such probable Cause, and in such Case the Person or Persons who made such Seizure, being a Person or Persons acting under the Authority of this Act, or of any Order made in pursuance hereof, shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to Trial against any Person or Persons, being a Person or Persons acting under such Authority as aforesaid, on account of the Seizure of any Animals, Parts of Animals, Hay, Straw, Fodder, or other Articles seized as forfeited under the Provisions of this Act, or of any Order or Orders made under the Authority of the same, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified on the said Record that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant or Defendants in such Prosecution be fined above One Shilling.

Act to continue in force for Two Years.

XX. And be it enacted, That this Act shall continue in force until the First Day of *September* in the Year of our Lord One thousand eight hundred and fifty, and if Parliament be then sitting then further until the End of the then Session.

Act not to affect the Rights, &c. of the City of London.

XXI. And be it enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, possess, by Custom, Charter, or otherwise, for the Regulation, Management, and Control of Markets, or the Sale of infected Meat, Hides, Skins, Horns, Hoofs, or other Part of any infected Animal, or infected Hay, Straw, Fodder, or other Article, or the Lord Mayor and Court of Aldermen, or the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, under or by virtue of any Act of Parliament, did or might lawfully claim, use, or exercise.

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CVIII.

An Act for enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of the *Roman* States. [4th *September* 1848.]

'WHEREAS Doubts exist whether Her Majesty can lawfully establish and maintain Diplomatic 'Relations and hold Diplomatic Intercourse with the Sovereign of the *Roman* States; and it is 'expedient that such Doubts should be removed:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding anything contained in any Act or Acts now in force, it shall be lawful for Her Majesty, Her Heirs and Successors, to establish and maintain Diplomatic Relations and to hold Diplomatic Intercourse with the Sovereign of the *Roman* States.

Her Majesty empowered to establish Diplomatic Relations with Sovereign of Roman States.

No Person in Holy Orders to be received as Ambassador, &c. from Court of Rome.

II. Provided always, and be it enacted, That it shall not be lawful for Her Majesty, Her Heirs or Successors, to receive at the Court of *London*, as Ambassador, Envoy Extraordinary, Minister Plenipotentiary, or other Diplomatic Agent, accredited by the Sovereign of the *Roman* States, any Person who shall be in Holy Orders in the Church of *Rome*, or a Jesuit or Member of any other Religious Order, Community, or Society of the Church of *Rome*, bound by Monastic or Religious Vows.

Nothing to affect any Laws now in force for upholding the Supremacy of the Crown.

III. Provided always, and be it enacted, That nothing herein contained shall repeal, weaken, or affect, or be construed to repeal, weaken, or affect, any Laws or Statutes, or any Part of any Laws or Statutes, now in force for preserving and upholding the Supremacy of our Lady the Queen, Her Heirs and Successors, in all Matters Civil and Ecclesiastical within this Realm and other Her Majesty's Dominions, nor those Laws or Parts of Laws now in force which have for their Object to control, regulate, and restrain the Acts and Conduct of Her Majesty's Subjects, and to prohibit their Communications with the Sovereigns of Foreign States on the said Matters, all which Laws and Statutes ought for ever to be maintained for the Dignity of the Crown and the Good of the Subject.

CAP. CIX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [4th *September* 1848.]

8 & 9 Vict. c. 118.

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act 'passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate 'the Inclosure and Improvement of Commons and Lands held in Common, the Exchange of Lands, 'and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, 'and for the Nonexecution of the Powers of general and local Inclosure Acts; and to provide for the 'Revival of such Powers in certain Cases*, since the Date of their Third Annual General Report, issued 'their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this 'Act, and the requisite Consents thereto have been given: And whereas the said Commissioners have, by 'a Special Report, certified their Opinion that such proposed Inclosures would be expedient; but the 'same cannot be proceeded with without the previous Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Inclosures mentioned in Schedule may be proceeded with.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Second Annual Inclosure Act, 1848."

Commissioners may, if they think fit, order the Warley Inclosure to be proceeded with, as if it had been mentioned in Schedule.

III. 'And whereas since the Presentation by the Inclosure Commissioners of the said Special Report 'the necessary Consents to the Provisional Order have been given in the Matter of the *Warley* Inclo- 'sure in the County of *York:* And whereas the several Parties consenting thereto are desirous that 'certain Agreements already entered into between the Lord of the Manor of *Wakefield*, of which the 'Township of *Warley* is Parcel, and Commoners thereof, who have consented to such Provisional Order, 'should be carried out with respect to certain Matters which unless provided for it would not be advisable 'that such Inclosure should proceed:' Be it therefore enacted, That it shall be lawful for the said Commissioners, if they shall think fit, and they are hereby authorized, by Order under their Seal, to direct that the said Inclosure be proceeded with, upon the Terms and Conditions of such Provisional Order and of the said Agreements, or such of them as the said Commissioners shall think just and reasonable;

reasonable; and thereupon such Inclosure shall be proceeded with, and the Award to be made in pursuance of such Order shall be binding and conclusive, in the same Manner as if the said *Warley* Inclosure had been mentioned in the Schedule to this Act, and as if the Terms and Conditions of the said Agreements, or such of them as the Commissioners shall think just and reasonable as aforesaid, had been included in and incorporated with the Provisional Order in the Matter of such Inclosure, and had been authorized by the said recited Act.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
		1848:
Ash Moor	Devon	2 February.
Cottisford	Oxford	2 February.
Kildwick	York	5 April.
		1847:
Winterbourn Dantsey	Wilts	2 December.
		1848:
Littleton	Middlesex	15 June.
Newton Valence	Southampton	24 May.
Discoyed Hill	Radnor	24 May.
		1847:
Greatham	Southampton	10 December.
		1848:
Newbiggin Moor	Westmorland	18 May.
Harras Moor	Cumberland	15 June.
Drinkstone	Suffolk	15 July.
South Common	Somerset	15 July.
Standlake, Brighthampton, and Hardwick	Oxford	19 July.
Hebden Moor	York	18 May.
Hodnet Heath	Salop	5 July.
Thatcham	Berks	31 July.
Germans Week Common	Devon	19 July.

CAP. CX.

An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions.

[4th *September* 1848.]

'WHEREAS by an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled '*An Act for the Amendment and better Administration of the Laws relating to the Poor in* 4 & 5 W. 4. c. 76.
'England *and* Wales, Provision is made for the Formation of Unions for the Relief of the Poor and for 'the Charge for the Relief of the Poor belonging to the several Parishes comprised therein; and it is 'expedient to alter the Mode in which the Relief of certain poor Persons is now chargeable:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the Thirtieth Day of *September* next until the Thirtieth Day of *September* in the Year One thousand eight hundred and forty-nine, the Cost of the Relief to be given to any poor Person chargeable or becoming chargeable in any Union formed or to be formed under the Provisions of the said Act, being a destitute Wayfarer or Wanderer or Foundling, as well as the Cost of the Burial of the Body of any such Person dying within such Union, shall be chargeable to the Common Fund of such Union.

Costs for Relief of wandering Poor, &c. to be charged to the Common Fund of Unions.

II. And be it enacted, That where any poor Person having a fixed Place of Abode in a Parish in any such Union shall hereafter, by reason of Accident, bodily Casualty, or sudden Illness occurring to him while in some other Parish, in which he has no legal Settlement, require Relief, the Cost of all the Relief given by lawful Authority in that Behalf, as well medical as otherwise, shall, if the poor Person be at the Time in receipt of Relief, be paid or reimbursed in like Manner and by the same Union or Parish as any other Relief shall be then payable, but if he be not then in receipt of Relief, it shall be paid or reimbursed, as the Case may require, by the Parish in which such poor Person shall then have his Place of Abode, unless by reason of any Provision of the Law he would, if otherwise chargeable, have been chargeable to the Common Fund of such Union, in which Case the Payment or Reimbursement shall be made by the Guardians of the Union comprising such Parish, and shall be charged to the Common Fund of the Union; and it shall be lawful for the Guardians of any Union, if they think proper, to pay for any medical or other Assistance which shall be rendered to any poor Person on the happening

Poor Persons having a fixed Place of Abode meeting with Accidents, &c. in some other Parish where they have no legal Settlement to be relieved by the Parishes of their Abode or previous Chargeability.

happening of any Accident, bodily Casualty, or sudden Illness, although no Order shall have been given for the same by them or any of their Officers, or by the Overseers, and to charge the same to some one Parish in the Union, or to the Common Fund of the Union, according as such Parish or Union would have been liable for the ordinary Relief of such poor Person; provided that nothing herein contained shall exempt the Guardians of the Union or Parish, or their Officers, or the Overseers of the Parish in which such poor Person shall require Relief by reason of such Accident, bodily Casualty, or sudden Illness, from their Liability to supply the requisite Relief to such poor Person whilst in such Union or Parish.

Paupers rendered irremovable by the 9 & 10 Vict. c. 66. rendered chargeable to the Common Fund of the Union.

III. And be it enacted, That after the Thirtieth Day of *September* next until the Thirtieth Day of *September* in the Year One thousand eight hundred and forty-nine all the Costs incurred in the Relief, as well medical as otherwise, of any poor Person, who, not being settled in the Parish where he resides, shall, by reason of some Provision of the Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, be or become exempted from the Liability to be removed from the Parish where he resides, shall, where the said Parish shall be comprised in any such Union as aforesaid, be charged to the Common Fund of such Union, so long as such Person shall continue to be so exempted; and the Expenses of the Burial of any such Person so exempted at the Time of his Death shall, if legally payable by the Guardians of the Union, likewise be charged to the said Common Fund.

Questions arising as to Cost of Relief, &c. may be referred to and decided by the Poor Law Board; whose Orders shall not be removable after a Time, nor be quashed for Want of Form.

IV. And be it enacted, That where in any such Union a Question shall arise between any Parishes therein, or between the Guardians and any Parish or Parishes therein, with reference to the charging of the Cost of his Relief, as to whether any Pauper be so exempted as aforesaid, the Parties may jointly submit such Question to the Commissioners for administering the Laws for the Relief of the Poor in *England*, who may thereupon, if they think proper, entertain such Question, and by an Order under their Seal determine the same; but no such Order shall be liable to be removed, by Writ of Certiorari or otherwise, into the Court of Queen's Bench, after the Expiration of the Term next ensuing the Time when the Copy thereof shall have been sent to the Guardians, nor shall the same be quashed for any Defect of Form therein; and every such Order not rescinded or quashed shall be in all Courts and for all Purposes final and conclusive between the Guardians and every Parish in the Union interested in the Matter.

Guardians may assist in the Emigration of certain Poor, and charge the Cost upon the Common Fund of the Union or Parish.

V. And be it enacted, That the Guardians of any Union or Parish may, with the Order of the said Commissioners and in conformity with such Regulations as they shall make, procure or assist in procuring the Emigration of any poor Person rendered irremovable by virtue of the Provisions of the said last-mentioned Act, and chargeable or who would, if relieved, be chargeable upon the Common Fund of such Union, or in the Case of any Parish not comprised in a Union who may, though not settled therein, be irremovable as aforesaid therefrom; and such Guardians shall in the Case of a Union charge the Costs and Expenses incurred in such Emigration upon the Common Fund, and in the Case of a Parish not in a Union, upon the Monies in their Hands for the Relief of the Poor.

Mode of charging the Relief.

VI. And be it enacted, That the Cost of all the Relief which under the Provisions of this Act shall be chargeable to the Common Fund of any Union shall be charged to the Common Fund of such Union, in the same Manner as Union Expenses are directed to be charged by the herein first-recited Act.

Guardians may cause a Valuation to be made at any Time of Property alleged to be rateable.

VII. And be it enacted, That the Guardians of any Union may, on the Application of the major Part of the Overseers of any Parish comprised in it, or of any Person assessed to the Poor Rate in any such Parish, cause a Valuation to be made at any Time of any Property alleged to be rateable to the Relief of the Poor, being a Part only of the rateable Property of such Parish, and may charge the Expenses of such Valuation to the Overseers of such Parish, or to such Person so applying as aforesaid.

Guardians may obtain Orders of Maintenance, and charge Expenses in like Manner as Churchwardens, &c. can.

VIII. And be it enacted, That the Guardians of any Union shall be entitled to obtain Orders of Maintenance upon the Relations liable under any Statute now in force to maintain any poor Person whose Relief would be chargeable to the Common Fund of the Union, in like Manner as the Churchwardens and Overseers of any Parish can now obtain the same, and may expend in respect of such Person, out of such Fund, any Money for any Purpose which the Overseers of the Parish to which such Person, if chargeable, would have belonged might have done; and all Relief to be granted by the Guardians to any Pauper upon Loan, and which shall be chargeable to the Common Fund of the Union, or to any Parish therein, may be recoverable in the County Court or other Court for the Recovery of Small Debts for the District wherein the Union or the major Part thereof shall be comprised, on the Plaint of the said Guardians, who may apply and be heard in such Court by any Officer appointed by them for such Purpose, in manner prescribed by the Statutes enabling them to appoint Officers to act for them: Provided nevertheless, that the Remedy already provided by Law for the Recovery of the Relief granted on Loan shall be in force and applicable to the Relief so chargeable to the Common Fund as aforesaid.

Relief advanced by way of Loan may be recovered in County Court, &c.

Persons being chargeable upon the Common Fund of a Union, and being convicted of any Offence, may be committed by a Justice to

IX. And be it enacted, That if any Person herein-before made chargeable upon the Common Fund of the Union shall be convicted before any Justice of any Offence committed in any Workhouse while maintained therein, or of deserting or running away from any Workhouse, and carrying away Clothes or other Property therefrom, and be liable to be committed to any Gaol or House of Correction, the Justice before whom such Person shall be convicted may commit such Person to the Gaol or House of Correction of the County or Place containing the Parish in which such Person, if chargeable to the Common Fund by reason of being exempt from Removal under the Statute herein-before mentioned, shall have been residing, when admitted into the Workhouse, or to that of the County or Place comprising the

the major Part of such Union, in the Case of any other Person herein rendered chargeable on the said Common Fund, notwithstanding such Workhouse may not be situated in such County or Place, or that such Justice may not be a Justice of such County or Place; and the Charges of the Conveyance of such Person to such Gaol or House of Correction, and all other Charges consequent upon such Committal, shall be borne by such County or Place in like Manner as the Charges of Persons committed in the ordinary Mode to the Gaol thereof shall be borne. the Common Gaol, &c., the Expenses of which shall be charged upon the County, &c.

X. And be it enacted, That upon Application for Relief by Admission to the Workhouse of any such Union as aforesaid or otherwise by any poor Person professing to be a destitute Wanderer or Wayfarer, the Master, Porter, or other Officer of such Workhouse, or the Relieving Officer of such Union or Overseer of any Parish to whom such Application for Relief shall be made, may search such Person, or cause him to be searched, and may take from such Person any Money which shall be found upon him, and shall deliver the same to the Guardians, to be by them applied in aid of the Common Fund of the Union; and every Person who shall apply for Relief at any Workhouse, or to any Relieving Officer or Overseer, having at the Time of such Application in his Possession and under his immediate Control any Money or other Property, of which, on Inquiry made by the Guardians or their Officers, or by Overseers, he shall not make correct and complete Disclosure, shall be taken to be an idle and disorderly Person within the Meaning of the Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth for the Punishment of idle and disorderly Persons and Rogues and Vagabonds in *England*, and shall be punishable and dealt with in all respects and with the like Proceedings as idle and disorderly Persons under the said Act. Poor Persons may be searched on Admission to Workhouse. Persons in possession of Means applying for Relief, punishable as idle and disorderly Persons.

XI. And be it enacted, That in any Court and before any Justice or Justices, and for all Purposes, a Certificate of the Chargeability of any Person named therein in the Form prescribed in the Schedule marked C. to the Act of the Eighth Year of the Reign of Her present Majesty for the Amendment of the Laws for Relief of the Poor in *England*, and purporting to have been executed in the Manner prescribed by that Act, shall be received within the Space of Twenty-one Days from the Date thereof as sufficient Evidence of the Chargeability of the Person named therein unless the contrary be otherwise shown. Certificate of Chargeability in Form prescribed in Schedule to 7&8Vict.c.101. deemed sufficient Evidence.

XII. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said first herein-recited Act, and the Statutes explaining and extending it. Interpretation of Act.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. CXI.

An Act to amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor. [4th *September* 1848.]

WHEREAS by an Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, after reciting that it was expedient that the Laws relating to the Removal of the Poor should be amended, it was enacted, that from and after the passing of that Act no Person should be removed nor should any Warrant be granted for the Removal of any Person from any Parish in which such Person should have resided for Five Years next before the Application for the Warrant: Provided always, that the Time during which such Person should be a Prisoner in a Prison, or should be serving Her Majesty as a Soldier, Marine, or Sailor, or reside as an In-Pensioner in *Greenwich* or *Chelsea* Hospitals, or should be confined in a Lunatic Asylum, or House duly licensed or Hospital registered for the Reception of Lunatics, or as a Patient in a Hospital, or during which any such Person should receive Relief from any Parish, or should be wholly or in part maintained by any Rate or Subscription raised in a Parish in which such Person does not reside, not being a *bonâ fide* charitable Gift, should for all Purposes be excluded in the Computation of Time therein-before mentioned, and that the Removal of a Pauper Lunatic to a Lunatic Asylum under the Provisions of any Act relating to the Maintenance and Care of Pauper Lunatics should not be deemed a Removal within the Meaning of that Act: Provided always, that whenever any Person should have a Wife or Children having no other Settlement than his or her own, such Wife and Children should be removable whenever he or she is removable, and should not be removable when he or she is not removable: And whereas by Reason of the Generality of the Expressions used in the last Proviso Doubts are entertained as to the Meaning thereof, and it is desirable to remove such Doubts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said last Proviso be repealed, and that instead thereof the following be enacted: Provided always, that whenever any Person should have a Wife or Children having no other Settlement than his or her own, such Wife and Children should be removable from any Parish or Place from which he or she would be removable, notwithstanding any Provisions of the said recited Act, and should not be removable from any Parish or Place from which he or she would not be removable by reason of any Provision in the said recited Act. 9&10Vict.c.66. Repealing Proviso in 9&10Vict.c.66. in relation to Removal of Wives and Children, and substituting another in lieu thereof.

II. And be it enacted, That nothing herein contained shall affect any Appeal of which Notice shall have been given before the passing of this Act. Not to affect Appeals of which Notice has been given.

CAP.

CAP. CXII.

An Act to consolidate, and continue in force for Two Years and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers. [4th *September* 1848.]

23 H. 8. c. 5.

'WHEREAS by virtue of the Act concerning Sewers passed in the Twenty-third Year of the Reign of King *Henry* the Eighth, and the several Acts continuing, amending, and explaining the same, there have been from Time to Time issued several Commissions of Sewers for several Districts near the City of *London*, commonly known as the Districts of the *Tower Hamlets*, of *Saint Katherine's*, of *Poplar* and *Blackwall*, of *Holborn* and *Finsbury*, of *Westminster* and Part of *Middlesex*, of *Surrey* and *Kent*, and of *Greenwich* respectively; and the Jurisdiction and Powers of certain of the said Commissions of Sewers have been extended by several Acts of Parliament; and the Commissions of Sewers for the said several Districts, except for the said District of *Saint Katherine's*, now in force, respectively bear Date at *Westminster* the Thirtieth Day of *November* One thousand eight hundred and forty-seven; and the Commission for the said District of *Saint Katherine's* bears Date at *Westminster* the Fourth Day of *December* One thousand eight hundred and forty-seven: And whereas an Act was passed in the

City of London. 11 G. 3. c. 29.

Eleventh Year of the Reign of King *George* the Third, intituled *An Act for consolidating, extending, and rendering more effectual the Powers granted by several Acts of Parliament for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers within the City of* London *and Liberties thereof, and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing and removing Obstructions and Annoyances within the same;*

33 G. 3. c. 75. 4 G. 4. c. cxiv.

and an Act was passed in the Thirty-third Year of the same Reign, to explain, amend, and render more effectual the said last-mentioned Act; and an Act was passed in the Fourth Year of the Reign of King *George* the Fourth, for altering and amending the said Two last-mentioned Acts; and by virtue of the said Acts the sole Power of ordering, designing, making, enlarging, widening, deepening, raising altering, removing, repairing, cleansing, and scouring of all Common Sewers, Drains, and Vaults, and of paving, cleansing, and lighting the several Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places within the said City of *London* and Liberties thereof, is vested in the Mayor and Commonalty and Citizens of the said City; and the Persons who by the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, are from Time to Time nominated, and, under the Common Seal of the said Mayor and Commonalty and Citizens, appointed for that Purpose, together with the Recorder and Common Serjeant of the said City for the Time being, are Commissioners for carrying the said Acts into execution, and are herein-after referred to as the Commissioners of Sewers of the City of *London:* And whereas by an Act passed in the Fifth Year of the Reign of King *George* the

5 G. 4. c. 100.

Fourth, intituled *An Act for more effectually paving, lighting, watching, cleansing, and regulating the* Regent's Park, *together with the new Street from the* Regent's Park *to* Pall Mall, *and the new Streets and Improvements in the Neighbourhood of* Parliament Street *and* Privy Gardens, *and for maintaining a convenient Sewage for the same,* the Commissioners for executing that Act are appointed Commissioners of Sewers for maintaining and keeping in repair the Principal or Common Sewer extending from the *Regent's Park* aforesaid to *Charing Cross,* and from thence to the River *Thames,* and other Drains, Watercourses, and Communications under the Authorities and Provisions therein contained, and the Powers of such Commissioners have been extended by other Acts of Parliament: And whereas an Act was passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled

3 & 4 W. 4. c. 22. 4 & 5 Vict. c. 45.

An Act to amend the Laws relating to Sewers, and the said Act was amended by an Act of the Fourth and Fifth Years of the Reign of Her present Majesty; but the said Acts contain Savings which exclude the Commissioners of Sewers of the City of *London,* and the Commissioners for executing the said Act of the Fifth Year of King *George* the Fourth, and certain of the Commissions herein-before mentioned, wholly or in part from the Operation of such Acts: And whereas it is expedient that the Districts comprised within the Limits of the several Commissions of Sewers herein-before mentioned, and the Parts subject to the Jurisdiction of the said Commissioners of Sewers appointed under the said Act of the Fifth Year of King *George* the Fourth, with such other Places herein-after mentioned as it may be convenient for Drainage Purposes to annex thereto, should be subject to the Jurisdiction of One Commission of Sewers, and that the Powers vested in the said several Commissions of Sewers, and the Commissioners lastly herein-before mentioned, should be amended, and should be exercised by such One Commission, subject to the Provisions of this Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Constitution, &c. of Commission.

Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to cause to be issued from Time to Time under the Great Seal of the United Kingdom of *Great Britain* and *Ireland* One Commission of Sewers for the City and Liberties of *Westminster* and the Borough of *Southwark,* and all Parts within the Limits mentioned in the said several Commissions bearing Date the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, and the Parts subject to the Jurisdiction of the Commissioners acting in execution of the said Act of the Fifth Year of King *George* the Fourth, and such other Places or Parts in the Counties of *Middlesex, Surrey, Essex,* and *Kent,* or any of them, being not more than Twelve Miles distant in a straight Line from *Saint Paul's* Cathedral in the City of *London,* but not being within the City of *London* or the Liberties thereof, as shall from Time to Time be named in such Commission, or comprised within the Limits therein, or in any Map which may be annexed to such Commission,

Power to Her Majesty to cause to be issued One Commission of Sewers for the Metropolitan Districts.

mission, and taken as Part thereof, described or set forth; and no Place or Part comprised within such Limits shall be exempt from the Jurisdiction of the Commissioners by reason of the same being extra-parochial, or being beyond the Ebb or Flow of the Tide, or by reason of any other Exemption or supposed Exemption from the general Law of Sewers previously to the passing of this Act. *Constitution, &c. of Commission.*

II. And be it enacted, That every Commission to be issued under this Act shall continue in force for the Term of Two Years next ensuing the Date thereof, notwithstanding any Demise of the Crown, unless determined by reason of any new Commission or by Writ of Supersedeas; and all Bye Laws, Decrees, and Acts made or done by any Court of Sewers during the Continuance and by virtue of any such Commission shall, notwithstanding the Expiration or Determination of the Commission under which such Bye Laws, Decrees, and Acts shall have been made or done, continue to have the same Force and Effect as if such Commission had not expired or determined. Duration of Commission. Bye Laws, &c. to continue in force after Expiration of Commission.

III. And be it enacted, That the Commissioners who shall be from Time to Time named in such Commission, together with such other Persons as shall be from Time to Time Commissioners for the Purposes of this Act under the Provisions herein contained, shall be styled "The Metropolitan Commissioners of Sewers." Style of Commissioners.

IV. And be it enacted, That the Lord Mayor of the City of *London* for the Time being shall by virtue of his Office be a Commissioner; and the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall, with all convenient Speed after the issuing of every Commission under this Act, appoint Four Persons, being Members of the Court of Aldermen or of the Common Council, to be Commissioners; and so often as any Person so appointed shall die, resign, or, under the Provisions herein-after contained, cease to be a Commissioner, it shall be lawful for the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, in like Manner to appoint a Person, being a Member of the Court of Aldermen or of the Common Council, to be a Commissioner in the Place of the Commissioner so dying, resigning, or ceasing to be a Commissioner; and every Appointment of such Persons and Person as aforesaid shall be certified under the Common Seal of the Mayor and Commonalty and Citizens of the said City to the Metropolitan Commissioners of Sewers; and the said Lord Mayor, and the Persons for the Time being appointed as aforesaid, shall, at the Courts, and in respect of the Matters at and on which they are authorized to sit and vote under this Act, have the same Powers and be subject to the same Provisions as if they had been named in the Commission. Lord Mayor and Four Persons, being Members of the Common Council, to be appointed Commissioners under this Act.

V. Provided always, and be it enacted, That the Commissioners for the Time being may continue to act notwithstanding any Vacancy in or Nonappointment of the Persons hereby authorized to be appointed by the said Mayor, Aldermen, and Commons, and notwithstanding any Vacancy or Vacancies by any Means in the Commission. Commissioners may act during Vacancies.

VI. And be it enacted, That in case any Commissioner named in any Commission under this Act, or appointed by the said Mayor, Aldermen, and Commons, shall be declared bankrupt, or shall apply to take the Benefit of or shall become subject to any Act for the Relief of Insolvent Debtors, or shall compound with his Creditors, or if any Commissioner shall accept or hold any Office under the Commissioners, or in any Manner be concerned or interested in any Contract or Work made with or executed for the Commissioners, or, being appointed by the Mayor, Aldermen, and Commons, shall cease to be a Member of the Court of Aldermen or of the Common Council, then and in every such Case such Person shall, except in the Case next herein-after provided, cease to be a Commissioner; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament, or by Charter, shall be disabled from continuing or acting as a Commissioner by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company, but no such Commissioner shall vote upon any Question in which such Company is interested; and any Person who shall act as a Commissioner after ceasing to be a Commissioner as aforesaid, or any Commissioner, being a Shareholder in any such Joint Stock Company, who shall vote upon any Question in which such Company is interested, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt: Provided always, that all Acts and Proceedings of any Person ceasing to be a Commissioner or disabled as aforesaid shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes whatsoever. Disqualifications of Commissioners.

VII. And be it enacted, That upon the issuing of the First Commission under this Act the said several Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven shall determine; and all Lands, Buildings, Works, and Hereditaments, Utensils, Materials, Books, Plans, Maps, Papers, Effects, Monies, Securities, and other Property, which shall then be vested in or held in trust for the Commissioners of Sewers under such several Commissions, or which would have been vested in or held in trust for such Commissioners in case such several Commissions had not determined, for all such Estate and Interest as and in the same respectively as shall then be or would have been in or in trust for such last-mentioned Commissioners or any of them, and all Sewers vested in or under the Management of such last-mentioned Commissioners and the Commissioners acting in execution of the said Act of the Fifth Year of King *George* the Fourth respectively, with all Rights of Way and Passage now used and enjoyed by such respective Commissioners over and to such respective Sewers, shall be vested in the Metropolitan Commissioners of Sewers; and all Persons who shall then owe any Money to the Commissioners of Sewers under the said Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, or to any Person on behalf of such Commissioners, shall pay the same to the Metropolitan Commissioners of Sewers, or as they shall direct; and all Monies which shall be then due *Transfer of Property, Rights, Liabilities, &c. of former Commissions to Commissions under this Act.* Property of Sewers, &c. vested in Commissioners. Transfer of Debts and Liabilities to Metropolitan Commissioners of Sewers.

Transfer of Property, Rights, Liabilities, &c. of former Commissions to Commissions under this Act.

due and owing by or recoverable from the Commissioners under the said last-mentioned Commissions or any of them shall be paid by or recoverable from the Metropolitan Commissioners of Sewers; and all Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the issuing of the First Commission under this Act, to, with, or in favour of, or by or for the Commissioners under the said Commissions, which will be determined by the issuing of such Commission, or under the previous Commissions of Sewers for the same Limits or any of them, or any Person on behalf of such Commissioners respectively, shall take effect, and may be proceeded on and enforced, as near as Circumstances will admit, in favour of, by, against, and with reference to the Metropolitan Commissioners of Sewers, in such Manner as the same would have taken effect and might have been proceeded on and enforced in favour of, by, against, and with reference to the Commissioners under the Commissions so determined, or any of them, if this Act had not been passed, and such determined Commissions had continued in full Force; and all Sewers which the Metropolitan Commissioners of Sewers shall from Time to Time make within the Limits of their Commission, and all other Sewers made and to be made within such Limits, except Sewers made or to be made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and the Materials and Works belonging to such respective Sewers, shall be vested in such Commissioners.

Actions, &c. not to abate, but to continue for or against Metropolitan Commissioners.

VIII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced or carried on either by or against the Commissioners under the said Commissions bearing Date respectively the Thirtieth Day of *November* and Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, previously to the issuing of the First Commission under this Act, shall abate or be discontinued or prejudicially affected by the Determination of such first-mentioned Commissions, but shall continue and take effect both in favour of and against the Metropolitan Commissioners of Sewers, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners under the Commissions so determined, or any of them, if this Act had not been passed, and such determined Commissions had continued in full Force; and all Decrees and Orders made, and all Fines, Amerciaments, and Penalties imposed and incurred respectively previously to the issuing of such First Commission, shall and may be enforced, levied, recovered, and proceeded for, and all Presentments and administrative Proceedings commenced previously to the issuing of such first Commission shall and may be continued, proceeded with, and completed, in such or the like Manner as if this Act had not been passed, the Metropolitan Commissioners of Sewers being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Commissioners under the respective Commissions so determined.

Rates made under former Commission to be recoverable under this Act.

IX. And be it enacted, That all Rates which shall have been made or re-enacted by the Commissioners under the said Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, previously to the issuing of the First Commission under this Act, or so much thereof as shall not have been levied and paid, shall be paid to and levied by the Commissioners under this Act; and such Commissioners shall have the same Rights and Remedies in all respects in relation thereto as would have been had and might have been exercised by the Commissioners by whom such Rates shall have been made in case their respective Commissions had not been determined; and all such Rates respectively shall, so far as Circumstances will admit, be applied to the same Purposes as the same would have been applicable to in case such first-mentioned Commissions had not determined.

Officers under former Commissions to continue until removed.

X. And be it enacted, That every Clerk, Surveyor, Collector, and other Officer appointed by virtue of or acting under the Authority of the Commissions which will be determined by the issuing of the First Commission under this Act, or any of them, and not acting contrary to the Provisions of this Act, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom; and every such Clerk, Surveyor, Collector, and Officer shall have the like Power and Authority, for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the Provisions of this Act, and the Bye Laws of the Commissioners, in all respects as if he had been appointed by virtue of this Act.

Courts, Proceedings thereat, &c.

Six or more Commissioners may act.

XI. And be it enacted, That such of the Commissioners as shall be present at any Court of Sewers, or the Majority of them, the whole Number present not being less than Six, may exercise and perform all the Powers, Authorities, and Duties by this Act or otherwise vested in the Commissioners.

Lord Mayor and Persons appointed by Common Council may vote on Questions affecting the City of London; such Questions to be discussed only at Special Courts, and Notice to be given thereof.

XII. Provided always, and be it enacted, That it shall be lawful for the Lord Mayor of the City of *London*, and the said Persons for the Time being appointed as aforesaid by the said Mayor, Aldermen, and Commons, to sit and vote at all Courts of Sewers upon all Questions relative to the Exercise of the Powers hereby given to the Commissioners of directing any Sewer to be deepened or enlarged within the City of *London* and the Liberties thereof, and any Sewer to be made within such City and Liberties, and any other Work to be done in relation to Sewers within such City and Liberties, and settling, ascertaining, and assessing the Amount of Expenses, or the Portion or Residue of Expenses, to be borne or paid by the City of *London* under this Act; and no such Question as aforesaid shall be discussed or decided except at a Special Court, of which and of the Object of which Notice shall be given in manner herein-after provided; and the said Lord Mayor, and the said Persons for the Time being appointed as aforesaid, shall not sit or vote at any Court of Sewers, or exercise the other Powers of Commissioners under this Act, except as aforesaid.

Appointment of Chairman of Courts.

XIII. And be it enacted, That a Chairman shall be appointed at each Court of Sewers; and if any Difference shall arise upon the Choice of a Chairman at any Court, such Chairman shall be chosen by

the

the Majority of Commissioners present thereat; and in case there be an equal Number of Votes upon such Choice, then, except in the Case herein-after mentioned, the Person proposed whose Name shall stand first in the Commission shall be the Chairman; but in case the Lord Mayor of the City of *London* shall be present and authorized to sit and vote at such Court under the Provisions of this Act, and shall be One of the Persons proposed, then the said Lord Mayor shall be Chairman. *Courts, Proceedings thereat, &c.*

XIV. And be it enacted, That at all Courts of Sewers the Questions there considered shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes upon any Question, the Chairman at such Court shall, in addition to his own Vote as a Commissioner, have a second or casting Vote. Questions to be decided by Majority of Votes.

XV. And be it enacted, That the Commissioners shall hold their First Court at such Time and Place as shall be directed in the Commission in this Behalf, and if a Time or Place respectively shall not be appointed therein, then at the Court House of the Commissioners under the said Commission for *Westminster* and Part of *Middlesex*, on the First *Wednesday* after the issuing of the Commission under this Act, at One of the Clock in the Afternoon. Provision for Commissioners holding their First Court.

XVI. And be it enacted, That the Commissioners may hold Monthly Courts for the Purposes of this Act, and may from Time to Time fix the Day and Hour for holding such Courts; and upon any such Day and Hour being fixed the Commissioners for the Time being are required to attend such Courts without any Notice. Monthly Courts may be held.

XVII. And be it enacted, That no new Laws shall be adopted nor any extraordinary Business discussed at the Monthly Courts, unless due Notice thereof shall have been given at a prior Court, and the Subject of such Business notified to each Commissioner by means of written or printed Notices delivered or sent in the Manner herein provided. Notice to be given of extraordinary Business at Monthly Courts.

XVIII. And be it enacted, That it shall be lawful for the Commissioners to hold Special Courts; and every such Special Court shall be convened by the Clerk, upon a Requisition in Writing to the Clerk by any Three or more of the Commissioners, in which shall be specified the Time, Place, and Objects of such Court; but, except in Cases of Emergency, no such Court shall be held unless Notice thereof shall be given to each Commissioner in manner herein provided. Power to hold Special Courts.

XIX. And be it enacted, That any Court of Sewers to be holden under the Authority of this Act may adjourn from Time to Time to such Day and Hour, and to the same or any other Place, as such Court may think fit; and if there shall not be Six Commissioners present within One Hour after the Time appointed for holding any Court of Sewers, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, or for the Clerk if no Commissioner be present, to adjourn such Court in manner aforesaid; and Notice of every adjourned Court, and of the Objects or Business thereof (where Notice of such Objects or Business would be required in the Case of an original Court), shall be given in manner herein provided. As to the Adjournment of Courts.

XX. And be it enacted, That Two Days at the least before the holding of each Court of which or of the Objects or Business of which Notice is hereby required to be given a Notice specifying the Time and Place of holding such Court, and the Objects or Business thereof (where Notice of such Objects or Business is hereby required to be given), shall be delivered to each Commissioner personally, or left at his Place of Abode, or transmitted through the Post Office to him; and where Notice is hereby required to be given to the said Lord Mayor, and the Persons appointed by the said Mayor, Aldermen, and Commons, the like Notice shall be delivered to the Chamberlain of the City of *London* personally, or left at his Office. Notices for holding of Courts to be given.

XXI. And be it enacted, That it shall be lawful for the Commissioners present at any Court to appoint a Committee for any Purposes which in the Discretion of the Commissioners would be better regulated and managed by means of such Committee, and to fix the Quorum of such Committee, and at any Court to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be from Time to Time submitted to a Court of Sewers for their Approval. Power for Commissioners to appoint Committee.

XXII. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members (if any) fixed by the Commissioners, or if no Quorum be fixed Three Members of the Committee, be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman; and all Questions at any Meetings of the Committee shall be determined by the Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a second or casting Vote. Powers of Committee.

XXIII. And be it enacted, That it shall be lawful for the Commissioners present at any Court to appoint One or Two Commissioners to investigate any Accounts, or to direct or superintend any Work or Operation which may be conveniently directed or superintended by One or Two Commissioners: Provided always, that the Acts of the Commissioner or Commissioners so appointed shall be from Time to Time submitted to a Court of Sewers for their Approval. Commissioners to investigate Accounts, &c.; their Acts to be submitted to Court of Sewers.

XXIV. And be it enacted, That the Clerk of the Commissioners shall keep the Record of their Proceedings at their Courts and Minutes of the Proceedings of Committees in proper Books; and the said Record and Minutes shall be deposited in such Place as by the Laws or Regulations of the Commissioners shall from Time to Time be directed, and in default of such Directions at the principal Office of the Commissioners. Clerk to record Proceedings, which shall be deposited.

Seal, Offices, and Officers.

Common Seal to be provided.

XXV. And be it enacted, That the Commissioners shall cause a Seal to be made for their Commission, and shall cause to be sealed or stamped therewith any Decrees, Orders, or Records of Proceedings; and all Decrees, Orders, and Records of Proceedings, or Copies thereof, purporting to be sealed or stamped with such Seal, shall be received as Evidence of the same, without further Proof thereof.

Commissioners to provide Offices.

A Book to be kept for Entry of Complaints.

XXVI. And be it enacted, That the Commissioners shall provide and keep a principal Office, and also such Branch Offices for their Surveyor and Officers, in convenient Places within the Limits of the Commission, as they may think fit, and shall cause due Notice of all Offices which shall from Time to Time be provided by them to be given Twice at the least in Three daily Morning Newspapers circulating in *London* and *Westminster*; and the Commissioners shall at such Offices as they may think convenient, and during all Days of Business, keep open a Book in which shall be entered all reasonable Complaints made orally or by Letter by any Inhabitant or the Owner or Occupier of any Land within the Limits of the Commission, of any Matter cognizable by the Commissioners; and the proper Officer of the Commissioners shall forthwith inquire into the Truth of all such Complaints, and report thereon to the Commissioners; and such Report shall be entered in the said Book; and such Book shall be open at all reasonable Times to any Inhabitant or Owner or Occupier of Land within the Limits of the Commission.

Power to Commissioners to appoint Officers and Servants, and assign Salaries, &c.

XXVII. And be it enacted, That the Commissioners shall and may from Time to Time appoint, employ, and continue in Office respectively such Clerks, Treasurers, Surveyors, Collectors of Rates, Workmen, and other Officers and Servants as may be necessary or proper for the Execution of the Powers vested in the Commissioners, and assign and allow Salaries, Wages, or Remuneration to such Officers or Servants, and from Time to Time remove and dismiss such Officers and Servants respectively; and if any Officer or Person appointed, employed, or continued in Office by the Commissioners shall be afflicted with some permanent Infirmity disabling him from the Execution of his Office or Duty, and shall be desirous of resigning the same, or if, for any Length of Service or other meritorious Cause, the Commissioners shall at any Time hereafter deem it just that any Officer or other Person who shall have been employed under the said Commissions which will be determined by the issuing of the First Commission under this Act, or any of them, or under any former Commissions for the same Limits, and who shall not be continued in Office under such First Commission, or any Officer or other Person so appointed, employed, or continued in Office by the Commissioners, should be paid any retiring Pension or Allowance, it shall be lawful for the Commissioners from Time to Time, and as often as it shall occur, to order the Payment of such Pension or Allowance, and on such Terms, and out of such Funds under the Disposal of the Commission, as to the Commissioners shall seem meet.

Clerk and Treasurer not to be the same Person.

XXVIII. And be it enacted, That no Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and every Person offending in any of the Cases specified in this Provision shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

XXIX. And be it enacted, That no Officer or Servant of the Commissioners shall be in anywise concerned or interested in any Contract or Work made with or executed for the Commissioners; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, and the Fees or Sums authorized to be charged by this Act or any Bye Law of the Commissioners, he shall be incapable of afterwards holding or continuing in any Office or Employment under the Commissioners, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament, or by Charter, shall be prevented from being employed as an Officer or Servant by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company.

Officers, &c. intrusted with Money to give Security for duly accounting for the same.

XXX. And be it enacted, That before any Officer or Servant shall enter upon any Office or Employment under the Commissioners, by reason whereof he will or may be intrusted with the Custody or Control of Money, the Commissioners shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, unless the Commissioners shall appoint a shorter Time for that Purpose, and then within such Time as the Commissioners shall appoint, pay over the same to the Treasurer, and shall, as and when the Commissioners may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any Rate, and the Sums respectively due from them; and every Officer and Servant of the Commissioners as well during his Continuance in Office or Employment as upon his Resignation, Dismissal, or ceasing to hold his Office or Employment, shall respectively, when and in such Manner as shall be required by the Commissioners, make out and deliver a true and perfect Account in Writing, signed by him, of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up

If Officer fail to render Ac-

such

such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the Commissioners all Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Commissioners, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode, and if it appear to the last-mentioned Justices that he has failed to render any such Account, or to produce and deliver up any such Vouchers or Receipts, or any such Books, Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by Warrant under their Hands and Seals, to commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Account, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like Warrant, to cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress to commit him to Gaol, there to remain without Bail for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, it shall be lawful for such Justice, without previous Summons, by Warrant under his Hand and Seal, to cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

count, &c., Justices may commit Offender to Prison.

XXXI. And be it enacted, That if any Officer or Servant of the Commissioners who shall resign or be dismissed or removed from his Office shall be in possession of any Land, Buildings, or Works belonging to or vested in the Commissioners, and shall refuse or neglect to deliver up the Possession thereof within Two Days after he is required to deliver up the same, by Notice in Writing given to him, or left at his last or most usual Place of Abode, or if the Wife, Widow, Family, or Representatives of any such Officer or Servant who shall die, shall, after like Notice given to her, them, or any or either of them, refuse or neglect to deliver up Possession of the same within the like Time after she, they, any or either of them, shall be required so to do, then and in any of the said Cases it shall be lawful for the Commissioners, by Warrant under the Seal of the Commission, and under the Hands of Six Commissioners, to order a Constable or other Peace Officer, with such Assistance as shall be deemed necessary, in the Daytime, to enter into and upon and take possession of such Land, Buildings, or Works, and to remove the Persons who shall be found in or upon such Land, Buildings, or Works, together with their Goods, out of such Premises, and to put the Commissioners or their Officers or Servants in possession thereof.

If Officers in possession of Property of Commissioners refuse to deliver it up, they may be removed from the same.

XXXII. And be it enacted, That the Commissioners shall proceed with or cause to be made or completed a Survey of the Area within the Limits of their Commission, and of any adjoining Parts which the Commissioners may think necessary to include in such Survey for the Purposes of this Act, and a Map or Maps thereof, on such Scale or respective Scales, and with such Indications of Levels, and Particulars of Sewers and underground Works, and of the Surface, as the Commissioners shall think necessary or expedient for the Purposes of this Act or for the general Advantage of the Rate-payers; and the Commissioners may cause such Map or Maps, or any Part thereof, to be from Time to Time copied, engraved, and published as they may think proper; and the Commissioners shall from Time to Time cause such Map or Maps to be revised, and such Additions made thereto as may show the new Sewers and Drains, and the new Roads, Houses, or other Alterations, and the Date of Revision shall be expressed thereon; and every such Map shall be kept in the chief Office of the Commissioners, and the same or a Copy thereof shall be open at all seasonable Times to the Inspection of the Owners or Occupiers of any Lands within the Limits of the Commission.

Mapping, &c. of Area, Division thereof into Sewerage Districts, and Jurisdiction of Commissioners.

Commissioners to cause Survey of Area within Limits to be made, and Map of same to be prepared.

XXXIII. And be it enacted, That, without Prejudice to any Contract or Arrangement under any former Commission which may become obligatory on the Commissioners under this Act, the Commissioners may agree either with the principal Officers of Her Majesty's Ordnance that such Survey or any Part thereof shall be made by surveying Officers appointed by them, or may contract for that Purpose with any competent Persons, for such Remuneration as shall be agreed upon between such Parties respectively and the Commissioners.

Commissioners may agree with Officers of Ordnance for making Survey.

XXXIV. And be it enacted, That the Commissioners shall from Time to Time divide or form so much of the Area within the Limits of their Commission as are included in the Divisions, Districts, or Levels formed within the Limits of the said several Commissions which will be determined by the issuing of the First Commission under this Act, and also the Parts under the Jurisdiction of the Commissioners for executing the said Act of the Fifth Year of King *George* the Fourth, and also such other Parts within the Limits of the Commission under this Act as shall appear to the Commissioners to require the Exercise of all or any of the Powers vested in the Commissioners, if and as Occasion shall require, into separate Sewerage Districts, having regard in such Division or Formation to the Nature of the Ground, to the Main

Power to form separate Sewerage Districts.

Main Lines of Sewers by which such separate Districts are or shall be drained, or to the Main Lines of Sewers which it may appear to the Commissioners expedient to form for the Drainage of such Sewerage Districts, and to the equal Benefit, as far as may be, of all Lands and Buildings comprised in such Districts; and the Commissioners shall from Time to Time mark and describe on a Map to be kept at their chief Office the Limits of such Sewerage Districts.

Power to Commissioners to alter Boundaries of separate Sewerage Districts, and, until altered, existing Districts to form separate ones.

XXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to subdivide or unite, or extend, contract, or alter, the Limits or Boundaries of any such separate Sewerage Districts; but, until the Commissioners shall otherwise direct, the Divisions, Districts, or Levels formed within the Limits of the said several Commissions which will be determined by the issuing of the First Commission under this Act, and the Area within the Jurisdiction of the Commissioners for executing the said Act of the Fifth Year of King *George* the Fourth, shall respectively form separate Sewerage Districts under this Act; and the Provisions of this Act in relation to separate Sewerage Districts shall apply to such respective Divisions, Districts, or Levels, and such Area as last aforesaid, as if the same had been formed into such separate Sewerage Districts by the Commissioners.

Power to Commissioners to postpone Exercise of Jurisdiction in certain Cases.

XXXVI. And be it enacted, That the Commissioners may, if they think fit, forbear to exercise their Jurisdiction, either wholly or in part, over any Place within the Limits of their Commission chiefly used for agricultural Purposes, or which, in the Judgment of the Commissioners, shall be in such a State as not to require the Exercise of all or any of the Powers vested in the Commissioners, until such Time, under such Circumstances, and in such Manner as they shall think fit.

All Sewers, Drains, &c. to be subject to Survey, &c. of Commissioners.

XXXVII. And be it enacted, That all Sewers, Drains, Watercourses, Weirs, Dams, Banks, Defences, Gratings, Pipes, Conduits, Culverts, Sinks, Vaults, Cesspools, Privies, Reservoirs, Engines, Sluices, Penstocks, and other Works and Apparatus for the Collection or Discharge of Rain Water, surplus Land or Spring Water, waste Water or Filth, or Fluid or Semifluid Refuse of all Descriptions, and for the Protection of Lands from Floods or Inundation within the Limits of the Commission, shall be subject to the Survey, Order, and Control of the Commissioners, according to the Provisions and subject to the Regulations and Restrictions of this Act.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

Power for Commissioners to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.

XXXVIII. And be it enacted, That the Commissioners shall from Time to Time repair the Sewers which shall be from Time to Time vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining the Area within the Limits of the Commission, and shall cause any Banks or Defences abutting on any River, Stream, Canal, or Watercourse to be raised, strengthened, or altered, where it may be necessary so to do, for effectually draining or protecting from Floods or Inundation such Area; and it shall be lawful for the Commissioners to carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and (if upon the Report of the Surveyor it should appear to be necessary) into, through, or under any Lands whatsoever, making Compensation for any Damage done thereby as herein-after provided; and it shall be lawful for the Commissioners from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, Closing up, or Destruction of any Sewer as aforesaid shall be so done as not to create a Nuisance; and if by reason thereof any Person shall be deprived of the lawful Use of any Sewer, it shall be the Duty of the Commissioners to provide some other Sewer or a Drain as effectual for his Use as the Sewer of which he is so deprived: Provided also, that where the Commissioners shall improve or alter any Sewer, or provide a new Sewer in substitution for a Sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private Drains communicating with the Sewer so improved or altered, or with the Sewer so discontinued, closed up, or destroyed, or may close up or destroy such private Drains, and provide new Drains in lieu thereof, as the Circumstances of the Sewerage may appear to them to require, but so that in every Case the altered or substituted Drain shall be as effectual for the Use of the Person entitled thereto as the Drain previously used.

Commissioners of Sewers for the City of London to execute Works required by the Commissioners appointed under this Act.

XXXIX. And be it enacted, That where, for the Purpose of more effectually carrying off the Water or Drainage flowing through any Sewer within the Limits of the Commission, it shall appear to the Commissioners expedient that any such Sewer should be carried into or through the City of *London* or the Liberties thereof, or should be made to communicate with any Sewer within such City or Liberties, or that a new Sewer communicating or to communicate with any Sewer within the Limits of the Commission should be constructed within the City of *London* or the Liberties thereof, or that any existing Sewer within the said City or Liberties should be diverted, repaired, raised, lowered, deepened, widened, enlarged, contracted, or otherwise altered or improved, it shall be lawful for the Commissioners to require the Commissioners of Sewers of the City of *London* to carry such Sewer into or through the City of *London* or the Liberties thereof, or to make such Communication with the Sewers of the last-mentioned Commissioners, or to construct a new Sewer within the City of *London* or the Liberties thereof, or to divert, repair, raise, lower, deepen, widen, enlarge, contract, or otherwise alter or improve any existing Sewer within the City of *London* or the Liberties thereof, which shall communicate or be intended to communicate with any Sewer within the Limits of the Commission; and the Commissioners of Sewers of the City of *London* shall, immediately upon the Receipt of such Requisition, proceed to comply therewith, and to do and perform

perform the several Works and Things therein set forth, in such Manner as shall therein be expressed, and shall carry on and complete the same with all reasonable Despatch, and to the Satisfaction of the Commissioners under this Act.

How Expenses of Works required to be executed in the City of London are to be paid.

XL. And be it enacted, That the Expense of such Works as shall be so required by the Commissioners to be done within the City of *London* or the Liberties thereof, in case the same shall not be required for the effective Drainage of the said City and Liberties, but shall be wholly for the Benefit of any Lands or Buildings and for the Purpose only of facilitating the Drainage of any District within the Limits of the Commission, shall be defrayed by the Commissioners, and shall, on Demand thereof, be repaid by them to the Commissioners of Sewers of the City of *London*; but in case any such Works shall be for the mutual Benefit of Lands or Buildings within the Limits of the Commission and of Lands or Buildings within the City of *London* or the Liberties thereof, then the Expense of such Works shall be divided between the Commissioners of Sewers of the City of *London* and the District or Districts which shall be benefited thereby, in such Manner as that the Commissioners of Sewers of the City of *London* shall be liable to such Portion only of such Expense as shall be equal to the Benefit which they shall derive from such Works, and the Residue of such Expense shall be defrayed by the Commissioners under this Act.

As to Settlement of the Proportion to be paid by each Party in case of Difference of Opinion.

XLI. And be it enacted, That the Question as to whether the Expense of the Works which may be required by the Commissioners to be done within the City of *London* or the Liberties thereof shall be defrayed wholly by the Commissioners, or shall be apportioned between them and the Commissioners of Sewers of the City of *London*, and also any Question which may arise as to the Extent to which any Lands or Buildings within the City of *London* or the Liberties thereof may be benefited by such Works, and consequently as to the Share or Proportion of such Expense to which the Commissioners of Sewers of the City of *London* ought to be liable, shall be decided by the Commissioners under this Act, and such Decision shall be final and conclusive, unless the Commissioners of Sewers of the City of *London* shall object thereto, and then and in such Case every or any such Question shall be settled by the President for the Time being of the Board of Trade.

Expenses of Works executed in the City of London how to be recovered.

XLII. And be it enacted, That in case the Expenses, or, as the Case may be, the Share or Proportion of the Expenses of Works required by the Commissioners to be done within the City of *London* or the Liberties thereof, to which the Commissioners may be liable, shall not, on Demand thereof, be repaid by them to the Commissioners of Sewers of the City of *London*, such Expenses, or such Share or Proportion thereof, as the Case may be, or so much thereof as shall remain unpaid, shall and may be levied by Distress and Sale of the Goods and Chattels of the Treasurer of the Commissioners, or, at the Option of the Commissioners of Sewers of the City of *London*, may, without Prejudice to any other Mode of Recovery, be recovered by the Appointment of a Receiver in the Manner herein directed with reference to the Recovery of Principal or Interest Money by any Mortgagee lending Money to the Commissioners under the Authority of this Act.

If Commissioners of Sewers for the City of London do not execute the Works required, the Commissioners under this Act to execute them.

XLIII. And be it enacted, That in case the Commissioners of Sewers of the City of *London* shall not immediately upon the Receipt of such Requisition from the Commissioners under this Act as hereinbefore is mentioned proceed to comply therewith, and to do and perform the several Works and Things set forth in such Requisition, in the Manner therein mentioned, or, in case such Works shall not be after their Commencement carried on and completed with all reasonable Despatch, it shall be lawful for the Commissioners under this Act to construct, do, and perform such Works and Things, and for that Purpose to enter upon any Land or Ground within the City of *London* or the Liberties thereof, anything in this Act or in any other Act passed or which may be passed in this present Session of Parliament contained to the contrary thereof in anywise notwithstanding.

Power to Commissioners to do Works of Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the District.

XLIV. And be it enacted, That wherever any Party shall be, by Prescription, by reason of Tenure, or otherwise liable by Law to maintain or do any Repairs to Sewers, Banks, Watercourses, or Works which the Commissioners shall judge it necessary to alter or improve, it shall be lawful for the Commissioners to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the District or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or Repairs, and to throw on the District or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing herein contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

Commissioners to cause Sewers, &c. vested in them to be cleansed and emptied from Time to Time.

XLV. And be it enacted, That the Commissioners shall cause the Sewers which shall be from Time to Time vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or may cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance; subject nevertheless and without Prejudice to the Rights and Privileges, Powers and Authorities, given to and vested in the Metropolitan Sewage Manure Company by an Act of Parliament passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to incorporate*

Saving of Rights of Company formed under 9 & 10 Vict. c. ccexeviii.

porate a Company by the Name of "The Metropolitan Sewage Manure Company," and by another Act of Parliament passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the Metropolitan Sewage Manure Company to alter their Line of Works, and for other Purposes.*

10 & 11 Vict. c. xxxviii.

After issuing Commission under this Act, no House to be built or rebuilt without proper Drains.

XLVI. And be it enacted, That after the issuing of the First Commission under this Act it shall not be lawful newly to build any House within the Limits of the Commission, or to rebuild any House within such Limits which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly built or rebuilt, unless the lowest Floor be made at such a Level as shall admit of the proper Drainage thereof as herein-after mentioned; and if One or more of the Sewers of the Commissioners be within One hundred Feet of the House to be built or rebuilt, or of the Inclosure about the same, properly adapted, in the Judgment of the Commissioners, for the Drainage of such House and its Appurtenances, the Commissioners shall order the Owner or Occupier to drain such House, by continuing such Sewer of the Commissioners, or (if more than One) such One of such Sewers of the Commissioners as they shall direct, up to and along the entire Front, Side, or Back of such House and Inclosure, and by constructing, in such Manner as they may direct, a covered Drain to lead from such House to such Sewer, and where there shall already be a Sewer along any Front, or Side, or the Back of any such House to be built or rebuilt as aforesaid which the Commissioners shall be satisfied is or may be adapted to the Drainage thereof and its Appurtenances, the Commissioners shall order such Owner or Occupier to construct, in such Manner as they may direct, a covered Drain to lead from such House to such Sewer, and also to contribute such Sum as the Commissioners shall deem just towards the Expense of the original Construction of such Sewer, provided it shall have been made within Thirty-five Years before the passing of this Act, such Contribution to be paid to the Person or Body who may have built the same; and if there shall be no such Sewer as aforesaid within the Distance aforesaid, then the Commissioners shall order the Owner or Occupier to construct, in such Manner as they may direct, a covered Drain to lead from such House into a covered Cesspool or other Place not being under any House, nor within such Distance from any House as the Commissioners shall direct; but if the Commissioners shall have ordered the Construction, or shall have under Consideration the Construction of any Sewer which they may think proper for the Drainage of such House, the Commissioners may make such other Order in relation to the Drainage thereof as under the Circumstances they may think fit; and if any House built before or after the passing of this Act within the Limits of the Commission and its Appurtenances shall not be drained to the Satisfaction of the Commissioners, the Commissioners shall make the like Order for the Drainage of the same as they are hereby authorized to make in the Case of a House built or rebuilt after the issuing of the First Commission under this Act; and if during Twenty-eight Days after Notice from the Commissioners to the Owner or Occupier in any of the Cases aforesaid to do such Works as aforesaid such Notice shall not be complied with, or the Works shall not be, after their Commencement, carried on and completed with all reasonable Despatch, it shall be lawful for the Commissioners to construct such Works; and the Expenses incurred by them in such Construction shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct; and the Commissioners may levy the Amount of such Contribution as aforesaid by Distress and Sale of the Goods and Chattels either of the Owner or of the then present or future Occupier of the Premises.

If Houses built before passing of this Act are not properly drained, Commissioners may order the same to be done.

Notices of building Houses pursuant to 7 & 8 Vict. c. 84. to be sent by Surveyors to Commissioners under this Act; such Surveyors to give Information to Commissioners, of Drains, &c. not conformable to this Act.

XLVII. And be it enacted, That Returns of all Notices of building or rebuilding Houses and Buildings in Places within the Limits of the Commission which shall be given pursuant to an Act passed in the Seventh and Eighth Years of Her present Majesty, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, shall be transmitted by the Surveyors who shall receive the same to the Commissioners at such Periods and in such Form as the Commissioners may direct; and it shall be the Duty of the Surveyors under the last-mentioned Act to give Information to the Commissioners of any Drain or Work which shall not be conformable with the Directions of this Act, and of the Omission or Neglect to make or do any Drain or Work which ought to be made or done according to the Directions of this Act, and, in case the Commissioners shall so direct, to act in relation to such Drain or Work in the same Manner as in the Case of any Work or other Thing done contrary to the Rules or Directions of the said Act of the Seventh and Eighth Years of Her present Majesty; and all the Provisions with regard to Drains, Sewers, and Cesspools contained in the last-mentioned Act, so far as the same are inconsistent with the Provisions of this Act, shall be repealed from and after the issuing of the First Commission under this Act.

Houses not to be built without proper Water-closets, &c.

All Houses built before or after issuing First Commission under this Act to be provided with Water-closets, &c.

XLVIII. And be it enacted, That after the issuing of the First Commission under this Act it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, without a sufficient Water-closet or Privy and an Ashpit furnished with proper Doors and Coverings, and whosoever shall offend against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of their Surveyor, it shall appear to the Commissioners that any House, whether built before or after the issuing of the First Commission under this Act, is without a sufficient Water-closet or Privy and an Ashpit furnished with proper Doors and Coverings, the Commissioners shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Water-closet or Privy and an Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Commissioners to cause to

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be constructed a sufficient Water-closet or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that where a Water-closet or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Commissioners a Water-closet or Privy may be so used, they need not require the same to be provided for each House.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

XLIX. And be it enacted, That the Commissioners shall provide that all Drains whatsoever, and the Water-closets, Privies, Cesspools, and Ashpits within the Limits of the Commission, are constructed and kept so as not to be a Nuisance or injurious to Health; and it shall be lawful for the Surveyor, by written Authority of the Commissioners, (who are hereby empowered to grant such Authority, upon the written Application of any Person, stating therein the Name and Place of Abode of the Applicant, and showing that the Drain, Water-closet, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise,) and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Water-closet, Privy, Cesspool, or Ashpit is attached or belongs, to enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open any Drain, Water-closet, Privy, Cesspool, or Ashpit; and if the Drain, Water-closet, Privy, Cesspool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the Commissioners; but if upon such Examination such Drain, Water-closet, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Cleansing, Alteration, or Amendment, or to be filled up, the Commissioners shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with by the Person to whom it is given the Commissioners may, if they shall think fit, execute such Works; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct.

Drains, Water-closets, &c. to be constructed so as not to be a Nuisance or injurious to Health.

L. And be it enacted, That the Commissioners shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same shall exist, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Drainage, Filth, Water, Matter, or Thing, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Commissioners shall execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that it shall be lawful for the Commissioners, where they shall think it reasonable, to order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the District Sewers Rate to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly: Provided also, that where the Commissioners shall propose to direct by their Decree that the whole or any Portion of such last-mentioned Expenses shall be paid by an Improvement Rate or as Charges for Default, Notice of such proposed Decree shall be given to the Owner or Occupier of the Premises One Month before such Decree shall be made; and where within such One Month after such Notice any such Owner or Occupier shall serve Notice on the Commissioners of his Desire that the Matter be settled by Arbitration, the Question whether all or any or what Portion of such Expenses shall be so paid shall be settled by Arbitration under the Provisions herein-after contained: Provided also, that where any Work by the Commissioners done or required to be done in pursuance of the Provisions of this Act shall interfere with or prejudicially affect any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby in manner herein provided concerning Compensation to Persons sustaining Damage by reason of the Exercise of any of the Powers of this Act; or it shall be lawful for the Commissioners, if they shall think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Commissioners herein-after authorized shall be applicable to every such Purchase as aforesaid.

Commissioners to cause offensive Ditches, Drains, &c. to be cleansed or covered by Owners or Occupiers, and to give them Notice of the same.

If Persons, after receiving Notice, fail to comply, Commissioners may execute the same, and charge the Expenses, &c.

Where Works done in pursuance of this Act shall interfere with any ancient Mill, &c., Compensation to be made, or Rights therein purchased.

LI. And be it enacted, That when and so often as it shall appear to the Commissioners that any Street, or any common Stairs, or Passage or other Place common to the Inhabitants of several Tenements situate within the Limits of the Commission, shall not be sufficiently cleansed, or that the Refuse therefrom shall not be removed so effectually or completely or so often as the Commissioners shall deem necessary for the Preservation of the public Health, Decency, or Comfort, the Commissioners shall cause such Street, Stairs, Passage, or Place, and also the Walls of any Houses therein, where there shall be

Power to Commissioners to order Streets, &c. to be cleansed for Preservation of Health, and to

lay on Water Pipes, &c. within their Limits.

be an Accumulation of Filth or Dirt, to be effectually cleansed, and the Refuse to be removed, as they shall think fit; and for effecting the Purpose of this Provision the Commissioners may lay on Water Pipes or place Plugs and Standcocks in any Streets or public or common Places within the Limits of their Commission: Provided always, that where there shall be any Paving Commissioners or other Persons having under any Local Act of Parliament Authority to cleanse such Street, Stairs, Passage, or Place, and to remove such Refuse, and such Commissioners or Persons shall take Order for the effectual cleansing of such Street, Stairs, Passage, or Place, and the removing the Refuse therefrom, at such Periods and in such Manner as shall be satisfactory to the Metropolitan Commissioners of Sewers, such last-mentioned Commissioners shall, while the same shall be so effectually cleansed and removed respectively, permit the Duty of cleansing and removing the same respectively to be resumed or discharged by such Paving Commissioners or Persons as aforesaid, without Prejudice to the Right of the Metropolitan Commissioners of Sewers to resume the Exercise of their Powers under this Provision, upon any subsequent Default or Neglect.

Power to Commissioners to fill up Ditches by the Side of Roads, and substitute Pipes.

LII. And be it enacted, That it shall be lawful for the Commissioners, where they shall think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe Drains alongside or across such Roads and Ways, with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches may, if the Commissioners shall so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

Power to Commissioners to provide public Water-closets, &c.

LIII. And be it enacted, That it shall be lawful for the Commissioners to provide and maintain Water-closets, Privies, and like Conveniences, in Situations where they shall deem such Accommodation to be required, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, out of the District Sewers Rate.

Protection of Drainage Works.

No Buildings to be made in or over Sewers, without Leave.

Cellars, &c. not to interfere with Sewers.

Penalty on constructing Drains without Authority, and on throwing hard Rubbish, &c. into Sewers.

LIV. And be it enacted, That no Building shall be erected in, over, or under any Sewer vested in the Commissioners, without the Consent of the Commissioners first obtained in Writing, and that all Vaults and Cellars adjoining their Sewers shall be substantially made, and so as not to interfere or communicate with any such Sewers; and if any Building, Vault, or Cellar be erected or made contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building or making such Vault or Cellar, and shall be recoverable as Charges for Default; and that any Person, not being authorized for that Purpose by the Commissioners, who shall make any Drain or Opening into any of their Sewers, shall, on Presentment by the Surveyor, forfeit to them a Sum not exceeding Five Pounds for each Drain or Opening; and the Commissioners may cause such Drain or Opening to be removed, stopped up, or re-made, as they may think fit; and all the Expenses incurred thereby shall be paid by the Person making such Drain or Opening, and shall be recoverable from him as Charges for Default; and that any Person who shall lay or throw in or into any Sewer of the Commissioners any Cinders, Bricks, Stones, or solid Rubbish, shall, on such Presentment, forfeit to the Commissioners a Sum not exceeding Forty Shillings for every such Offence.

Exclusive Control of Gulley Shoots, &c. vested in Commissioners.

No Openings to be made into Sewers without Consent of Commissioners.

LV. And be it enacted, That the exclusive Control of all Gulley Shoots, Grates, and Openings in any Street or Road, not being within the City of *London* or the Liberties thereof, communicating, directly or indirectly, with the Sewers vested in the Commissioners, by whomsoever the same Shoots, Grates, and Openings may have been made, or may be maintained or managed, shall belong to and the same are from and after the issuing of the First Commission under this Act vested in the Commissioners; and all Powers given by any Public or Local Act or Acts to any Trustees or Commissioners of paving or cleansing, or other Bodies or Persons, to make or place in Streets or Roads under their Jurisdiction Shoots, Grates, Openings, or Communications into or with such Sewers, without the Consent of the Commissioners of Sewers, shall be and are hereby repealed.

Notice to be given to Commissioners of laying and relaying Streets.

LVI. And be it enacted, That before beginning to lay the Pavement or hard Surface of any new Street, or to relay the Pavement or hard Surface of any existing Street, the Officers or Persons authorized or intending so to do shall give to the Commissioners Fourteen Days Notice thereof in Writing, accompanied by a Plan, showing by Reference to some Datum Line established by the Commissioners the proposed Level and Surface Inclination of such Street, and the Nature of Pavement or hard Surface proposed to be made or laid therein; and the Commissioners, within Seven Days after receiving such Notice, may specify by Notice in Writing given to such Officers or Persons, any and what Alterations in the proposed Level, Inclination, or Material they think requisite to be made to ensure the due Drainage and cleansing of such Street, and such Officers or Persons as aforesaid shall make such Alterations accordingly; and it shall be lawful for the Commissioners to prevent the Admission into their Sewers of the Surface Drainage of Streets or Roads, where such Streets or Roads are badly paved, or where the paving or the Surface Inclinations thereof are such as to accumulate Deposit and discharge the same into the Sewers in such Quantities as to occasion Obstructions therein.

Commissioners may prevent Admission of Surface Drainage into their Sewers.

Commissioners may execute Works of Drainage at Expense of Owners.

LVII. And be it enacted, That it shall be lawful for the Commissioners, by Agreement with and at the Expense of the Owners or Occupiers of any Lands or Premises within the Limits of their Commission, to execute any Drainage Works on such Lands or Premises which such Owners or Occupiers may be desirous to have so executed thereon.

LVIII. And

Commissioners may dispose of Refuse of Sewers, and apply Money to Purposes of Act.

LVIII. And be it enacted, That, subject and without Prejudice to the Rights saved under this Act, it shall be lawful for the Commissioners to sell and dispose of, as they shall think fit, the Sewage and Refuse from their Sewers, and the Drainage, Refuse, or Rubbish arising from any Work, or collected and removed in the Course of any Work or Operation which the Commissioners shall execute, do, or perform under this Act, and to apply the Money arising from such Sale and Disposition to the general Expenses of the Commission, or such of the Expenses to be incurred by them under this Act as they shall think fit.

Procedure before Execution of Works, &c.

Commissioners may act through their Surveyor.

LIX. And be it enacted, That where under this Act the Commissioners are authorized to do or direct to be done any Work, or to remove or repair, or direct to be removed or repaired, any Nuisance or Default, it shall be lawful for the Commissioners to exercise and put in force all the Powers of this Act in relation to the Premises, upon the Information or Presentment of their Surveyor, without any other Presentment in relation thereto.

Notice to be given before commencing Works chargeable to Special Rates.

LX. And be it enacted, That, Fourteen Days at the least before commencing any Works the Expense of which under this Act might be defrayed wholly or in part by a Special Sewers Rate, the Commissioners shall cause to be made Plans and Sections of the intended Works, and shall give public Notice thereof, or special Notice to the Owners or Occupiers of the Lands or Tenements on which such Special Sewers Rate may be made, of such Works, and of the Place where such Plans and Sections may be seen; and in case within such Fourteen Days any Person interested in such Lands or Tenements shall give Notice to the Commissioners of any Objection to such Works, the Commissioners shall appoint a Time and Place to consider the Objections to the intended Works, and the Commissioners, attended by their Surveyor, shall meet at the Time and Place specified in such Notice, to consider any Objections to the intended Works; and all Persons interested therein shall be entitled to be then and there heard by themselves, or their Agents, before the Commissioners; and thereupon the Commissioners may, subject to the other Provisions of this Act, execute, abandon, or make such Alterations in the said intended Works as they may think fit.

Persons objecting to Works to give Notice to Commissioners, who shall appoint a Time to hear the same.

Works of urgent Necessity may be done without Notice.

LXI. Provided always, and be it enacted, That the Commissioners may undertake any Work of any Description without any Notice or other Proceeding herein-before required, where, from Flood, Storm, or other urgent Cause, the Commissioners shall deem it necessary that the Delay occasioned by such Proceedings should be avoided.

Powers of Entry, &c. for Execution of Works.

Power to enter on Lands for Purposes of the Act.

LXII. And be it enacted, That where it shall be necessary for the Purpose of making such general Survey as herein-before mentioned, or making any Survey or Examination of or preparatory to any Work of Sewers, or for the Purpose of viewing the Sewers or Drains within the Limits of the Commission, or making or repairing or cleansing any Sewer or Works, and otherwise for the Purpose of carrying into execution the Powers intrusted to the Commissioners, it shall be lawful for the Surveyor, or any other Persons authorized by the Commissioners, at reasonable Times in the Daytime, to enter, examine, and lay open any Lands or Premises: Provided always, that, except in Cases of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment, unless, Twenty-four Hours at the least previously thereto, Notice of the intended Entry and of the Object thereof be given to the Occupier of the Premises intended to be entered; and that Compensation be made for any Damage occasioned by such Entry and Works as aforesaid to all Persons other than the Owners and Occupiers of any Land or Building in respect of which any private Drain or Sewer, or the State of Drainage, shall be inspected, cleansed, or repaired, and the Owners or Occupiers of any Premises where any Nuisance may exist, and the Person who may have caused such Nuisance.

Power to stop up Streets during Progress of Works, and to alter Position of Pipes.

LXIII. And be it enacted, That from Time to Time, when and as it shall be found necessary for the Execution of Works and Operations under this Act, it shall be lawful for the Commissioners to dig into, open, or break up the Roadway or Pavement of any Street, and to stop up any Street, and prevent Persons from passing along and using the same, for a reasonable Time, before and during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain, or the laying or placing of any Pipe, Plug, Cock, or Stand-pipe in or under such Street, and to use any Street, or any Part thereof, for the Purpose of depositing Materials, Implements, or Things in or about such Works, or in or about the cleansing of Sewers, Cesspools, or Privies, or executing the Purposes of this Act, the Commissioners doing as little Damage and causing as little Obstruction as may be, and making good all Damage to the Roadway and Pavement occasioned by the Exercise of the Powers aforesaid: Provided always, that all Openings and Excavations which the Commissioners may cause to be made in any Street for the Purposes of this Act shall, during the Progress of their Works therein, be effectually secured and fenced to prevent Accidents, and that the Roadway or Pavement taken up shall be by the Commissioners, at their Expense, reinstated and replaced in as good Condition as the same was before the Street was so opened or excavated, and as expeditiously as Circumstances will admit of; and in default thereof the Surveyor, Officer, or Contractor of the Commissioners employed on such Work shall forfeit to the Trustees or Commissioners having the Care of such Roadway or Pavement any Sum not exceeding Forty Shillings nor less than Ten Shillings for every Day that such Opening or Excavation shall not be properly secured, or such Roadway and Pavement not properly reinstated.

Openings in Streets to be secured, and afterwards to be reinstated by Commissioners.

Penalty on Contractor, &c. for Neglect.

Power to Commissioners to require Situation of Gas and Water Pipes to be altered.

LXIV And be it enacted, That if and when for the Purposes of this Act the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong, to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice; and the

Powers of Entry, &c. for Execution of Works.

No Alteration to be required that will injure Pipes.

Expenses attendant upon or connected with any such Alteration, where the same shall be required for the Purpose of repairing or altering any Sewer which was made before such Pipes, Mains, or Plugs were laid, shall be paid by the Person to whom the Pipes, Mains, or Plugs belong, and in all other Cases shall be paid by the said Commissioners out of Rates levied under this Act; and if such Notice be not complied with the said Commissioners may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Water-works, or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Contracts.

Power to Commissioners to enter into Contracts for carrying Act into execution.

Power to compound for Penalties in respect of Breach of Contracts.

Estimates to be prepared before commencing Works of the Value of 200*l.*

LXV. And be it enacted, That the Commissioners may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount shall exceed Ten Pounds shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Commissioners; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Commissioners and their Successors, and upon all other Parties thereto: Provided always, that it shall be lawful for the Commissioners to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract or in any Bond or otherwise, for such Sum of Money or other Recompence as to the Commissioners may seem proper: Provided also, that before contracting for the Execution of any Works of the Value or Amount of Two hundred Pounds or upwards the Commissioners shall obtain from their Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years, or otherwise.

Power to purchase Lands, &c. and contract for Supply of Water.

Power to Commissioners to purchase Lands, &c. for the Purposes of this Act;

and to contract with any Company for Supply of Water.

LXVI. And be it enacted, That it shall be lawful for the Commissioners to purchase by Agreement, or to take on Lease for such Term as they may think fit, any Land which may be necessary for the Formation or Protection of any Works which the Commissioners are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse Materials and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Mill-dam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient to purchase, to prevent the Obstruction of Sewerage or Drainage within the Limits of the Commission; and also to purchase by Agreement or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein which it shall appear to the Commissioners necessary to acquire and use for the Purposes of cleansing Sewers and Drains, and the other Purposes of the Commission, or any Land which it shall be deemed advisable by the Commissioners to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid; and also to contract with any Company or Person for the Supply to the Commissioners of Water for the Purposes aforesaid, provided always, that nothing herein contained shall authorize the said Commissioners to supply Water to any Parties for domestic, manufacturing, or commercial Purposes; and also to purchase and procure, erect and work, Kilns, Ovens, and Machinery, and to make and manufacture Pipes, Traps, and other Apparatus or Things requisite for any Works which the Commissioners are authorized to execute.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

LXVII. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of the 'Lands Clauses Consolidation Act, 1845,' or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," and "with respect to the Provision to be made for affording Access to the special Act by all Parties interested," and except the Clauses numbered respectively 134 and 135 in the Copies of that Act printed by Her Majesty's Printers, shall, so far as respects such Purchases by the Commissioners as aforesaid, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Commissioners of Sewers.

Power to Commissioners to sell Lands, &c. not wanted.

LXVIII. And be it enacted, That it shall be lawful for the Commissioners to sell and dispose of any Lands or other Property vested in them by virtue of this Act, or acquired by them under the Powers herein contained, or any Part thereof, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such Sale of Lands into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct; and such Conveyance shall be under the Hands of Six of the Commissioners, and under the Seal of the Commissioners; and the Word "grant" in such Conveyance shall have the same

Operation

Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Hands of Six of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied to such of the Purposes of this Act as the Commissioners shall think fit.

Compensation to Parties damaged by Exercise of Powers.

Compensation for Damages sustained, &c.

LXIX. And be it enacted, That full Compensation shall be made out of such Rates to be levied under this Act as the Commissioners shall by their Decree direct to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Arbitration.

Mode of referring to Arbitration.

LXX. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless, both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment, when made on the Behalf of the Commissioners, shall be under their Seal, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party, nor the Determination of the Commission, operate as a Revocation; and if for the Space of Fourteen Days after any such Matter shall have arisen, and Notice in Writing by one Party who has duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatever.

Provision in case of Death, &c. of any of the Arbitrators.

LXXI. And be it enacted, That if, before the Determination of any Matter so referred, any Arbitrator die or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf, the remaining Arbitrator may proceed *ex parte*; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or refuse or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

Appointment of Umpire.

LXXII. And be it enacted, That in case there be more than One Arbitrator, the Arbitrators shall, before they enter upon the Reference, appoint, by Writing under their Hands, an Umpire; and if the Person appointed die, or refuse or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending the same, in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within which Award must be made.

LXXIII. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission, or from the Day on which the Umpire shall have been appointed (as the Case may be).

Arbitrators may require the Production of Documents, &c.

LXXIV. And be it enacted, That the Arbitrator, Arbitrators, or Umpire appointed by virtue of this Act may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators or of the Umpire (in case the Matters referred are determined by an Umpire, under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Submission to Arbitration may be made Rule of Court.

Declaration to be made by Arbitrator and Umpire.

LXXV. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of the Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*]. *A.B.*'

And

And such Declaration shall be annexed to the Award, when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

Rates.

Power to Commissioners to levy a District Sewers Rate for apportioned Part of general Expenses of the Commission, and for the Expenses special to the District.

LXXVI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time as Occasion shall require, to levy and raise on each separate Sewerage District within the Limits of the Commission a separate Rate, to be called "The District Sewers Rate," in respect of such Portion as in the Judgment of the Commissioners should be borne by such separate Sewerage District of the Expenses of repairing, cleansing, and maintaining in effective Action the Sewers already made and completed, and which from Time to Time shall be made and completed within the Limits of the Commission, and the Payments to and general Expenses of the Commissioners and their Officers and Servants, and the Expense of making and completing the said Map and Survey, and such other Expenses authorized by this Act as shall in the Opinion of the Commissioners be incurred for or on account of or enure to the common Benefit of all the Sewerage Districts, or shall not be defrayed out of any other Rate or Rates hereby authorized to be made, and in respect of any Expenses or Portion of Expenses of making, or of enlarging, contracting, or otherwise improving, or altering, discontinuing, closing, or destroying, any Sewer, or of any other Works of a permanent Nature, where such Expenses or Portion of Expenses, in the Judgment of the Commissioners, shall be incurred for the special Benefit of such separate Sewerage District, or ought to be charged thereon under this Act, and also in respect of any Mortgages or other Debts or Liabilities which would have been paid or answered out of Rates raised in such District in case this Act had not been passed; and such District Sewers Rate shall in each Case be levied on the Persons and in respect of the Property within such District by Law rateable to the Relief of the Poor, or shall be raised by Precepts in manner herein-after provided: Provided always, that the District Sewers Rate shall not exceed in any One Year the Sum of One Shilling in the Pound of the net annual Value of the Property rateable thereto, such Value being ascertained as herein mentioned: Provided also, that where in any separate Sewerage District any Property is by Law or by the Practice of the existing Commissions or Commissioners of Sewers entitled to Exemption, wholly or partially, from, or to any Reduction or Allowance in respect of the Sewers Rate, the Commissioners shall in making the District Sewers Rate observe and allow such Exemption, Reduction, or Allowance.

Maximum of District Rate.

Existing Exemptions to be allowed.

District Rates to be prospective for future Expenses, or retrospective for Expenses already incurred.

As to the Payment of Expenses for permanent Works.

LXXVII. And be it enacted, That every District Sewers Rate to be made under this Act shall be made for or in respect of a specified Period, not exceeding One Year; and every such Rate may be made prospectively, in order to raise Money for the Payment of future Expenses, or retrospectively, in order to raise Money for the Payment of Expenses already incurred; provided that as respects all Expenses (other than the Expenses of executing permanent Works, the Expense of making and completing the said Map and Survey, and such other Expenses as herein-after mentioned,) the Commissioners shall cause the same to be defrayed by Rates made prospectively, or by Rates made not more than One Year after such Expenses shall have been incurred; but as respects the Expenses of executing permanent Works, and the Expenses of making and completing the said Map and Survey, and any other Expenses for Purposes of permanent or durable Benefit, it shall be lawful for the Commissioners from Time to Time to raise by Rates such Sums as in their Judgment will be sufficient to discharge the Amount of such Expenses, or the Money borrowed in respect thereof, under the Powers herein-after contained, with the Interest and incidental Charges in respect thereof, within such Period, not exceeding Thirty Years, as the Commissioners, having regard to the Nature or Durability of such Works or Benefit, shall in each Case determine.

Commissioners may impose District Rate in gross on Parishes, or assess Occupiers.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners either to impose the District Sewers Rate in gross upon Parishes or Places in whole or in part within the Areas rateable thereto respectively, and wherein any Poor Rate or other equal Pound Rate is collected, or to assess, levy, and collect such Rates upon and from the Occupiers of the Property rateable, as they from Time to Time shall think proper.

Tenant not liable to Sewers Rate to be repaid District Rate by Landlord.

LXXIX. Provided always, and be it enacted, That as between Landlord and Tenant, every Tenant, whether his Tenancy shall have commenced before or after the passing of this Act, and who if this Act had not been passed would have been entitled to deduct against or to be repaid by his Landlord any Sum paid by such Tenant on account of the Sewers Rate, shall in like Manner be entitled to deduct against or to be repaid by his Landlord any Sum which shall be paid by him on account of a District Sewers Rate under this Act.

As to District Rate not imposed in gross.

Where no Poor Rate, Estimate to be made in Manner prescribed by 6 & 7 W. 4. c. 96.

LXXX. And be it enacted, That the District Sewers Rate, where the same shall not be imposed in gross on Parishes or Places, shall be assessed upon the net annual Value of the Property rateable thereto ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor, the said District Sewers Rate shall be made upon an Estimate of the net annual Value of the several Premises liable thereto in such District or Part of a District, by a fit Person appointed by the Commissioners in that Behalf; and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed in an Act passed in the Seventh Year of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments.

Power to levy, in certain Cases, a Special Sewers Rate.

LXXXI. And be it enacted, That when in the Judgment of the Commissioners the Expenses of making, or of enlarging or otherwise improving or altering, any Sewer, shall be incurred in whole or in part for the special Benefit or Drainage of any Street or Place, Lands or Tenements, not co-extensive with any separate Sewerage District, it shall be lawful for the Commissioners from Time to Time to levy on the Occupiers of the Lands or Tenements in such Street or Place, or of the Lands or Tenements so specially

Rates.

specially benefited, a Rate to be called "A Special Sewers Rate," such Special Sewers Rate to be in each Case of such Amount as in the Judgment of the Commissioners will be sufficient to discharge the Amount of such Expenses, or such Portion thereof as ought in the Judgment of the Commissioners to be charged on such Occupiers, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine; and such Special Sewers Rate shall be made for or in respect of a specified Period, not exceeding One Year, and may be made prospectively, in order to raise Money for the Payment of future Expenses, or retrospectively, in order to raise Money for the Payment of Expenses already incurred, and shall be assessed and levied upon the Occupiers of such Lands or Tenements in proportion to the several Lengths of Frontage abutting on such Sewer as aforesaid, or, where all the Lands or Tenements specially benefited or drained by such Works as aforesaid shall not abut on or adjoin such Sewer, or where in any other Case an Assessment according to Frontage shall appear to the Commissioners inequitable, then in such Proportion as the Commissioners shall determine such Lands or Tenements to be benefited by such Works: Provided always, that the Special Sewers Rate shall not exceed in any One Year the Sum of Sixpence *per* Foot of Frontage of any Lands or Tenements on which the same shall be charged, except in the Case of a Square or other open wide Space in front, and in such Case the Rate shall not exceed One Shilling *per* Foot of Frontage as aforesaid.

Power to Commissioners to levy an Improvement Rate in certain Cases.

LXXXII. And be it enacted, That whenever the Commissioners shall have incurred any Expenses which are authorized by this Act to be paid by an Improvement Rate, it shall be lawful for the Commissioners from Time to Time to levy upon the Occupier of the Premises in respect of which the Expenses have been incurred a Rate to be called "An Improvement Rate," of such Amount in each Case as in the Judgment of the Commissioners will be sufficient to discharge such Expenses, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine, and such Improvement Rate shall be made for or in respect of a specified Period not exceeding One Year: Provided always, that the Amount to be levied by Improvement Rates, or as Charges for Default, in respect of Works of private Benefit to any Property, shall not in any Term of Ten successive Years exceed One Year's Rack Rent of the Property on which the same shall be charged, without the written Consent of the Owner of such Property.

Amount of Improvement Rate and Charges for Default limited.

Commissioners to ascertain Amount of Expenses to be defrayed by the respective Rates.

LXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to settle and ascertain the Amount of the Expenses in respect of which the several Rates hereby authorized should be made, and to apportion as between several Rates any Expenses incurred or to be incurred under this Act, and also to apportion, as between Two or more separate Sewerage Districts, the Amount to be levied on such separate Sewerage Districts respectively in respect of any Expenses or Portion of Expenses which shall be incurred for the general Benefit of such Two or more Districts, and also to apportion, as between several Premises or the Occupiers thereof, any Expenses which are authorized by this Act to be raised by a Special Sewers Rate, or an Improvement Rate, or as Charges for Default respectively; and the Certificate in Writing under the Hand of a Surveyor of the Commissioners, stating the total Expense of any Work in respect of which any Special Sewers Rate or any Improvement Rate shall be made, or any Sum shall be decreed to be paid as Charges for Default, shall be conclusive Evidence of the Amount of such Expense.

Certificate of Surveyor Evidence of Expense of special Works.

Owners of unoccupied Premises to pay Special and Improvement Rates.

LXXXIV. And be it enacted, That whenever any Premises in respect of which any Special Sewers Rate or Improvement Rate shall be made shall be unoccupied at the Time of the making of such Rate, or shall become unoccupied before the same shall be fully paid, such Rate shall be charged upon or shall become a Charge upon and shall be paid by the Owner of the Premises so long as the same shall continue to be unoccupied: Provided always, that it shall be lawful for the Commissioners to recover such Rate from any future Occupier of such Premises: Provided also, that every Occupier shall be entitled to deduct against or to be repaid by his Landlord the whole of any such Rate as shall be recovered as aforesaid from such Occupier, where the Period for which such Rate shall have been made shall have expired before he shall have become the Occupier, and such Portion of such Rate as shall be proportioned to such Part of the Period for which such Rate shall have been made as shall have expired before he became the Occupier where the Period for which such Rate shall have been made shall not have expired before he became the Occupier.

Landlord to be rated for Tenements under the annual Value of 10*l.*, &c.

LXXXV. And be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act shall not exceed the Sum of Ten Pounds, or where any Premises liable to such Assessment shall be let to weekly or monthly Tenants, or in separate Apartments, and the Rents shall become payable or shall be collected at any shorter Period than quarterly, it shall be lawful for the Commissioners from Time to Time to compound with the Owner of such Premises for the Payment of the District Sewers Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the Commissioners shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the District Sewers Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any such Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason

of

Rates.

of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due or from Time to Time to become due from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

Description of Owner or Occupier in Rates if his Name unknown.

LXXXVI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Commissioners, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Power to Commissioners to inspect Poor Rates, and to take Copies, &c. of the same, and may require the Collector to examine and verify the same.

LXXXVII. And be it enacted, That it shall be lawful for the Commissioners, by Order in Writing, to authorize their Clerk, or any Person on their Behalf, from Time to Time to inspect any of the Rates for the Relief of the Poor in any Parish or Place within the Limits of the Commission, and the Books in which are contained the Assessments by which the same are made, and to take Copies thereof or Extracts therefrom respectively; and it shall be lawful for the Commissioners, by Order in Writing, to require the Collector or Person having the Custody of such Rates or Books as aforesaid for such Parish or Place to furnish without Delay a true Copy of such Rate Book, or of such Part of the Rate Book in his Custody as shall include all the Persons and Property within the Bounds marked upon any Plan annexed to or referred to in the Order for such Copy, on Payment or Tender for such Copy at the Rate of Sixpence for every Twenty-four Names (inclusive of all the Particulars in the several Columns of the Rate, so far as such Particulars have reference to such Names respectively), and such Copy shall be examined and signed by such Collector or Person, and shall be verified by his solemn Declaration, if the Commissioners shall require the same, which solemn Declaration any Justice of the Peace is hereby empowered to administer; and any Person having the Custody of such Rates or Books respectively, who shall not at all reasonable Times produce the same respectively to such Clerk or Person so authorized as aforesaid, and permit him to inspect the same, and take Copies thereof or Extracts therefrom, as he shall think fit, or who shall refuse or neglect to make such Copy or such solemn Declaration as aforesaid, shall be liable to a Penalty not exceeding Twenty Pounds for every such Offence.

Proportion of Special Rate and Improvement Rate may be deducted from Rent.

LXXXVIII. And be it enacted, That if the Occupier by whom any Special Sewers Rate or Improvement Rate shall be paid shall hold the Premises in respect of which the Rate shall be made at a Rent not less than the Rack Rent, he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord; and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him a Sum bearing the same Proportion to Three Fourths of the Amount so paid by him on account of Rate as his Rent shall bear to the Rack Rent; and if the Landlord from whose Rent any Deduction shall be made under the Provision last aforesaid be himself liable to the Payment of Rent for the Premises in respect of which the Deduction shall be made, and hold the same for a Term of which less than Twenty Years shall be unexpired, but not otherwise, he may deduct from the Rent so payable by him a Sum bearing the same Proportion to the Sum deducted from the Rent payable to him as the Rent payable by him shall bear to the Rent payable to him; and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years shall be unexpired) of the same Premises, both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Owners, &c. may redeem Special and Improvement Rates.

LXXXIX. And be it enacted, That at any Time before any Expenses in respect of which Special Sewers Rates or Improvement Rates may be made under this Act, with the Interest thereon, shall be fully paid, it shall be lawful for the Owner or Occupier of the Property rateable thereto to redeem the same by paying to the Commissioners the Expenses in respect of which such Special Sewers Rates or Inprovement Rates may be imposed, or such Part thereof as shall remain unpaid after applying the Rate or Rates (if any) previously levied towards the Discharge of such Expenses, with Interest.

Notice of District Rate.

XC. And be it enacted, That Notice of the Intention of making every District Sewers Rate, and of the Time at which the same is intended to be made, and of the Place where the proposed Rate is deposited for Inspection, shall be given by the Commissioners, by Advertisement in Three daily Morning Newspapers circulating in *London* or *Westminster* in the Week immediately previous to the Day on which the Rate is intended to be made, and at least Seven Days previously thereto; and at the Day appointed for making the Rate the Commissioners shall receive and consider the Objections in Writing of any Parties interested therein before they shall make such Rate; and every District Sewers Rate not imposed in gross shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form given in the Schedule (A.) annexed to this Act, or as near thereto as the Circumstances of the Case will permit; and every such Rate shall be signed by not less than Six of the Commissioners; and Notice of every District Sewers Rate made, and of the Court Days to be held within One Month thereafter on which Appeals may be heard against the same, shall be affixed on a Board provided for that Purpose in the principal Office of the Commissioners, and shall be affixed in the Branch Office (if any) of the Commissioners in the District.

Form of Rate when not imposed in gross.

XCI. And

XCI. And be it enacted, That a Notice of every Special Sewers Rate and Improvement Rate shall be given to the Owner or Occupier of the Land or Tenement affected thereby, in manner herein provided for giving Notices to Owners or Occupiers; and every Special Sewers Rate and Improvement Rate shall be sealed with the Seal of the Commissioners, and signed by their Clerk. Notices to be given of Special and Improvement Rates.

XCII. And be it enacted, That every proposed Rate, and every Rate immediately after the same is made, shall be open to the Inspection of any Officer or Person interested, or rated in or to such Rate, at all reasonable Times; and such Officer or Person may take Copies or Extracts of or from such proposed Rate, or Rate, without Fee or Reward; and any Clerk or Person having the Custody of such proposed Rate, or Rate, who shall not permit any such Inspection, or any such Copies or Extracts to be taken as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Five Pounds. Proposed Rates, and Rates when made, to be open to Inspection. Penalty on Clerk, &c. refusing Inspection.

XCIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate, by substituting the Name of any Person as Owner or Occupier for the Name of any Person whose Name may have been incorrectly inserted in such Rate, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, where such Person shall appear to the Commissioners to have been under-rated or over-rated, as the Case may be, or by making such other Amendments therein as will make such Rate conformable to the Provisions of this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that the Persons whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before their Rates shall be payable, and that all Persons shall have the same Right of Appeal from any such Alteration as they would have had if the Alteration had been originally Part of the Rates, and as respects such Persons the Rates shall be considered to have been made at the Time when they received Notice of such Alteration. Power to Commissioners to amend Rates from Time to Time.

XCIV. And be it enacted, That whenever any District Sewers Rate is imposed in gross on any Parish or Place it shall be lawful for the Overseers of such Parish, or other Officers having the Control of the Collection and Receipt of the Poor Rate, or if there be no Poor Rate then for the Officers or Persons having the Collection or Receipt of any other public Pound Rate charged therewith, within One Month after the making of any such Rate, to appeal against the same to the Commissioners, if they consider their Parish or Place to be thereby over-rated or otherwise aggrieved: Provided always, that Fourteen Days Notice in Writing of such Appeal, and of the Grounds thereof, shall be given by the Parties intending to appeal to the Commissioners: Provided also, that such Rate shall be levied, notwithstanding such Appeal, until the Decision of the Commissioners shall be had upon such Appeal; but if upon the hearing of such Appeal the Commissioners shall order any Rate or Assessment to be set aside, decreased, or lowered, and it shall appear to the Commissioners that any Parish or Place has previously to the Determination of such Appeal paid any Money in consequence of such Rate or Assessment which ought not to have been paid or charged thereon, then the Commissioners shall order such Proportion of such Sum or Sums of Money as shall have been so paid by any Parish or Place subsequently to the Notice of Appeal given, to be repaid or returned to the Parish or Place which paid the same, or to be carried to the Account of the next District Sewers Rate thereon. As to Appeals against District Rates where imposed in gross.

XCV. And be it enacted, That whenever any District Sewers Rate shall be made under this Act, and shall not be imposed in gross, and in every Case where a Special Sewers Rate or an Improvement Rate shall be made under this Act, it shall be lawful for any Occupier or for any Owner or Person interested in or rated to such Rate, who shall consider himself aggrieved thereby, within One Month after the making of any such Rate to appeal against the same or the Apportionment thereof on him, on the Ground of Nonliability to pay the same, or of Unfairness or Incorrectness in the Apportionment or Assessment thereof, such Appellant giving Fourteen Days Notice of such Appeal and of the Grounds thereof, in Writing under his Hand, to the Commissioners, and if the Ground of such Objection shall be the unequal Assessment or Apportionment of Third Parties, a like Notice being given to such Parties. As to Appeals against Rates when not imposed in gross.

XCVI. And be it enacted, That the Commissioners shall, on their usual Court Days during the Period of Appeal, or at some Adjournment thereof, proceed to investigate the Matter of such Appeal as aforesaid, by the Examination of such Witnesses and Evidence as the Parties shall produce, or by the Examination of such other Witnesses and Evidence as to the Commissioners shall seem right; and on the hearing of such Appeal the Commissioners may amend, alter, or quash the Rate or Assessment, or correct the Apportionment objected to, as they may think proper; and the Decision of the Commissioners shall be final; nevertheless the Commissioners are hereby empowered to try such Question by a Jury, in the same Manner as a Traverse of a Presentment of Rateability is triable according to the Laws and Usages of Sewers; and in case no Complaint shall be made against such Rate or the Apportionment thereof within One Month after the making of such Rate, the same shall be final and conclusive on all Parties and Places whatsoever. Proceedings on Appeals.

XCVII. And be it enacted, That it shall be lawful for the Commissioners (if they think fit) to issue Precepts requiring Payment to their Treasurer, within Times in such Precepts respectively to be limited, of the Sums assessed in gross on Parishes or Places within the Limits of the Commission, to the Officers intrusted and empowered by Law to levy Rates in such Parishes or Places respectively, and such Officers shall obey and execute the same Precepts in manner herein-after mentioned; (that is to say,) in the Case of a Parish wholly situate within the Limits of the Commission, and comprised within a Poor Law Union of Parishes, such Precept to issue to the Guardians of such Union requiring them to pay the Rate thereon assessed by the Commissioners for each such Parish of their Union out of the Monies held or to be As to Collection of Rates imposed in gross; from Guardians of Unions;

Rates.

received by them on its Behalf, and such Precept shall have Force in every such Union in regard to every such Parish, notwithstanding that the Place of Meeting of the Guardians may not be situate within the Limits of the Commission, and the said Guardians shall raise the Monies required by such Precept to be paid in like Manner as the Monies required by such Guardians for the Relief of the Poor, and the said Guardians shall pay such Monies at the Times limited and in the Manner prescribed by such Precept, and may pay separately to the Treasurer of the Commissioners the whole Sum or Sums (but not less than the whole Sum or Sums) charged on any One or more of such Parishes respectively; and in the Case of a Parish wholly or in part situate within the Limits of the Commission not comprised in a Poor Law Union, such Precept to issue to the Overseers or other Managers of the Poor of such Parish, to pay the Rate thereon assessed by the Commissioners out of the Monies held or to be received by them on its Behalf, and the said Overseers or Managers of the Poor shall raise the Monies required by such Precept in like Manner as the Monies by them required for the Relief of the Poor; and in the Case of a Parish comprised in a Poor Law Union a Part only of which Parish is situated within the Limits of the Commission, and in the Case of every Place not maintaining its own Poor, but in which any public Pound Rate is collected, such Precept to issue to the Vestrymen or other Persons empowered by Law to levy such public Pound Rate thereon, to pay the Rate assessed on such Part of a Parish or such Place out of the Monies held or to be received by them in its Behalf, and such Vestrymen or Persons shall raise the Money required by such Precept in like Manner as any such public Rate.

from Overseers of Parishes not in Union;

from other Persons where Part only of a Parish in Union is under the Commission, but is a District for Rating.

Enforcement of Precepts originally issued to Guardians.

XCVIII. And be it enacted, That in case the said Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish in their Union, the Commissioners may cause to be issued to the Overseers of the Poor, or other Officers or Persons empowered by Law to levy Poor Rates or other public Rates in such Parish, a Warrant to collect and pay to the Treasurer of the Commissioners, within a Time to be limited in such Warrant, the Rate charged by the Commissioners on such Parish, together with an Addition to such Rate in the Proportion of One Shilling to every Ten, and such Addition to the said Rate shall be applied in like Manner as the original Amount of such Rate; and such Overseers or other Officers or Persons may reimburse themselves, as well for such additional Sum as for the original Amount of such Rate, out of the Monies which they are respectively empowered to raise or levy; and if the Overseers or other Persons as aforesaid refuse, make default, or neglect to pay to the Treasurer of the Commissioners within the Time limited as aforesaid the Sum or Sums of Money specified in such Warrant, it shall be lawful for any Justice of the Peace and he is hereby required, on Complaint by the Clerk or Treasurer of the Commissioners, by Warrant under the Hand of such Justice of the Peace, to levy the same by Distress and Sale of the Goods of the Defaulters or Defaulter.

For indemnifying Parishes whose Funds are anticipated from Default of other Parishes in the Union.

XCIX. Provided always, and be it enacted, That in every Case where any Parish comprised in a Union has, on or before the Day on which any Precept should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay the Sum or Sums required by such Precept to be paid in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other the Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay the Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten, as herein-before provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid the said Guardians shall charge such additional Sum and Costs among such Parishes in proportion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

Enforcement of Precepts not originally issued to Guardians.

C. And be it enacted, That in case the Overseers or other Managers of the Poor of any Parish, or the Vestrymen or other Persons empowered to levy Rates in any Part of a Parish or in any Place as aforesaid, to whom any Precept shall have been issued under this Act, refuse, make default, or neglect to pay to the Treasurer of the Commissioners, within the Time limited in such Precept as aforesaid, the Sum or Sums of Money specified therein, and if the Clerk or Treasurer of the Commissioners make Complaint thereof to any Justice of the Peace, such Justice may, by Warrant under his Hand, levy the same by Distress and Sale of the Goods of the Defaulter or Defaulters.

Power for Commissioners, where Rate is not made in gross, to collect it, to consolidate the Assessment and Collection with the Poor Rate or other Rate, and issue Precepts for the same.

CI. And be it enacted, That in case any District Sewers Rate shall not be imposed in gross, and in the Case of Special Sewers Rates and Improvement Rates, it shall be lawful for the Commissioners to collect the same respectively from the Parties rated or liable thereto, and for such Purpose raise and levy the same by Distress and Sale in manner herein provided, and otherwise to enforce the same according to the Law of Sewers; or the Commissioners may, if they think fit, consolidate the Collection thereof with the Poor Rate, or any other equal Pound Rate for public or local Purposes, levied on the Occupiers of the Lands or Tenements rateable, or other Persons who of right ought to pay such Rates under this Act, and for that Purpose may issue Precepts to the Overseers or other Persons having the Collection of such Poor Rate or other Pound Rate, specifying the Property and Persons rateable and chargeable, and the Amount of Rate to be from Time to Time collected from them, and requiring

Payment

Payment thereof to the Treasurer of the Commissioners at a Time therein mentioned; and such Precept shall be enforced and executed by the Persons to whom the same is addressed in the same Manner as the Warrant or Authority to levy the Rate with the Collection of which such Rate under this Act is consolidated may be enforced and executed. *Rates.*

Precepts and Warrants to specify Exemptions, &c.

CII. Provided always, and be it enacted, That where Part only of a Parish or Place shall be subject to a District Sewers Rate, and where in any Parish or Place any Property shall be entitled to any Exemption, Reduction, or Allowance from or in respect of any District Sewers Rate, the Commissioners shall in their Precept or Warrant specify (as the Case may require) the Part so subject, and the Particulars of every such Exemption, Reduction, or Allowance, and the Commissioners may also in any such Precept or Warrant make an Allowance to a Parish or Place for Premises therein in respect of which a Composition for Payment of the District Sewers Rate upon a reduced Estimate of the net annual Value might have been made by the Commissioners with the Owners under the Provision herein-before contained.

As to the Service of Precepts.

CIII. And be it enacted, That the several Precepts and Warrants of the Commissioners herein-before mentioned may be delivered or sent by Post as a registered Letter according to the Regulations of the Postmaster General for the Time being in that Behalf; and every Precept delivered or tendered to the Address of the Person to whom it is addressed shall be deemed to have been served on the Person to whom the same was so delivered or tendered, and if delivered or tendered to the Clerk or other like Officer acting for the Guardians of a Union or other Managers of the Poor shall be deemed to have been served on the whole of the said Guardians or Managers, and if delivered or tendered to any One Overseer or Vestryman shall be deemed to have been served on the whole of the Overseers or Vestrymen of the Place.

Officer levying Rate imposed in gross to allow Exemption, &c. and give Receipts showing Sums levied in respect of the Rate.

CIV. And be it enacted, That the Guardians and other Persons empowered by any Precept or Warrant of the Commissioners to raise Monies in any Parish or Place in respect of any District Rate imposed in gross under this Act shall, where Part only of the Parish or Place shall be subject to such Rate, raise such Monies upon the Part only which shall be so subject, and shall in every Case in raising the same observe and allow the Exemptions, Reductions, or Allowances specified in such Precept or Warrant, and shall also give or cause to be given to every Person by whom any Money shall be paid in respect of such Rate a Receipt or Certificate showing the Amount paid by such Person in respect of such Rate, with Notice that the same may be deducted from the Rent payable in respect of the Premises for which such Money shall be so paid where such Tenant would be authorized to deduct Sewers Rate, and such Tenant shall be entitled to deduct or to be repaid the same in like Manner as if the Amount so paid by him had been paid on account of a District Sewers Rate originally assessed upon him by the Commissioners.

Extra Allowance may be made to Poor Rate Collectors.

CV. And be it enacted, That the said Guardians, Overseers, Managers of the Poor, Vestrymen, and other Persons empowered to levy Rates may give to their Collectors or other Officers employed in the Collection and Levy of Rates such Poundage or other Allowance for their Trouble in the Collection of Rates under this Act as to the Commissioners shall seem reasonable and meet.

Mortgage of Rates.

Power to Commissioners to borrow Money on Mortgage of the Rates.

CVI. And be it enacted, That it shall be lawful for the Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, to borrow and take up at Interest on the Credit of all or any of the Rates authorized to be made or collected under this Act any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums shall be advanced the respective Rates upon the Credit of which such Sums shall be borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sums so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage.

No Priority amongst Mortgagees.

Commissioners of Public Works under 5 & 6 Vict. c. 9. may make Advances to Commissioners under this Act.

CVII. And be it enacted, That it shall be lawful for the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, and in the Execution of any of the Acts recited in that Act, or or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Metropolitan Commissioners of Sewers upon the Security of all or any of the Rates to be levied by them under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CVIII. And be it enacted, That if the Commissioners can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, it shall be lawful for them so to borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and to charge the Rates which they are authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages.

CIX. And be it enacted, That if at the Time appointed in any Mortgage Deed for Payment of the Principal Money secured thereby the Commissioners are unable to pay off the same, it shall be lawful

Mortgage of Rates.

for them to borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and to secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Expenses incurred by the Commissioners in the Execution of this Act.

Form of Mortgage.

CX. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the Commissioners, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the Commissioners and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept at the Office of the Commissioners a separate Register of the Mortgages upon each Kind of Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the proper Register, of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

Register of Mortgages.

Repayment of Money borrowed at a Time agreed upon.

CXI. And be it enacted, That the Commissioners may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments, or otherwise as they may think fit; and in case the Commissioners shall fix the Time or Times of Repayment they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the Commissioners.

Interest on Mortgages to be paid half-yearly.

As to Repayment of Money borrowed when no Time has been agreed upon.

CXII. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Commissioners may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be given in manner herein provided for Service of Notices on the Commissioners, and if given by the Commissioners shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee or his Residence be unknown to the Commissioners, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette;* and if the Commissioners shall have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Commissioners fail to pay the Principal and Interest due, at the Expiration of such Notice, on such Mortgage.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

Payment of Principal and Interest may be enforcedby the Appointment of a Receiver.

CXIII. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint, in Writing under their Hands and Seals, some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between or among them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees to whom there may be due, after such Lapse of Time, and Demand, as last aforesaid, Monies collectively amounting to that Sum.

Accounts of Commissioners to be open to Mortgagees at all seasonable Times.

CXIV. And be it enacted, That the Books of Account of the Commissioners shall be open at all seasonable Times to the Inspection of the Mortgagees or Transferees of Mortgagees under this Act, with Liberty to make Extracts therefrom without Fee or Reward; and any Clerk or other Person having the Custody of such Books, and refusing to allow such Inspection or such Extracts to be made, shall be liable to a Penalty not exceeding Five Pounds.

Transfer of Mortgages.

CXV. And be it enacted, That any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Commissioners a separate Register of the Transfers of Mortgages charged upon each Kind of Rate; and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United

Register of Transfers.

United Kingdom if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Mortgage of Rates.

CXVI. And be it enacted, That it shall be lawful for the Metropolitan Commissioners of Sewers from Time to Time to settle and ascertain the Expenses incurred by them in respect of any Works within the City of *London* or the Liberties thereof which shall be rendered necessary by the Neglect or Default of the Commissioners of Sewers of the City of *London* to do or perform the same, and to raise the same by Precept to the Chamberlain of the City of *London*, as herein-after mentioned: Provided always, that it shall not be lawful for the Commissioners to raise by such Precept as aforesaid any further or greater Proportion of such Expenses than ought, under or by virtue of the Provisions of this Act, to be borne or defrayed by the Commissioners of Sewers of the City of *London*.

Expenses of Works within the City of London.

Expenses for Works within the City of London to be paid by the Chamberlain.

CXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to issue a Precept to the Chamberlain of the City of *London*, requiring Payment to their Treasurer of any Sum which the Commissioners shall be entitled to have repaid to them by the Commissioners of Sewers of the City of *London*; and the said Chamberlain shall, out of any Monies in the Chamber of the said City, pay to the Treasurer of the said Commissioners the Sum required by such Precept, within Three Months after the Service thereof; and all Payments to be so made by the said Chamberlain shall be charged by him against and reimbursed to him out of any Rates which the Commissioners of Sewers of the City of *London* may levy under the said Act of the Eleventh Year of King *George* the Third, and the said Acts amending the same; and such last-mentioned Commissioners shall from Time to Time make or cause to be made such Rates as shall be necessary for that Purpose.

Metropolitan Commissioners to issue a Precept to Chamberlain of London.

General Provisions as to Application of Monies.

CXVIII. And be it enacted, That it shall be lawful for the Commissioners to apply any Monies received by them in respect of any Rates, or otherwise under this Act, in the Discharge of any Monies owing by the Commissioners, or in any Payment authorized by this Act; but such Application shall not affect the Power of the Commissioners to make any Rate or Addition to Rate in respect of any Money borrowed or Expenses which shall have been paid or defrayed out of any Rate or Rates other than the Rate or Rates primarily applicable thereto, nor extend the Liability of any Person in respect of any Rate or Payment to which he would be otherwise subject under this Act.

Commissioners may apply Rates to any Purposes of the Act, &c.

CXIX. And be it enacted, That in order to provide a Fund for the Discharge of any Money which shall have been borrowed under the Powers of this Act it shall be lawful for the Commissioners from Time to Time to cause any Money received by them under this Act, and which for the Time being shall not be required for any other Purposes of this Act, to be invested in the Purchase of Exchequer Bills, or Government Stocks, Funds, or Securities, and from Time to Time to cause to be invested in like Manner the Interest and Dividends thereof, so as to accumulate the same at Compound Interest until the same can be applied for the Discharge of such Money borrowed, or for any other Purposes of this Act.

Commissioners may form a sinking Fund for Discharge of Mortgages.

Accounts.

CXX. And be it enacted, That the Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Rates and other Monies levied, received, and recovered by the Commissioners, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid, and the respective Districts or Places in and for which Monies were collected and expended; and the Commissioners, and the Rate-payers, and every Creditor on the Rates, may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books, who shall not, on any reasonable Demand of any such Commissioner, Rate-payer, or Creditor as aforesaid, permit him to inspect such Books, or to take such Copies or Extracts as aforesaid, shall be liable to a Penalty not exceeding Five Pounds for every such Offence; and the Commissioners shall in the Month of *January* in every Year cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the Commissioners shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended by virtue of this Act during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and the Commissioners shall give public Notice by Advertisement to be inserted not less than Twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Rate-payers and Creditors on the Rates, and of the Day fixed for auditing the Accounts; and the Commissioners shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Rate-payer and Creditor may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the Commissioners, on Payment of a Fee of One Shilling for each Inspection.

Commissioners to cause Books of Accounts to be kept open to Inspection.

Penalty for refusing Inspection.

Accounts to be balanced, and an annual Statement to be prepared, and when deposited at the Office to be open for Inspection.

CXXI. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall, in the Month of *January* in each Year, by Order under his Hand, appoint One or more fit Person or Persons to examine and audit the Accounts of the Commissioners for the preceding Year; and every such Auditor shall be paid by the Commissioners Two Guineas for every Day he shall be fully employed on such Audit, and

Auditors to be appointed by Secretary of State, and remunerated by Commissioners.

Auditors to give Notice to Commissioners, who shall produce their Accounts to him, with all Vouchers for Support of the same.

Accounts to be audited in Presence of Commissioners and Rate-payers who may desire to attend.

and all such Expenses as he shall be put to in the auditing of such Accounts; and the Auditor or Auditors appointed as aforesaid shall, in the Month of *February* in each Year, on such Day or Days as shall be fixed by him or them for the Audit of the Accounts, attend at the principal Office of the Commissioners, and shall give to the Commissioners at least Fourteen Days previous Notice in Writing of the Time so fixed for such Audit; and the Commissioners shall, by their Clerks, Treasurers, and other Officers, produce and lay before the Auditor or Auditors at every such Audit the Accounts of the Commissioners for the Year preceding, together with the Statement and Account herein-before mentioned, accompanied by proper Vouchers for the Support of the same, and submit to his or their Inspection all Books, Papers, Instruments, and Writings in their Custody or Control relating thereto; and such Auditor or Auditors, in the Presence of such of the Commissioners and of the Rate-payers and Creditors on the Rates as shall desire to attend, shall audit the Accounts herein-before mentioned, and may examine any of the Commissioners or their Officers whom he or they shall deem accountable (and whom he or they is and are hereby empowered to summon to appear before him or them for the Purpose of such Examination) touching the said Accounts, and shall also hear any Complaint which any such Rate-payer or Creditor shall at the Time of such Audit make touching such Accounts; and if such Accounts be found correct, such Auditor or Auditors shall sign the same, in token of his or their Allowance thereof, and such Allowance shall be final and conclusive on all Parties.

Abstract of annual Accounts and Report to be laid before Parliament.

CXXII. And be it enacted, That the Commissioners shall, after such Audit of Accounts as aforesaid, cause an Account in Abstract to be prepared, showing the Receipt and Expenditure under this Act for the preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditor or Auditors, if he or they shall have allowed such Accounts, or of the Parts, if any, which he or they shall have disapproved of such Accounts, and also a summary Statement and Report of all Contracts entered into by the Commissioners in such preceding Year, and of the Monies owing to and Debts owing by the Commissioners on the Thirty-first Day of *December* of such preceding Year, and of the Works commenced and completed respectively in such preceding Year, and the Works remaining in progress at the Termination of such Year; and such Account in Abstract and Statement and Report shall be laid before both Houses of Parliament in the Month of *March* in each Year, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament; and in the Month of *March* in each Year a Copy of such Account in Abstract and Statement and Report respectively for each Parish wholly or in part within the Limits of the Commission comprised in a Union of Parishes shall be sent to the Guardians of such Union, and for each Parish wholly or in part within such Limits not comprised in a Union shall be sent to the Managers of the Poor of such Parish.

Bye Laws.

Power to Commissioners to make Bye Laws for Purposes herein named.

CXXIII. And be it enacted, That the Commissioners may from Time to Time make, alter, and repeal Bye Laws for all or any of the Purposes following; (that is to say,) for regulating the Business and Proceedings at Courts of Sewers and of Committees, the Appointment and Removal of Officers and Servants of the Commissioners, and their Duties, Conduct, and Remuneration; for regulating, in regard to Drainage, the Plans, Level, Surface Inclination, and the Material of the Pavement and Roadway of new Streets and Roads, and the Plans and Levels of Sites for building, and for regulating the Drainage of Roads and Streets into their Sewers; for regulating the Dimensions, Form, and Mode of Construction, and the keeping, cleansing, and repairing, of the Pipes, Drains, and other Means of communicating with Sewers, and the Traps and Apparatus connected therewith; for the emptying, cleansing, closing, and filling up of Cesspools and Privies, and for such other Works of cleansing and of removing and disposing of Refuse as the Commissioners are authorized to perform or require; for regulating the Assessment and Collection of Rates, Charges, and Contributions, and the Consolidation thereof with any existing Rate; the Periods for the Repayment of the Expenses of Works by the Persons or Rates chargeable with the Repayment thereof; the Forms of Rates, and the Mode and Period of and for Appeals from Special Sewers Rates and Improvement Rates, and Charges for Default; for regulating the Form of Contracts with Commissioners, and generally for carrying into effect the Purposes of this Act; and the Commissioners may thereby impose such reasonable Penalties as they think fit, not exceeding Five Pounds, for each Breach of such Bye Laws, and in case of a continuing Offence a further Penalty not exceeding Forty Shillings for each Day after Notice of the Offence from the Commissioners: Provided always, that under every such Bye Law it shall be lawful for the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty: Provided also, that no Bye Laws shall be repugnant to the Laws of *England* or to the Provisions of this Act; and that no Bye Law shall be of any Force or Effect unless and until the same be submitted to and confirmed by a Special Court of Sewers, at which not less than Ten Commissioners shall be present; and no Bye Law shall be confirmed unless public Notice of such Bye Law, and of the Intention to submit the same to the Special Court for Confirmation, shall have been given One Month at least before the same shall be so submitted.

Penalty for Breach of Bye Laws.

Power to Justices to remit Penalties.

No Bye Laws to take effect till confirmed.

Publication of Bye Laws.

CXXIV. And be it enacted, That all Bye Laws made and confirmed as aforesaid by the Commissioners in pursuance of this Act shall be printed, with the Date of the Confirmation thereof, and hung up in the principal Office of the Commissioners, and Copies thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding Sixpence, as the Commissioners shall direct; and such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same; and the Production of a printed Copy of such Bye Laws, authenticated by the Seal of the Commissioners, shall be Evidence of the Existence, and

Evidence of Bye Laws.

of

of the due Making, Confirmation, and Publication of such Bye Laws, in all Prosecutions under the same, without adducing Proof of the Seal of the Commissioners, or of the Fact of such Confirmation or Publication of such Bye Laws. *Bye Laws.*

Suits, &c. by and against Commissioners.

CXXV. And be it enacted, That the Commissioners may sue and be sued, at Law and in Equity, in the Name of their Clerk for the Time being; and in any Action of Ejectment which shall be brought or prosecuted by the Commissioners for recovering the Possession of any Land, Buildings, or other Property to be vested in the Commissioners under this Act it shall be sufficient to lay the Demise in such Action in the Name of such Clerk; and no Action or Suit to be brought or commenced by or against such Clerk in manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk, or by the Expiration or other Determination of the Commission of Sewers under which such Clerk may act as aforesaid; provided that no Execution shall issue or be had in any such Action or Suit against such Clerk until Six Months Notice shall have elapsed after final Judgment in such Action or Suit shall have been obtained; and every such Clerk in whose Name or by or against whom any such Action or Suit shall be brought, commenced, or sued shall be fully reimbursed and paid all such Costs, Charges, Damages, and Expenses as by the Event or in consequence of any Action, Suit, or Proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being Plaintiff or Defendant as aforesaid, or of his Name being used as aforesaid, by and out of the Funds under the Control of the Commissioners; and if any Person against whom the Commissioners shall have any Claim or Demand become bankrupt, or take the Benefit of or become subject as an Insolvent to the Operation of any Act for the Relief of Insolvent Debtors, the Clerk of the Commissioners in all Proceedings in the Bankruptcy or Insolvency may represent the Commissioners, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk, and not of the Commissioners.

Suits and Proceedings by and against Commissioners to be carried on in the Name of the Clerk, who shall be reimbursed.

Proof of Debts in Bankruptcy.

Clerk, though a Plaintiff, &c. to be a competent Witness.

CXXVI. And be it enacted, That the Clerk, being the Plaintiff, Prosecutor, or Defendant, or otherwise acting in any Action, Suit, or Proceeding as aforesaid, shall be competent to be a Witness therein, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Defendant, or otherwise in any such Action, Suit, or Proceeding.

Notice of Action.

Limitation of Actions.

Venue.

General Issue.

Tender of Amends, &c.

CXXVII. And be it enacted, That no Writ or Process shall be sued out against or served upon the Commissioners or their Clerk, or any Clerk, Surveyor, or other Officer or Person whomsoever acting under the Direction of the Commissioners, for anything done or intended to be done under the Powers of the Commissioners or of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered as herein provided concerning the Service of Notices upon the Commissioners, or, where the Action shall be against such other Officer or Person, shall have been delivered to him, or left at his Office or Place of Abode, explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action, except such as is stated in the Notice so delivered, and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and it shall be lawful for the Commissioners, or any Person to whom any such Notice of Action is given as aforesaid, to tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted to plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, it shall be lawful for the Defendant, by Leave of the Court, at any Time before Trial, to pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) to plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

If Tender of Amends deemed insufficient, Defendant may pay Money into Court.

Persons acting in execution of Act not to be personally liable.

CXXVIII. And be it enacted, That no Matter or Thing done or Contract entered into by the Commissioners, or by any Clerk, Surveyor, or other Officer or Person whomsoever acting under the Direction of the Commissioners, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Commissioners, Clerk, Surveyor, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the Funds under the Control of the Commissioners.

Miscellaneous.

Commissioners may examine on Oath; and false Evidence punishable as Perjury.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners to administer an Oath to and examine upon Oath or otherwise any Person, for their more certain Information on any Matters depending before them; and every Person who on any Examination by the Commissioners upon Oath as aforesaid shall wilfully and corruptly give false Evidence shall be liable to the Penalties of wilful and corrupt Perjury.

Commissioners may allow Witnesses Money for Expenses and Loss of Time.

CXXX. And be it enacted, That any Court of Sewers may, at its Discretion, order to be paid, out of any Monies to be received by the Commissioners under this Act, to any Witness attending to give Evidence before the said Court, such Sum or Sums of Money for Expenses and Loss of Time as to the said Court shall seem just.

CXXXI. And

Miscellaneous.

Commissioners may decree and assess Costs.

CXXXI. And be it enacted, That in any Order or Decree of any Court of Sewers touching any Matter or Thing within the Jurisdiction of the Commissioners it shall be lawful for any such Court of Sewers to order and decree that the Costs, Charges, and Expenses of and incidental to the making and putting in force such Order or Decree shall be paid and borne by the Person upon or against whom, or by reason of whose Default, or for whose Benefit, such Order or Decree shall be made, which Costs, Charges, and Expenses shall and may be ascertained and settled by or by the Authority of such Court of Sewers, and shall and may be demanded and received by the Treasurer or other Person appointed by the Commissioners to receive the same; and when any such Costs, Charges, and Expenses shall be ordered and decreed to be paid as aforesaid, and such Order or Decree shall not be previously altered, reversed, or quashed by or at any subsequent Court of Sewers, or by any other Court or Courts, upon Removal of the same by Certiorari or otherwise, the same Costs, Charges, and Expenses shall and may, at any Time after the Court of Sewers immediately following the making of such Order or Decree, such Court being at the Distance of Twenty-one Days at the least from the Service of such Order or Decree, be levied and raised, together with the Costs and Charges of raising and levying the same, by Distress and Sale of the Goods and Chattels of the Person by whom the same shall or may respectively be ordered or decreed to be paid as aforesaid; but if no sufficient Distress can be found it shall be lawful for the Commissioners (if they shall think fit) to charge the Amount of such Costs, Charges, and Expenses, or of such Portion thereof as shall not be raised by such Distress as aforesaid, upon any Lands or Tenements within the Limits of the Commission of or belonging to the Person by whom such Costs, Charges, or Expenses shall have been ordered or decreed to be paid; and in such Case the same shall be levied upon the Occupier of such Lands or Tenements in such and the same Manner as an Improvement Rate; and the Amount so levied on such Occupier shall be deducted against or repaid by the Person by whom such Costs, Charges, and Expenses were ordered or decreed to be paid; and all and every Sum and Sums of Money which shall or may be raised or levied as aforesaid by or for the Costs, Charges, and Expenses of any Officer of Sewers shall be paid into the Hands of the Treasurer or other Person appointed by the Commissioners to receive the same, and shall be subject to the Order and Disposition of the Commissioners, paid, applied, and disposed of, so far as the same will extend, in defraying and reimbursing the Costs, Charges, and Expenses which shall have been incurred as aforesaid.

Sums received as Charges for Default to be paid to the Treasurer.

CXXXII. And be it enacted, That all Sums which the Commissioners are authorized to charge and recover as Charges for Default under this Act shall and may be demanded and received by the Treasurer or other Person appointed by the Commissioners to receive the same, and, if not paid upon Demand, shall and may be levied by Distress and Sale of the Goods and Chattels of the Person upon whom such Charges for Default shall be imposed, and shall be applied by the Commissioners in satisfaction of the Expenses occasioned by such Default.

Penalty for obstructing Officers in execution of this Act.

CXXXIII. And be it enacted, That every Person who shall wilfully obstruct any Surveyor, Officer, or Person duly employed by the Commissioners, or any Workman or other Person acting under his Authority, in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for defacing Notice Boards.

CXXXIV. And be it enacted, That every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Commissioners in or about any of their Offices or Premises, upon which any Bye Law or Notice of the Commissioners shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty upon Occupiers obstructing Execution of Works, or not disclosing Owner's Name.

CXXXV. And be it enacted, That if the Occupier of any Premises shall prevent the Owner thereof from carrying into effect, with respect to such Premises, any of the Provisions of this Act, it shall be lawful for any Justice, by Order in Writing (which may be according to the Form contained in the Schedule (D.) to this Act, or to the like Effect), to require such Occupier to permit the Execution of the Works required to be executed; and if after the making of such Order the Occupier against whom the same shall be made refuse or neglect to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day during the Continuance of such Refusal or Neglect; and if the Occupier of any Premises, when requested by or on behalf of the Commissioners to state the Name and Description of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully misstate the same, it shall be lawful for any Justice to summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if the Party so summoned neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Recovery of Penalties, Forfeitures, &c.

CXXXVI. And be it enacted, That every Offender who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Bye Law of the Commissioners, for the Recovery whereof Provision is not herein otherwise made, and also any Person liable to make Compensation which is herein authorized to be ascertained and recovered before Justices in a summary Manner, shall be proceeded against, and such Penalty or Forfeiture and Compensation respectively shall be awarded, recovered, and enforced, in the same Manner as the Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under an Act of the Second and Third Years of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis;* and such last-mentioned Penalties, Forfeitures, and Amends may by Law be proceeded against, awarded, recovered, and enforced respectively, and all Provisions, Powers, and Rights which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties

2 & 3 Vict. c. 47.

and

Miscellaneous.

and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under the said Act of the Second and Third Years of Her present Majesty, shall be applicable to the Proceedings against Offenders who shall be liable to Penalties and Forfeitures, and Persons liable to make Compensation under this Act as aforesaid: Provided always, that every Sum which shall be recovered in respect of any such Penalty and Forfeiture as last aforesaid, other than any Penalty or Forfeiture which shall be imposed upon the Commissioners or any of them, or any of their Officers or Servants, shall be paid to the Commissioners, and shall be applicable to the general Expenses of the Commission; and that every Sum recovered in respect of any Penalty or Forfeiture imposed on the Commissioners or any of them, or on any of their Officers or Servants, shall be applicable in the same Manner as if such Penalties and Forfeitures had been imposed by the said Act of the Second and Third Years of Her present Majesty; provided that the Magistrate or Justices by whom the Conviction or Order shall be made may award any Part of such last-mentioned Penalty or Forfeiture to any Person aggrieved by the Offence.

No Proceeding for Recovery of Penalties, &c. to be taken other than by a Party aggrieved, without Consent of Attorney General.

CXXXVII. And be it enacted, That no Proceeding for the Recovery of any Penalty or Forfeiture incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or by or on behalf of the Commissioners, without the Consent in Writing of Her Majesty's Attorney General; and that no such Penalty or Forfeiture incurred shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Months after the Commission or Occurrence of the Offence upon which the Penalty or Forfeiture shall attach; and if the Application of the Penalty or Forfeiture be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder shall go to the Commissioners, or if the Commissioners be the Informers the whole of the Penalty recovered shall go to the Commissioners; and all Sums which shall go to or be recovered by the Commissioners on account of any Penalty by the Commissioners shall be paid to their Treasurer, and shall be applicable to the general Expenses of the Commission; provided that in every Case where the Commissioners or any of them shall be liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

Service of Notices, &c. on Commissioners.

CXXXVIII. And be it enacted, That any Summons or Notice, or any Writ or other Process, at Law or in Equity, or any other Matter or Thing whatsoever, required to be served upon the Commissioners, or any of them, except where herein otherwise provided, or upon their Clerk, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the principal Office of the Commissioners.

As to Service of Notices on Owners or Occupiers.

CXXXIX. And be it enacted, That all Notices by this Act required to be given to the Owner or Occupier of any Land or Premises may be served personally on such Owner or Occupier, or left with some Inmate of his Place of Abode, or, if there be no Occupier, may be affixed to some conspicuous Part of such Land or Premises, and it shall not be necessary in any such Notice to name the Owner or Occupier of such Land or Premises: Provided always, that where there shall be no Occupier, and the Owner of any such Land or Premises, and his Place of Abode, be known to the Commissioners, they shall cause such Notice to be served on such Owner personally, or left with some Inmate of his Place of Abode, or shall transmit the same to such Owner through the Post Office.

Authentication of Documents.

CXL. And be it enacted, That every Notice, Summons, and Demand given by or on behalf of the Commissioners, by any of their Officers under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and may and shall be sufficiently authenticated if signed by the Clerk of the Commissioners, or by the Officer by whom the same may be given.

Distresses, how to be made.

CXLI. And be it enacted, That where in this Act any Sum of Money whatsoever is authorized to be raised or levied by Distress, it shall be lawful for the Commissioners to issue a Warrant under the Seal of the Commissioners, directing any Person to levy such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of executing the same, by Distress of the Goods and Chattels of the Person against whom such Warrant shall be issued; and if within Five Days next after any Distress shall be made such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient to pay such Sum of Money, and the reasonable Costs, Charges, and Expenses of the Warrant and Distress, and of the keeping and removing, appraising and selling such Goods and Chattels, and shall return the Overplus (if any) to the Owner of such Goods and Chattels, upon Demand thereof made by him; and such Warrant may be in the Form contained in the Schedule (E.) to this Act, or to the like Effect; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Person making the same be a Trespasser, on account of any Defect or Want of Form in the Warrant of Distress or other Proceeding relating thereto, nor shall be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

Distress not unlawful for Defect or Want of Form.

After issuing of First Commission the Acts mentioned in Schedule (F.) to be repealed;

CXLII. And be it enacted, That from and after the issuing of the First Commission under this Act the several Acts mentioned in the Schedule (F.) to this Act shall be and the same are hereby repealed; provided that such Repeal shall not prejudice or affect any Rates made, or any Act, Matter, or Thing whatsoever done or commenced, or any Rights or Liabilities acquired, created, or arising under or reserved or saved by the said Acts or any of them.

Miscellaneous.

and Powers of Commissioners under Regent Street Act with respect to Sewers, &c. to cease.

CXLIII. And be it enacted, That from and after the issuing of the First Commission under this Act the Powers of the Commissioners under the said recited Act of the Fifth Year of King *George* the Fourth, and the Acts extending the Powers of the Commissioners for executing such last-mentioned Act, so far only as respects the making, maintaining, and keeping in repair, and Management, Survey, Control, and Direction of Sewers, Drains, and Watercourses, and the Communications therewith, and making Sewers Rates for such Purposes, and the Exemptions in such Acts contained from the Powers of other Commissioners of Sewers, and from Liability to Sewers Rate, other than the Rates under the same Acts, shall cease: Provided always, that the Commissioners under the same Acts shall continue from Time to Time to make Sewers Rates for the Discharge of any Mortgage and other Debts and Interest which might have been discharged out of the Sewers Rates to be made by such Commissioners in case this Act had not been passed, until the same shall be discharged; and such last-mentioned Rates, while they shall continue payable, shall, with reference to the Limitation of the Powers of rating under this Act, be deemed Part of the District Rate assessed on the Property rateable thereto.

Proviso for making Rates to discharge Mortgages.

3 & 4 W. 4. c. 22. and 4 & 5 Vict. c. 45. not to apply to this Act.

CXLIV. And be it enacted, That the said Acts of the Third and Fourth Years of the Reign of King *William* the Fourth, and of the Fourth and Fifth Years of the Reign of Her present Majesty, shall not apply to any Commission which shall be issued under this Act, or to the Proceedings and Acts by and in relation to such Commission.

General Law of Sewers to be applicable to Commissions under this Act.

CXLV. And be it enacted, That, save as herein-before excepted, the Provisions and Powers of the said Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, and of the several Acts of Parliament continuing, amending, and explaining the same, so far as the same are consistent with the Provisions of this Act, shall continue in force and be applied and may be exercised for the Purposes of this Act, as if every Commission to be issued under this Act had been issued under the said Act of the Twenty-third Year of King *Henry* the Eighth, except that the Provisions concerning the Oath to be taken by Commissioners, and the Qualifications of Commissioners, and the Penalties for sitting unsworn or without being qualified, and the Powers of Impressment of Workmen and Labourers, the Right of Pre-emption of Timber and Necessaries for Works and Reparations, and the Powers of decreeing and ordaining Lands, Tenements, and Hereditaments from the Owners thereof, for Lack of Payment of Lots or Charges thereon, shall not be applicable to or exercised by the Commissioners under this Act; and all Savings and Provisions in Turnpike, Railway, Waterworks, Improvement, and other Acts, saving and providing for the Rights, Powers, and Authorities of the Commissioners of Sewers for any of the Parts which shall be within the Limits of the Commission to be issued under this Act, shall, so far as the same shall not be inconsistent with the Provisions of this Act, continue and be in force in favour of and with reference to the Metropolitan Commissioners of Sewers.

Commissioners of Sewers of London may exercise Powers within the City for enforcing House Drainage, &c.

CXLVI. And be it enacted, That it shall be lawful for the Commissioners of Sewers of the City of *London* to exercise and put in force within the said City and the Liberties thereof the like Powers and Authorities for enforcing House Drainage, and for providing that Drains, Water-closets, Privies, Cesspools, and Ash-pits are constructed and kept so as not to be a Nuisance or injurious to Health, and for defraying Expenses incurred by such Commissioners in relation to the Matters aforesaid, by Improvement Rates or Charges for Default, as are hereby given to the Metropolitan Commissioners of Sewers within the Limits of their Commission.

Interpretation of Terms.

Number.

Gender.

"Person."

"Lands."

"Premises."

"Owner."

"Month."

"Commission."

"Commissioners."

"Commissioner."

"Justice."

"Two Justices."

"Arbitrators."

"Oath."

"Street."

"Drain."

CXLVII. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; Words importing the Masculine Gender shall include Females; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; the Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure; the Word "Owner" shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent; the Word "Month" shall mean Calendar Month; the Word "Commission" shall mean any Commission issued under this Act, and in force for the Time being; the Word "Commissioners" shall mean the Metropolitan Commissioners of Sewers; the Word "Commissioner" shall mean any One of such Commissioners; the Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justices" arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions, and in the City of *London* the Lord Mayor or any Alderman, and all Powers given to Two Justices may be exercised by One Stipendiary or Police Magistrate acting in any Police Court; the Word "Arbitrators" shall include a single Arbitrator; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire; the Word "Oath" shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath; the Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of the Commission; the Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only or Premises within the same Curtilage, and made merely for the Purpose of communicating with a

Cesspool

Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed; the Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies; the Word "Parish" shall mean and include any Liberty, Township, Precinct, or Place maintaining its own Poor, or any Part of a Parish for which a separate Poor Rate may be made; the Word "Union" shall mean and include any Number of Parishes and Parts of Parishes or Places united under the Provisions of any general or local Act of Parliament for the Relief of the Poor; and the Word "Guardians" shall mean the Board of Guardians, Visitors, Directors, or other Persons appointed for managing the Poor of such Union; the Expression "Managers of the Poor" shall mean and include any Directors, Trustees, Guardians, Vestrymen, or other Officers appointed to act in the ordering or Relief of the Poor from the Poor Rate in a Parish under any local Act of Parliament; and the Expressions "the Clerk," "the Treasurer," "the Surveyor," "the Collector," shall mean the Persons respectively appointed or authorized by the Commissioners to execute the Offices of Clerk, Treasurer, Surveyor, and Collector. "Sewer." "Parish." "Union." "Guardians." "Managers of the Poor." "the Clerk," &c.

CXLVIII. And be it enacted, That this Act shall continue in force for Two Years next after the passing thereof, and thence to the End of the then next Session of Parliament. Term of Act.

CXLIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Metropolitan Commission of Sewers. } AN Assessment to the District Sewers Rate for the [*name the District*] made at a Court of Sewers holden this Day of 18 , after the Rate of in the Pound, by virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*].

No. on the Rate.	Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Rateable annual Value.	Rate at in the Pound.

Signed by us, this Day of 18 .

A.B., *C.D.*, *E.F.*, *G.H.*, *I.K.*, *L.M.* } Metropolitan Commissioners of Sewers.

SCHEDULE (B.)

Form of Mortgage of Rates.

Mortgage, Number ( )

BY virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], the Metropolitan Commissioners of Sewers, in consideration of the Sum of paid to the Treasurer of the said Commissioners by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all the Monies arising and to arise from the several Rates [*or* the District Sewers Rate for the [*here name the District or Districts*], *as the Case may be, or such other Rate or Rates as shall be agreed to be mortgaged, sufficiently describing the same*], by the said Act authorized to be made, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the said Commissioners have hereunto set their Seal, this Day of One thousand eight hundred and

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by the Metropolitan Commissioners of Sewers to for securing the Sum of and Interest [*or if such Transfer be by Endorsement on the Mortgage insert, instead of the Words after "Assigns," the within Security*], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

SCHEDULE (D.)

Form of Order to permit Execution of Works by Owners.

County of } WHEREAS Complaint hath been made to me, *E.F.* Esquire, One of Her Majesty's Justices
to wit. } of the Peace in and for [the County *or* Jurisdiction] of by *A.B.*, Owner, within the Meaning of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], of certain Premises, to wit, a House [*as the Case may be*] situate in Street [*as the Case may be*] in the Parish of in the said [County, *&c.*,] that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from carrying into effect the Provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the Works generally according to Circumstances*]: And whereas the said *C.D.* having been duly summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

E.F. (L.S.)

SCHEDULE (E.)

Form of Warrant of Distress.

Metropolitan Commission } To one of the Collectors of the Metropolitan Commissioners of Sewers,
of Sewers. } and to all Constables and Peace Officers.

THESE are to require you or any of you forthwith to levy the Sum of Pounds due from *A.B.* of and also the Sum of Pounds the Costs of proceeding to obtain this Warrant, and the Costs, Charges, and Expenses of taking, keeping, removing, appraising, and selling the Distress, by Distress and Sale of the Goods and Chattels of the said *A.B.* (such Goods and Chattels being kept for the Space of Five Days before the same are sold), rendering to the said *A.B.* the Overplus (if any), on Demand; and if no sufficient Distress can be found of the Goods and Chattels of the said *A.B.*, then you are to certify the same to us, together with this Warrant, to the end such further Proceedings may be had therein as to the Law doth appertain.

Given under the Seal of the Metropolitan Commissioners of Sewers, this Day of One thousand eight hundred and

(L.S.)

SCHEDULE (F.)

Acts to be repealed.

Holborn and Finsbury.

18 Geo. 3. c. 66.—An Act for making proper Drains and Sewers for the Purpose of carrying off the Water from the Prebendal Estate of Halliwell and Finsbury in the Suburbs of the City of London; and for other Purposes therein mentioned.

54 Geo. 3. c. 219.—An Act to amend an Act made in the Eighteenth Year of His present Majesty, for making Drains and Sewers for carrying off the Water from the Prebendal Estate of Halliwell and Finsbury in the Suburbs of the City of London, and for other Purposes therein mentioned; and to extend some of the Provisions thereof to Part of the Holborn Division in the County of Middlesex.

Westminster and Part of Middlesex.

47 Geo. 3. s. 1. c. 7.—An Act to enlarge the Powers and extend the Jurisdiction of the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex.

52 Geo. 3. c. 48.—An Act for empowering the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex to purchase a Messuage and Premises for holding their Meetings, and for enlarging the Powers of the said Commissioners.

7 & 8 Geo. 4. c. 23.—An Act to empower the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex to purchase certain Premises situate at the Corner of

of Sun Court in Curzon Street in the Parish of Saint George Hanover Square in the said City and Liberty, and for other Purposes relating thereto.

10 & 11 Vict. c. 70.—An Act to explain and amend the Laws of Sewers relating to the City and Liberty of Westminster and Part of the County of Middlesex.

Surrey, East Mouldsey to Ravensborne.

49 Geo. 3. c. 183.—An Act for making new Sewers and Drains, and amending the present Sewers and Drains, within certain Districts under the Jurisdiction of the Commissioners of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent, and for other Purposes relating to the Execution of the Commission of Sewers for the said Limits.

50 Geo. 3. c. 144.—An Act for amending, enlarging, and extending the Powers of an Act passed in the last Session of Parliament relating to the Execution of the Commission of Sewers for the Limits from East Mouldsey in Surrey to Ravensborne in Kent.

53 Geo. 3. c. 79.—An Act for amending, enlarging, and extending the Powers of Two several Acts passed in the Forty-ninth and Fiftieth Years of His present Majesty relating to the Execution of the Commission of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent.

10 & 11 Vict. c. 217.—An Act to facilitate the effectual Drainage of certain Districts within the Commission of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent.

C A P. CXIII.

An Act for the further Amendment of the Acts relating to the *Dublin* Police.

[4th *September* 1848.]

'WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of *Dublin* Metropolis, and the said Act was amended by an Act passed in the Fifth Year of the Reign of King *George* the Fourth: And whereas another Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, whereby a new and more efficient System of Police was established within the Limits of the said District: And whereas by several Acts passed in the First Year, and in the Sessions of Parliament holden respectively in the First and Second, Second and Third, and Third and Fourth Years of Her present Majesty's Reign, the Limits of the said District were altered, and divers Enactments made in reference to the said District, and for the more effectual Maintenance and Regulation of the Police therein: And whereas by an Act of the Fifth Year of Her said Majesty's Reign, intituled *An Act for improving the* Dublin *Police*, further Provisions were made relating to the same: And whereas it is expedient to amend certain of the Provisions of the said Acts in manner following: And whereas an Act was passed in the Parliament of *Ireland* in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of* Dublin, *its Suburbs and Liberties, and within Seven Miles thereof*, which Act has been amended by several subsequent Acts: And whereas by the said recited Acts of the Thirty-seventh and Forty-eighth Years of the Reign of His late Majesty King *George* the Third it is, amongst other things, provided, that the Superintendent Magistrate and Divisional Justices appointed under the said Acts respectively shall retain and employ certain Clerks and other Officers, under the Regulations therein mentioned, and it is expedient to amend the said Provisions:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Power of Appointment of all such Clerks and Officers as aforesaid, and of all other Clerks in the Police Department of the Police District of *Dublin* Metropolis, or in the Department relating to such Hackney or other Carriages as aforesaid, or to the Receipt of Rents, Fines, Penalties, or Monies in respect of the same, shall be vested in the Chief Secretary or the Under Secretary for the Time being of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and not in the Divisional Justices or any of them.

5 & 6 Vict. c. 24.

37 G. 3. (I.)

Appointment of Clerks and Officers in Dublin Police Offices vested in the Chief or Under Secretary of Lord Lieutenant.

II. 'And whereas by the said recited Act of the Second and Third Years of the Reign of Her present Majesty it is, amongst other things, enacted, that in any Case where the Value of any House or Tenement assessed under the said Act shall not amount to Five Pounds, if the Occupier and his Immediate Lessor, by any Writing under their Hands, shall require, and if the said Justices shall by a Minute agree thereto, such Immediate Lessor shall be rated instead of such Occupier, and such Rebate from the Rate may be made (not exceeding Ten *per Centum*) as the said Justices shall by such Minute allow, and subject to such further Regulations as in the said Act contained:' Be it enacted, That in any Case where the Immediate Lessor of any House or Tenement may under the said recited Act be rated instead of the Occupier, if at the Time of making any Rate the Name of such Immediate Lessor be not accurately known to the Persons making the Rate it shall be sufficient to describe him therein as "the Immediate Lessor," with or without any Name or further Addition; and such Rate shall be held to be duly made on him or her by such Description, and shall be recoverable from him or her accordingly, notwithstanding any Error or Defect in his or her Name or Description, or the entire Omission of such Name therein.

Immediate Lessor rated under 2 & 3 Vict. c. 78. may be described as the "Immediate Lessor" in certain Cases.

III. 'And

Powers for the Recovery of Police Tax.

III. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the several Collectors authorized or appointed to receive the Police Tax or Rate under the Provisions of the said recited Acts or any of them (after such Demand made as in the said recited Act of the Second and Third Years of Her present Majesty's Reign mentioned), in addition to all other Modes and Powers heretofore provided by any former Act or Acts, to collect, levy, sue for, and recover the said Police Tax or Rate, or any Part of the same, from all and every Persons and Person who now are or is or hereafter shall be liable to pay the same, by all the Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected and levied in any County in *Ireland;* and the Divisional Justices of the Police District of *Dublin* Metropolis, or any One of them, shall, for the Purposes of raising, levying, or enforcing Payment of such Police Tax or Rate, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County in *Ireland* has or have or can or shall lawfully have or exercise within his or their respective County with respect to any Grand Jury Cess to be raised within the same.

Divisional Justices to have same Powers within Dublin Metropolis as Justices have in any County in Ireland.

Power to Divisional Justices to reduce the Fines upon Licences in respect of Carriages under Irish Act 37 G. 3., and to increase the same again.

IV. 'And whereas by the said recited Act of the Parliament of *Ireland* passed in the Thirty-seventh 'Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and 'reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the 'City of* Dublin, *its Suburbs and Liberties, and within Seven Miles thereof,* it is, amongst other things, 'enacted, that it shall be lawful for the Superintendent Magistrate, in case he shall see Occasion, from 'Time to Time to alter and increase the Fines to be paid or the Rents to be reserved upon the Licences 'by him granted under the said Act now in recital, provided the same be not increased above One 'Fourth Part more than the Fines and Rents therein-before particularly mentioned and expressed, and 'to make such Rules, Orders, and Regulations for the Purpose as to him shall seem meet, and to alter, 'vary, amend, or annul the same, provided every such Alteration, Rule, Order, and Regulation respecting 'the Fines or Rents so made by the Superintendent Magistrate shall be approved of by the Lord Chan-'cellor or Lords Commissioners of the Great Seal, and the Chief Judges, or any Three of them: And 'whereas no Power is thereby given to reduce the said Fines or Rents, and it is expedient that such 'Power should be given:' Be it therefore enacted, That it shall be lawful for the Divisional Justices of the said Police District, in case they shall think fit, with the Approval of the Lord Lieutenant or other Chief Governor or Governors of *Ireland,* from Time to Time to reduce the Fines to be paid or the Rents to be reserved upon the Licences heretofore granted or hereafter to be granted in respect of any Carriages under the said last-recited Act, or any Act amending the same, or afterwards from Time to Time, with like Approval, to increase the same as they may see fit, provided that any such Fines or Rents shall not be increased so as at any Time to exceed the Amount now payable for the same.

Power to Commissioners of Police to alter Hackney Coach Stands.

V. And be it enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of Police of *Dublin,* with the written Approval of the Chief or Under Secretary of the Lord Lieutenant of *Ireland,* from Time to Time to appoint or to alter, as Occasion may require, the Stands or Stations for Hackney or other Carriages, and also Stations commonly called Hazzards for the same, within the Borough of *Dublin* and the District adjoining the same, as defined in the said last-recited Act, or any Act amending the same.

Power to Commissioners of Police to license any Stage Carriage or Omnibus to ply in Dublin or the District adjoining.

VI. And be it enacted, That, notwithstanding anything in the said last-recited Act, or any Act or Acts, it shall and may be lawful for the said Commissioners of Police to license any Metropolitan Stage Carriage or Omnibus to ply or carry Passengers between any Part of the Borough of *Dublin* and any other Part of the said Borough or of the District adjoining the same as defined under the said recited Act of the Thirty-seventh Year of King *George* the Third, or any Act amending the same, or between any Part of the said District and any other Part of the said District, and to fix such Rates of Fines and Rents to be paid in respect of such Licence of any such Metropolitan Stage Carriage or Omnibus, as the said Commissioners shall deem fit, and as shall be approved by the Lord Lieutenant or other Chief Governor or Governors of *Ireland;* provided that such Rents and Fines shall not exceed the highest Rate of Rent or Fine now or for the Time being payable in respect of any other Hackney Carriage in *Dublin,* and no other Duty shall be payable for the same; and the Provisions of the said last-recited Act, and of any Act or Acts amending the same, shall extend and apply to such Carriages, and to such Rents and Fines, so far as the same are applicable and not repugnant to this Act.

Power to Commissioners to grant Licences to Drivers of Hackney Carriages, &c.

VII. And be it enacted, That it shall be lawful for the said Commissioners to grant a Licence to act as Driver of Hackney, Job, and other Carriages licensed for the Accommodation and Conveyance of Passengers, or as Driver or as Conductor of Metropolitan Stage Carriages or Omnibuses, (as the Case may be,) to any Person who shall produce such a Certificate as shall satisfy the said Commissioners of his good Behaviour and Fitness for such Situation respectively; provided always, that no Person shall be licensed as such Driver as aforesaid who is under Sixteen Years of Age; and in every such Licence shall be specified the Number of such Licence, and the proper Name and Surname, and Place of Abode, and Age, and a Description of the Person to whom such Licence shall be granted; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force until and upon the Thirty-first Day of *December* next after the Date thereof, or if granted in the Month of *November* or *December* in any Year, then to continue in force until and upon the Thirty-first Day of *December* in the Year next following that in which the same shall be granted, except in either Case the same shall be sooner revoked, and except the Time (if any) during which any such Licence shall be suspended;

suspended; and on every Licence of a Driver or Conductor the said Commissioners shall cause proper Columns to be prepared, in which every Proprietor (if any) employing the Driver or Conductor named in such Licence shall enter his own Name and Address, and the Days on which such Driver or Conductor shall enter and shall quit his Service respectively; and in case any of the Particulars entered or endorsed upon any Licence in pursuance of this Act shall be erased or defaced, every such Licence shall be wholly void and of none Effect; and the said Commissioners shall, at the Time of granting any Licence, deliver to the Driver or Conductor to whom the same shall be granted an Abstract of the Laws in force relating to such Driver or Conductor, and of the Penalties to which he is liable for any Misconduct, and also a Metal Ticket, upon which there shall be marked or engraved his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence.

When Licence granted Abstract of the Laws and a Ticket to be given to Driver.

VIII. And be it enacted, That there shall be charged upon and in respect of every such Licence to be granted under the Authority of this Act, except as herein-after provided, a Fee of Two Shillings and Sixpence, and upon every Renewal of such Licence a Sum of One Shilling to be paid to the said Commissioners, and to be by them applied, after Payment of the Expense of such Ticket, for the Purposes of the said Police Tax or Rate.

A Fee of 2s. 6d. to be paid for Licences granted under this Act, and 1s. for every Renewal.

IX. And be it enacted, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-nine it shall not be lawful for any Person to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or Conductor of any Metropolitan Stage Carriage or Omnibus, whether such Person shall or shall not be the Proprietor of such Carriage, within the Limits of the said Police District, unless in each Case such Person shall have a Licence so to do, and a numbered Ticket granted to him under the Authority of this Act, and remaining in force; and after the Day last aforesaid every Person who shall act as such Driver or Conductor without such Licence and Ticket, and also every Person to whom a Licence and Ticket shall have been granted, who shall, except in compliance with the Provisions of this Act, transfer or lend such Licence, or permit any other Person to use or wear such Ticket, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and every Proprietor who shall knowingly suffer any Person not duly licensed under the Authority of this Act to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or as Conductor of any Metropolitan Stage Carriage or Omnibus, of which he shall be the Proprietor, shall for every such Offence forfeit a Sum not exceeding Forty Shillings: Provided always, that nothing herein-before contained shall subject to any Penalty any Proprietor who shall employ any unlicensed Person to act as such Driver or Conductor as aforesaid for any Time not exceeding Twenty-four Hours, or any unlicensed Person who shall be so employed for the said Time, upon Proof being adduced by the Proprietor, to the Satisfaction of the Justice before whom such Proprietor, Driver, or Conductor shall be required to attend to answer for such Offences respectively, that such Employment was occasioned by unavoidable Necessity; and that every Proprietor who shall so employ such unlicensed Driver or Conductor, and every such unlicensed Driver or Conductor, shall be subject to all the Powers, Provisions, and Proceedings of and under this Act for any Act done by such Driver or Conductor during such Employment, in like Manner as if such Driver or Conductor had been duly licensed.

Penalty on Persons acting as Drivers, &c. without having Licence and Ticket;

and on Proprietors suffering unlicensed Persons to act as Drivers, &c.

Proviso.

X. And be it enacted, That before any such Licence as aforesaid shall be granted, a Requisition for the same, in such Form as the said Commissioners shall from Time to Time appoint for that Purpose, and accompanied with such Certificate as herein-before is required, shall be made and signed by the Person by whom such Licence shall be required, and in every such Requisition all such Particulars as the said Commissioners shall require shall be truly set forth; and every Person applying for or attempting to procure any such Licence, who shall make or cause to be made any false Representation in regard to any of the said Particulars, or who shall endeavour to obtain a Licence by any forged Recommendations, or who shall not truly answer all Questions which shall be demanded of him in relation to such Application for a Licence, and also every Person to whom Reference shall be made who shall in regard to such Application wilfully and knowingly make any Misrepresentation, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and it shall be lawful for the said Commissioners to proceed for recovering of such Penalty before any Divisional Justice at any Time within One Calendar Month after the Commission of the Offence, or during the Currency of the Licence so improperly obtained.

Persons applying for Licences to sign a Requisition, &c. for the same.

Penalty on Persons making false Representation.

XI. And be it enacted, That as often as any Driver or Conductor shall change his Place of Abode he shall give Notice thereof in Writing signed by him to the said Commissioners, specifying in such Notice his new Place of Abode, and shall at the same Time produce his Licence to the said Commissioners, who shall endorse thereon a Memorandum specifying the Particulars of such Change; and every Driver or Conductor who shall change his Place of Abode, and shall neglect for Two Days to give Notice of such Change, and to produce his Licence in order that such Memorandum as aforesaid may be endorsed thereon, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and it shall be lawful for the said Commissioners, or any Person employed by them for that Purpose, to sue for such Penalty at any Time during the Currency of such Licence.

When Drivers or Conductors change their Residence, they shall give Notice to Commissioners.

XII. And be it enacted, That the Particulars of every Licence which shall be granted as aforesaid shall be entered in Books to be kept for that Purpose at the Office of the said Commissioners; and in all Courts, and before any Divisional Justice of the Peace, and upon all Occasions whatsoever, a Copy of any Entry made in any such Book, and certified by the Person having the Charge thereof to be a true Copy, shall be received as Evidence, and be deemed sufficient Proof of all Things therein registered, without requiring the Production of the said Book, or of any Licence or of any Requisition or other Document upon which any such Entry may be founded; and every Person applying at all reasonable Times

Particulars of Licences to be entered in a Book at the Office of Commissioners, which shall be Evidence.

Times shall be furnished with a certified Copy of the Particulars respecting any licensed Person, without Payment of any Fee.

Licensed Drivers, &c. to wear their Tickets conspicuously.

XIII. And be it enacted, That every licensed Driver or Conductor shall at all Times during his Employment, and when he shall be required to attend before any Divisional Justice of the Peace, wear his Ticket conspicuously upon his Breast in such Manner that the whole of the Writing thereon shall be distinctly legible; and every Driver or Conductor who shall act as such, or who shall attend when required before any Justice of the Peace, without wearing such Ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such Ticket for Inspection, or to permit any Person to note the Writing thereon, shall for every such Offence forfeit the Sum of Forty Shillings.

Expired Licence to be delivered up to Commissioners. Penalty for Neglect.

XIV. And be it enacted, That upon the Expiration of any Licence granted under this Act the Person to whom such Licence shall have been granted shall deliver such Licence and the Ticket relating thereto to the said Commissioners; and every such Person who after the Expiration of such Licence shall wilfully neglect for Three Days to deliver the same to the said Commissioners, and also every Person who shall use or wear or detain any Ticket, without having a Licence in force relating to such Ticket, or who shall, for the Purpose of Deception, use or wear or have any Ticket resembling or intended to resemble any Ticket granted under the Authority of this Act, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for the Commissioners, or for any Person employed by them for that Purpose, to prosecute any Person so neglecting to deliver up his Licence or Ticket, at any Period within Twelve Calendar Months after the Expiration of the Licence; and it shall be lawful for any Constable or Peace Officer, or any Person employed for that Purpose by the Commissioners, to seize and take away any such Ticket, wheresoever the same may be found, in order to deliver the same to the said Commissioners.

When Tickets are defaced or lost, new ones to be delivered, on Payment of 2*s.* for the same.

If Ticket shall be found, to be delivered up o Commissioners. Penalty for Neglect.

XV. And be it enacted, That whenever the Writing on any Ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any Ticket shall be proved to the Satisfaction of the said Commissioners to have been lost or mislaid, the Person to whom the Licence relating to any such Ticket shall have been granted shall deliver such Ticket (if he shall have the same in his Possession) and shall produce such Licence to the said Commissioners, and such Person shall then be entitled to have a new Ticket delivered to him, upon Payment of a Sum of Two Shillings, to be applied as aforesaid: Provided always, that if any Ticket which shall have been proved as aforesaid or represented to have been lost or mislaid shall afterwards be found, the same shall forthwith be delivered to the said Commissioners; and every Person into whose Possession any such Ticket as last aforesaid shall be or come who shall refuse or neglect for Three Days to deliver the same to the said Commissioners, and also every Person licensed under the Authority of this Act who shall use or wear the Ticket granted to him after the Writing thereon shall be obliterated, defaced, or obscured so that the same shall not be distinctly legible, shall for every such Offence forfeit the Sum of Forty Shillings.

Forgery of Licence or Ticket, or knowingly uttering a forged Licence or Ticket, deemed a Misdemeanor.

XVI. And be it enacted, That every Person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any Licence or Ticket by this Act directed to be provided for the Driver of a Hackney or other Carriage as aforesaid, or for the Driver or the Conductor of a Metropolitan Stage Carriage or Omnibus, and also every Person who shall sell or exchange or expose to Sale or utter any such forged or counterfeited Licence or Ticket, and also every Person who shall knowingly, and without lawful Excuse (the Proof whereof shall lie on the Person accused), have or be possessed of such forged or counterfeited Licence or Ticket, knowing such Licence or Ticket to be forged or counterfeited, and also every Person knowingly and wilfully aiding and abetting any Person in committing any such Offence as aforesaid, shall be guilty of a Misdemeanor, and being thereof convicted shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Licence or Ticket, or for any Constable or Peace Officer, or any Person employed for that Purpose by the said Commissioners, to seize and take away any such Licence or Ticket, in order that the same may be produced in Evidence against such Offender, or be disposed of as the said Commissioners shall think proper.

Proprietor to retain the Licence of Drivers or Conductors employed by him, and produce them in case of Complaint.

XVII. And be it enacted, That every Proprietor of a Hackney or other Carriage as aforesaid, and of every Metropolitan Stage Carriage or Omnibus, who shall permit and employ any licensed Person to act as the Driver or Conductor thereof, shall require to be delivered to him and shall retain in his Possession the Licence of such Driver or Conductor while such Driver or Conductor shall remain in his Service; and in all Cases of Complaint where the Proprietor of a Hackney or other Carriage as aforesaid, or of a Metropolitan Stage Carriage or Omnibus, shall be summoned to produce the Driver or Conductor of such Carriage before a Divisional Justice of the Peace, he shall also produce the Licence of such Driver or Conductor, if at the Time of receiving the Summons such Driver or Conductor shall be in his Service; and if any Driver or Conductor complained of shall be adjudged guilty of the Offence alleged against him, the Justice of the Peace before whom he shall be convicted shall in every Case endorse upon the Licence of such Driver or Conductor the Nature of the Offence and the Amount of the Penalty inflicted; and every Proprietor who shall neglect to require to be delivered to him and to retain in his Possession the Licence of any Driver or Conductor during such Period as such Driver or Conductor shall remain in his Service, or who shall refuse or neglect to produce such Licence as aforesaid, shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Magistrates to hear and determine Disputes.

XVIII. And be it enacted, That it shall be lawful for any such Divisional Justice to hear and determine all Matters of Complaint between any Proprietor of a Hackney or other Carriage as aforesaid, or Metropolitan

Metropolitan Stage Carriage or Omnibus, and the Driver or Conductor of the same respectively, and to order Payment of any Sum of Money that shall appear to be due to either Party for Wages or for the Earnings in respect of any such Carriage, or on account of any Deposit of Money, and to order Compensation to the Proprietor in respect of Damage or Loss which shall have arisen through the Neglect or Default of any Driver or Conductor to the Property of his Employer intrusted to his Care, or in respect of any Sum of Money which such Proprietor may have been lawfully ordered by a Divisional Justice of the Peace to pay, and which has been actually paid pursuant to such Order, on account of the Negligence or wilful Misconduct of his Driver or Conductor, and to order such Compensation to either Party in respect of any other Matter of Complaint between them as to such Justice shall seem proper; and any Money ordered to be paid as aforesaid may be recovered in like Manner as any Penalty under this Act.

Agreements between Drivers, &c. and Proprietors to be in Writing.

XIX. Provided always, and be it enacted, That it shall not be lawful, either in any Court of Law or before any Divisional Justice of the Peace, to enforce the Payment of any Sum of Money claimed from any Driver or Conductor by any Proprietor on account of the Earnings of any Hackney Carriage or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, unless under an Agreement in Writing which shall have been signed by such Driver or Conductor in the Presence of a competent Witness; and no such Agreement shall be liable to any Stamp Duty.

Proceedings with respect to Licences on quitting Service.

XX. And be it enacted, That when any licensed Driver or Conductor shall leave the Service of any Proprietor, such Proprietor shall, upon Demand thereof, return to him his Licence: Provided always, that if the said Proprietor shall have any Complaint against the said Driver or Conductor it shall be lawful for such Proprietor to retain the Licence for any Time not exceeding Twenty-four Hours after the Demand thereof, and within that Time to apply to the Police Court of the District in which the said Proprietor shall dwell, for a Summons against him; and the said Proprietor, at the Time of applying for the Summons, shall deposit the Licence with the Clerk of such Police Court or Divisional Justice; and in case any Proprietor who, upon Demand thereof, shall have refused or neglected to deliver to any Driver or Conductor his Licence, shall not within Twenty-four Hours, exclusive of *Sunday*, or any Day on which the Police Court shall not sit, apply for such Summons, and deposit the Licence as aforesaid, or shall not appear to prosecute his Complaint at the Time mentioned in the Summons, it shall be lawful for such Driver or Conductor to apply at the same Police Court, or to some Divisional Justice as aforesaid, for a Summons against such Proprietor; and upon hearing and deciding the Case, the Justice, if he shall think there was no just Cause for detaining the Licence, or that there has been needless Delay on the Part of the Proprietor in bringing the Matter to a Hearing, shall have Power to order the said Proprietor to pay such Compensation to the said Driver or Conductor as the said Justice shall think reasonable; and Payment of such Compensation shall be enforced in the same Manner as any Penalty may be enforced under the said recited Act of the Fifth Year of Her Majesty's Reign; and the Justice shall cause the Licence to be delivered to the said Driver or Conductor, unless any Misconduct shall be proved against him, by reason whereof the Justice shall think that such Licence shall be revoked or suspended; and so long as any Proprietor shall neglect to apply for such Summons and deposit the Licence, after Demand thereof, any Divisional Justice of the Peace may in like Manner from Time to Time order Compensation to be paid by him to the same Driver or Conductor; and no Proprietor shall, under any Pretence or by virtue of any Claim whatever, retain beyond the Time aforesaid the Licence of his Driver or Conductor.

Licences may be revoked or suspended by Justices.

XXI. And be it enacted, That it shall be lawful for any such Divisional Justice of the Peace before whom any Driver or Conductor shall be convicted of any Offence, whether under this Act or any other Act, if such Justice, in his Discretion, shall think fit, to revoke the Licence of such Driver or Conductor, and also any other Licence which he shall hold under the Provisions of this Act, or to suspend the same for such Time as the Justice shall think proper, and for that Purpose to require the Proprietor, Driver, or Conductor in whose Possession such Licence, and the Ticket thereunto belonging, shall then be, to deliver up the same; and every Proprietor, Driver, or Conductor who, being so required, shall refuse or neglect to deliver up such Licence and any such Ticket or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, a Sum not exceeding Forty Shillings; and the Justice shall forthwith send such Licence and Ticket to the Commissioners, who shall cancel such Licence, if it has been revoked by the Justice, or if it has been suspended shall at the End of the Time for which it shall have been suspended redeliver such Licence, with the Ticket, to the Person to whom it was granted.

Penalty on Person acting as Driver, whether licensed or not, without Consent of Proprietor.

XXII. And be it enacted, That every Driver or Conductor authorized by any Proprietor to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or Conductor of any Metropolitan Stage Carriage or Omnibus, who shall suffer any other Person to act as Driver of such Hackney or other Carriage, or as Driver or Conductor of such Metropolitan Stage Carriage or Omnibus, without the Consent of the Proprietor thereof, and also every Person, whether duly licensed or not, who shall act as Driver or as Conductor of any such Carriage, without the Consent of the Proprietor thereof, shall forfeit the Sum of Forty Shillings; and every Driver or Conductor charged with such Offence, who, when required by a Divisional Justice of the Peace so to do, shall not truly make known the Name and Place of Abode of the Person so suffered by him to act as Driver or Conductor without Consent of the Proprietor, and also the Number of the Ticket of such Person (if licensed), shall be liable to a further Penalty of Forty Shillings; and it shall be lawful for any Police Constable, without any Warrant for that Purpose, to take into Custody any Person unlawfully acting as a Driver or as a Conductor, and to convey

convey him before any Divisional Justice of the Peace, to be dealt with according to Law, and also, if necessary, to take charge of the Carriage and every Horse in charge of such Person, and to deposit the same in some Place of safe Custody until the same can be applied for by the Proprietor.

Punishment for furious Driving and wilful Misbehaviour.

XXIII. And be it enacted, That every Driver of a Hackney Carriage or other Carriage as aforesaid, or Driver or Conductor of a Metropolitan Stage Carriage or Omnibus, who shall be guilty of wanton or furious Driving, or who by Carelessness or wilful Misbehaviour shall cause any Hurt or Damage to any Person or Property, being in any Street or Highway, and also every Driver or Conductor who during his Employment shall be drunk, or shall make use of any insulting or abusive Language, or shall be guilty of any insulting Gesture or any Misbehaviour, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; or it shall be lawful for the Justice before whom such Complaint shall be brought, if in his Discretion he shall think proper, instead of inflicting such Penalty, forthwith to commit the Offender to Prison for any Period not exceeding Two Calendar Months, with or without hard Labour, as the Justice shall direct; and in every Case where any such Hurt or Damage shall have been caused, the Justice, upon the Hearing of the Complaint, may adjudge as and for Compensation to any Party aggrieved as aforesaid a Sum not exceeding Five Pounds, and may order the Proprietor of the Hackney Carriage or Metropolitan Stage Carriage the Driver or Conductor of which shall have caused such Hurt or Damage forthwith to pay such Sum, and also such Costs as shall have been incurred, and Payment thereof may be enforced against such Proprietor as any Penalty or Sum of Money may be recovered under and by virtue of this Act; and any Sum which shall be so paid by the Proprietor shall in like Manner be recovered in a summary Way before a Justice of the Peace from the Driver or Conductor through whose Default such Sum shall have been paid, upon Proof of the Payment thereof pursuant to the Order of the Justice; or it shall be lawful for the Justice, in the first instance, to adjudge the Amount of such Compensation to be paid by such Driver or Conductor to the Party aggrieved.

Providing for Cases where there are more Proprietors than One.

XXIV. And be it enacted, That in every Case where there shall be more than One Proprietor of any Hackney or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, it shall be sufficient, in any Information, Summons, Order, Conviction, Warrant, or any other Proceeding under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, to name One of such Proprietors, without Reference to any other or others of them, and to describe and proceed against him as if he were sole Proprietor.

Power to mitigate Penalties.

XXV. And be it enacted, That all Complaints under this Act may be heard and all Penalties incurred under this Act may be recovered by or before One or more of the said Divisional Justices of the Peace in like Manner and subject to like Provisions as Penalties under the Provisions of the said recited Act of the Fifth Year of the Reign of Her Majesty may be recovered; and it shall be lawful for any Divisional Justice of the Peace by whom any Person shall be convicted of any Offence under this Act, or under the said recited Act of the Thirty-seventh Year of the Reign of King *George* the Third, or any Act or Acts amending the same, or relating to Hackney or other Carriages as aforesaid, or under any Rules, Orders, Bye Laws, or Regulations made pursuant to the said Acts or any of them, to lessen the Penalty or Term of Imprisonment in such Manner as he may think fit.

Act may be amended, &c.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXIV.

An Act to prevent District Auditors from taking Proceedings in certain Cases. [4th *September* 1848.]

Nothing in any Act passed this Session as to Payment of Parish Debts, &c. shall authorize Auditor to proceed to recover Sums certified by him to be due, &c.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing contained in any Act passed in this present Session of Parliament for making Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein, shall authorize any District Auditor to proceed to recover any Sum certified by him to be due in respect of which Proceedings in any Court or before any Justice or Justices shall have been taken and determined before the passing of this Act.

CAP. CXV.

An Act to vest in Her Majesty the Property of the *Irish* Reproductive Loan Fund Institution, and to dissolve the said Institution. [4th *September* 1848.]

'WHEREAS great Distress prevailed in *Ireland* in the Year One thousand eight hundred and twenty-two, and a Committee of Relief was formed in the City of *London*, which, with the Aid of the King's Letter, raised a Sum of Three hundred and eleven thousand and eighty-one Pounds Five Shillings and Seven-pence, by Subscription, for the suffering Poor; and from the Residue of the said Subscription, after affording Relief during the Scarcity of Food, the said Committee appropriated Sums, amounting in the whole to the Sum of Fifty-five thousand one hundred and eighty-five Pounds Six Shillings and Eleven-pence, to be lent at Interest to the industrious Poor in the several Counties of *Clare*, *Cork*, *Galway*, *Kerry*, *Leitrim*, *Limerick*, *Mayo*, *Roscommon*, *Sligo*, and *Tipperary*, in *Ireland*; and the said Committee appointed Trustees in the said several Counties for managing the same, and subjected the same to the general Superintendence of a Board of Directors in *London*; and the said Committee appropriated certain Funds for the special Purpose of defraying the Expenses of the

'said

'said Board of Directors; and the said charitable Association was subsequently carried on or superintended by such Committee or the Board of Directors under the Name or Style of "The *Irish* Reproductive Loan Fund Institution:" And whereas the several Trustees in the said respective Counties lent out the Monies so intrusted to them, or some Parts thereof, to local Committees or Associations, by whom the same were applied to the Purposes of the said Charity, as well as to individual Borrowers, and considerable Interest accrued and was received thereon, considerable Sums of which still remain due and outstanding which it is fitting should be recovered and applied under the Provisions of this Act: And whereas from the Residue of the Subscription above mentioned, the Sum of Six thousand Pounds was granted by the said Committee of Relief to certain Members of that Committee and others as Trustees, to be expended in the Promotion of Agricultural Schools in the Provinces of *Munster* and *Connaught*: And whereas a Portion of that Sum has been expended in *Connaught* for that Purpose, and a Balance of Five thousand Pounds not so expended has been transferred to the Control of the said *Irish* Reproductive Loan Fund Institution subject to its original Trust and Appropriation, and is included in the Funds, Property, and Money of the said Institution herein-after mentioned: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act to consolidate and amend the Laws for the Regulation of the Charitable Loan Societies in* Ireland, it was amongst other things enacted, that the Trustees and Agents in *Ireland* of the said *Irish* Reproductive Loan Fund Institution, and every Institution or Society of Persons which then was or thereafter should be instituted or associated together in *Ireland* by or in connexion with the said *Irish* Reproductive Loan Fund Institution, for the Purpose of making charitable Loans of Money, or for providing, by way of Loan, Implements of Labour, Seeds, or raw Materials for Manufacture of Goods to be used or employed in any Trade, should and might have, exercise, use, and enjoy all the Powers and Authorities, Rights, and Remedies, in the now-reciting Act contained in respect to the lending-out, recovering, and investing Monies, and otherwise in relation to their Affairs: Provided always, that the said *Irish* Reproductive Loan Fund Institution should, within Six Calendar Months after the passing of the now-reciting Act, or, in the Case of Trustees and Agents to be thereafter appointed, and of Societies to be thereafter established, within Three Calendar Months after the Appointment or Establishment thereof, send, under the Hand and Seal of their Chairman, countersigned by the Secretary or Manager, to the Secretary of the Loan Fund Board in *Dublin*, a written List, Description, or Specification of all Trustees and Agents of the said Society authorized to act in relation to the Affairs of the said Institution in *Ireland*, and of all such Loan Societies or Institutions as then were or might thereafter be established in *Ireland* by or in connexion with the said *Irish* Reproductive Loan Fund Institution; and it was by the said Act further provided, that it should not be lawful for any Trustee or Agent of the said *Irish* Reproductive Loan Fund Institution, or for any Society claiming Exemption in consequence of their Connexion therewith, to take or hold upon Debentures or other Securities, or to lend out, under the Provisions of the now-reciting Act, any Monies, Implements, Goods, or Effects, other than the Monies, Implements, Goods, and Effects of the said *Irish* Reproductive Loan Fund Institution: And whereas the said Board of Directors in *London* was in the Month of *July* One thousand eight hundred and forty-four incorporated by Royal Charter, constituting them a Body Politic by the Name of "The *Irish* Reproductive Loan Fund Institution:" And whereas under the Powers of the said Charter certain Bye Laws were made and Regulations established or continued for regulating the Proceedings and Duties of the Boards of Trustees in the said several Counties, and the Securities to be taken from the said Local Committees or Associations: And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty, for amending the herein-before recited Act, after noticing that the said Institution had been incorporated, it was provided that the Enactments in the said recited Act contained respecting the said Charitable Loan Societies in *Ireland*, and the Officers thereof, and the Societies in connexion therewith, should apply and extend to the said Corporation, and the Trustees and Officers thereof, and the Societies in connexion therewith: And whereas the Funds and Property of the said Corporation, exclusively of the Balances or Sums of Money herein-after mentioned, now consist of the several Particulars mentioned in the Schedule (A.) to this Act annexed, and in such Schedule are distinguished the Sums arisen from or now constituting the Fund appropriated for defraying Expenses as aforesaid, and the said Corporation is entitled to several Balances or Sums of Money in the Hands or under the Control of the Trustees of the said several Counties in *Ireland*, or of the local Committees or Associations, or Persons, to whom they have lent or intrusted the same: And whereas it has been found that the Business of the said Corporation cannot be continued with Advantage to the Public, and the said Corporation have therefore agreed to surrender their Charter, and that their Funds and Property, and the Debts owing to them, should be vested in Her Majesty, to be applied as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Funds and Property of the said Corporation, and all Funds and Property vested in and all Debts due to any Members, Agents, or Trustees of the said Corporation, on behalf of the said Corporation, subject as herein-after mentioned, and also all Funds and Property of the said Corporation vested in or under the Control of any of the said local Trustees or local Committees or Associations acting under them as aforesaid, or of any Societies in connexion with the said Corporation, and also all Debts and Sums of Money due to the said Corporation from any Persons or Person whomsoever, shall immediately after the passing of this Act be vested in Her Majesty, and shall and may be sued for and recovered in the Name of Her Majesty, Her Heirs or Successors, or by and in the Name of any Person or Persons appointed for that Purpose by the Commissioners of Her Majesty's Treasury,

6 & 7 Vict. c. 91.

Funds of the Corporation to vest in Her Majesty.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, by all or any such Proceedings as may by Law be adopted or used for recovering Debts or Demands due to any Loan Society in *Ireland*, freed however from the Limitation as to Amount recoverable in the said recited Acts contained, or by such other Proceedings at Law or in Equity as might have been adopted or used by the said Corporation for recovering such Debts, Funds, Property, and Sums of Money respectively in case this Act had not been passed.

Such Funds to be applied to charitable Purposes in certain Counties in Ireland.

II. And be it enacted, That any such Funds or Monies belonging to the said Corporation which have been or may be paid over to Her Majesty's Treasury, and all such other Monies as aforesaid which under the Provisions of this Act shall be recovered or received from any Party or Parties in *Ireland*, shall be applied and disposed of for such charitable Purposes or Objects of public Utility not otherwise provided for in whole or in part by local Rate or Assessment, including the Instruction in and the Promotion of Agricultural Science, in the several Counties of *Leitrim*, *Sligo*, *Roscommon*, *Mayo*, *Galway*, *Clare*, *Limerick*, *Tipperary*, *Cork*, and *Kerry*, in *Ireland*, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Consent of the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from Time to Time direct and appoint, but so nevertheless that the Sums already recovered and hereafter to be recovered from each such County of the Monies originally appropriated thereto, as shown in the Schedule (D.) to this Act annexed, and Profits which have accumulated or may hereafter accumulate thereon, shall be applied to such Purposes within such respective County exclusively: Provided always, that the Sum of Five thousand Pounds, which as appears by Accounts laid before Parliament was specifically appropriated for the Establishment of an Agricultural School of Industry in the Province of *Munster*, shall be received out of the said Fund to be applied in aid of local Funds for the establishing an Agricultural School or Schools in that Province, in such Manner as the Lord Lieutenant of *Ireland*, with the Approval of the Lords of the Treasury, shall direct, such Sum to be applied, so far as possible, in aid of Contributions locally collected for the same Purpose.

Within Three Months after Act passed Corporation may apply certain Sums in Payment of Debts, &c., and Compensations to Officers.

III. And be it enacted, That it shall be lawful for the said Corporation, at any Time within Three Calendar Months next after the passing of this Act, to apply so much of the said Sums, mentioned in the said Schedule (A.) as now constituting the Fund appropriated for defraying Expenses as aforesaid, as shall be necessary, in paying the Debts, Liabilities, and Expenses of the said Corporation, and such Compensations to Persons now or heretofore employed by or under the said Corporation, or the said Association before the Incorporation thereof, as the said Corporation shall think reasonable, which said Compensations may be made either by Payment of Sums of Money, or by the Purchase of Annuities, or otherwise; and the said Corporation shall within the said Three Calendar Months deliver to the Commissioners of Her Majesty's Treasury the Bond mentioned in the said Schedule, or such Amount of Principal and Interest as shall have been paid thereon, and transfer and pay over to the said Commissioners the Balance of the several Sums of Stock and Money mentioned in the said Schedule (A.), or of other the Sums of Stock and Money which at the Time of the passing of this Act shall form the Property of the said Corporation, exclusively of so much of the said Balances or Sums of Money, and of the Money owing on the said Bond, which shall not have been realized by the said Corporation, together with all Vouchers, Books, Accounts, and Papers now under their Control and Custody, and relating in any way to the said Charity or any Portion of the Funds under the Control and Management of the said Corporation, except such Vouchers, Accounts, and Papers as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall think fit to leave in the Possession of the Trustees and local Associations as being necessary to enable such Trustees and local Associations to collect the Funds intrusted to them respectively; and upon such Transfer, Payment, and Delivery the said Corporation, and all the present and former Governors and Members thereof, and all the several Persons who were at any Time Members of the Committee of Relief or Charitable Association in *London* previously to the Date of the Charter aforesaid, or of the Board of Directors of the said Charitable Association in *London*, and their respective Estates, shall be fully released and discharged from all Claims and Demands and all Liability whatsoever by or to Her Majesty's Treasury, or any Persons or Person whatever, for or in respect of any Matter or Thing whatsoever connected with or relating to the said Corporation, or the said Committee of Relief or Charitable Association, or the Funds or Property of the said Corporation, or any Funds or Property whatever at any Time vested in or received by the said Committee of Relief or Charitable Association, or any Members or Member, Officers or Servants thereof, or for or in respect of any Matter in anywise connected with the Premises.

Act not to release Trustees from Liabilities.

IV. And be it enacted, That nothing herein contained shall release the Trustees in the said several Counties in *Ireland* from any Liability in respect of the Monies intrusted to them respectively out of the Funds vested in the Governors of the said Corporation, and any Obligation to collect and enforce Payment thereof, and of the Accumulations thereof, as such Trustees respectively would have been subject to in case this Act had not been passed; and the Commissioners of Her Majesty's Treasury, or any Three or more of them, may from Time to Time appoint any Person or Persons to collect and receive from such Trustees, or from the Party or Parties liable to pay the same, such of the Monies hereby vested in Her Majesty as may be payable by such Trustees or other Parties respectively; and the said local Committees, Associations, or other Borrowers shall continue liable to the said Trustees in the same Manner and to the same Extent as if this Act had not been passed, and the Bye Laws and Regulations made, established, or continued under the Authority of the said Charter, so far as the same are consistent with the Provisions of this Act, shall continue to be obligatory on the said Trustees and the said local Committees or Associations respectively, in the same Manner and to the same Extent as if this Act had not passed, but no further, but so nevertheless that no Monies recovered or received by the

the said Trustees or the said local Committees or Associations shall be re-issued or again advanced on Loan, except such Amounts or Portions of the Sums repaid as may be sanctioned by the Governors of the said Corporation within Three Months from the passing of this Act, or may be hereafter sanctioned by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the Monies hereby vested in Her Majesty.

County Trustees, or local Committees, &c. acting under them, to have the Powers of Recovery of Monies as under Charitable Loan Society Acts.

V. And be it enacted, That, notwithstanding the Dissolution of the said Corporation, it shall and may be lawful for any of the said County Trustees in *Ireland*, or any local Committees, Associations, or Parties acting under any of the said Trustees in *Ireland*, having lent Monies before the passing of this Act by virtue or in respect of Connexion with the said *Irish* Reproductive Loan Fund Institution, or by virtue or in respect of Connexion with any of the said County Trustees thereof, or having lent Monies after the passing of this Act, with the Sanction of the Governors of the said Corporation within such Three Months as aforesaid, or with the Sanction of the Commissioners of Her Majesty's Treasury, or of such Person or Persons as they may appoint to receive the Monies hereby vested in Her Majesty, to use and exercise the Powers, Authorities, Rights, and Remedies contained and provided in any Act or Acts for the Regulation of Charitable Loan Societies in *Ireland* for the Recovery of Monies, and subject to like Provisions or any Means or Remedies provided by Law for the Recovery of Debts, unless the Proceedings for the Recovery of such Monies shall at any Time be directed by the said Commissioners of Her Majesty's Treasury to be suspended.

In such Cases, Certificate of Three Trustees to be Evidence, in lieu of Certificate under Corporate Seal.

VI. 'And whereas by the said Acts of the Sixth and Seventh Years and of the Seventh and Eighth 'Years of the Reign of Her present Majesty such Certificate as in the said Acts mentioned, under the 'Corporate Seal of the said Corporation, is made Evidence of the Facts therein certified, and of Con-'nexion with the said Corporation:' Be it therefore enacted, That from and after the passing of this Act a Certificate given in the Form prescribed in the Schedule marked (B.) to this Act annexed, signed by any Three Persons professing to be Trustees of the Funds heretofore belonging to the said Corporation in and for the County in which any such local Committee, Association, or Party acting under the said Trustees shall have lent such Monies or taken any Securities, shall be Evidence in like Manner and be of like Force as a Certificate under the Corporate Seal of the said Corporation would have been under the said recited Acts or either of them, and it shall not be necessary to prove that any Person signing such Certificate as a Trustee shall be a Trustee as aforesaid.

Issuing of Certificate to be signified at a Meeting of the Trustees.

VII. And be it enacted, That all Trustees of the Funds heretofore belonging to the said Corporation who shall give any Certificate under the Provision herein-before contained shall forthwith after giving every such Certificate convene a Meeting of the Trustees according to the Bye Laws regulating such Meetings, and shall notify to such Meeting the issuing of such Certificate, and shall transmit to the Commissioners of Her Majesty's Treasury a Duplicate or Copy of such Certificate, signed by the Trustees who shall have issued the same, and by the Chairman of such Meeting; and the Commissioners of Her Majesty's Treasury may from Time to Time cause a List, Description, or Specification of the Trustees of the Funds heretofore vested in the said Corporation, and of the Associations or Loan Societies or Institutions heretofore established in *Ireland* by or in connexion with the said Corporation, who shall remain in possession of any Monies heretofore belonging or accruing from the Monies belonging to the Corporation, and vested in Her Majesty by this Act, to be sent to the Secretary to the Loan Fund Board in *Dublin;* and such List, Description, or Specification so sent shall have the same Force and Effect as the List, Description, or Specification which by the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty was required to be sent by the said *Irish* Reproductive Loan Fund Institution to the said Secretary of the Loan Fund Board in *Dublin.*

Lists of Loans and Securities to be deposited with Clerk of the Peace within Three Months.

VIII. And be it enacted, That within Three Months after the passing of this Act all such Trustees as aforesaid in and for any County, and all such local Committees, Associations, or other Parties acting under any such Trustees, holding Securities for any such Funds or Monies lent as aforesaid, except such as shall have been lent by the Trustees to Associations or to Parties to re-lend, shall and are hereby required to deposit with the Clerk of the Peace for such respective County within which such Loans have been made Duplicate Lists of all such Loans and Securities, and the Amount then due thereon respectively, according to the Form marked (C.) in the Schedule annexed to this Act; and the said Trustees, local Associations, or other Parties acting under such Trustees as aforesaid, making Loans after the passing of this Act, with the Sanction of the Governors, or of the said Commissioners of Her Majesty's Treasury, or with the Sanction of the Parties who may be appointed as aforesaid by the said Commissioners, shall and are hereby required to transmit to the Clerk of the Peace, within Seven Days from the granting of such Loans, Duplicate Lists of such Loans, according to the same Form, so far as the same is applicable; and all such Duplicate Lists as aforesaid shall be duly certified by the Inspector to such Trustees; and in every Case such Clerk of the Peace is hereby required to take charge of and retain one of such Lists, and to transmit the other of such Lists, within Two Days after the Receipt thereof, to the Commissioners of Her Majesty's Treasury: Provided always, that all Loans and Monies to be recovered in manner herein-before provided shall be included in such Lists as aforesaid respectively.

County Trustees, on receiving back Loans advanced to local Committees, to

IX. And be it enacted, That when any such County Trustees as aforesaid shall have advanced any such Funds or Monies as aforesaid to any local Committee, Association, or Party acting under them, for the Purpose of re-lending the same, and shall have received back from such local Committee, Association, or Party the Monies so advanced, the said Trustees shall, within Forty-eight Hours after the Receipt

notify the same to the Clerk of the Peace.

Receipt thereof, notify in Writing to the Clerk of the Peace of such County such Receipt, and the Discharge of such Debt or Advance, as mentioned in any such Certificate marked (B.) in the said Schedule annexed to this Act; and such Clerk of the Peace, on Receipt of such Notification, shall forthwith notify the same in Writing to the Commissioners of Her Majesty's Treasury, and also to the Justices of the Peace at the Petty Sessions for the District or Districts next adjoining the Place where such local Committee, Association, or Party has been acting as aforesaid.

Penalty on Persons giving false Certificate under this Act.

X. And be it enacted, That any Person, not being a Trustee, who shall as a Trustee sign any such Certificate as aforesaid, and any such Trustee or Trustees as aforesaid giving any false Certificate under this Act, or not giving Notice as aforesaid to the respective Clerk of the Peace of the Payment and Discharge of any such Loan or Advance made to any such local Committee, Association, or Party acting under such Trustees, shall be liable to forfeit Four Times the Amount of the Sum specified in such Certificate, one Half to the Informer, and the other Half to Her Majesty, and to be recovered by Action of Debt, Bill, Plaint, or Information, or by Proceedings in a summary Way before any Justice or Justices of the Peace, in like Manner and subject to like Provisions as any Penalty or Forfeiture may be recovered under the said recited Act of the Sixth and Seventh Years of the Reign of Her Majesty.

Penalty for using Certificate for Recovery of Sums beyond the Amount advanced by County Trustees.

XI. And be it enacted, That if any Trustee or Trustees, or any Member or Members of any local Committee or Association or Party acting under any such Trustees as aforesaid, shall proceed to recover any Monies lent out by them respectively beyond the Amount of the aggregate Sum advanced to them by any such County Trustees as aforesaid, and the Accumulations by the Profits derived from the Interest, Fines, and Charges paid thereon by Borrowers thereof, and for such Purpose shall use any Certificate or other Evidence of Connexion with the said Corporation, or any such Certificate of a Trustee or Trustees as in this Act provided, every such Trustee or Trustees, or Member of a local Committee or Association, or Party, so offending, shall forfeit the Amount of such Demand so sought to be recovered, and shall likewise be subject to the further Penalty of Four Times the Amount of such Demand, One Half thereof to be paid to the Informer, and One Half to Her Majesty, and such Penalty to be recovered in the Manner herein-before provided as to Penalties above mentioned; provided that such Penalty hereby inflicted shall not exonerate such Party or Parties from any Penalties he or they may incur to be paid to the Loan Fund Board in *Ireland*.

Treasury may make Allowances to Officers of the Trustees.

XII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, out of the Monies vested in Her Majesty by this Act, to allow any Secretaries or other Persons heretofore employed by the said Trustees such Allowance in respect of Length of Service or other meritorious Cause, and also to pay to such Persons as may be from Time to Time employed, by or with the Sanction of the said Commissioners, in collecting, managing, and applying, or otherwise in relation to the Funds hereby vested in Her Majesty, such Salaries or Allowances as the said Commissioners shall think fit.

Dissolution of Irish Reproductive Loan Fund Institution.

XIII. And be it enacted, That after the Expiration of Three Calendar Months from and after the passing of this Act the said Corporation of the *Irish* Reproductive Loan Fund Institution shall be dissolved to all Intents and Purposes whatsoever.

Accounts to be made up annually, and laid before Parliament.

XIV. And be it enacted, That an annual Account showing the Receipts and Disbursements under this Act shall be made up to and for the Thirty-first Day of *December* in every Year, and shall be laid before both Houses of Parliament within Ten Days of their next Sitting by the Lords Commissioners of the Treasury.

Public Act.

XV. And be it enacted, That this Act shall be deemed a Public Act, and shall be taken notice of as such in all Courts whatsoever.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FUNDS and PROPERTY of the Irish Reproductive Loan Fund Institution, exclusively of Balances due from the several County Trustees in Ireland.

PART I.

SUMS now constituting the Fund appropriated for defraying Expenses of Management.

£3,058 5*s.* 6*d.* Cash.
£7,457 9*s.* 8*d.* £3 5*s.* per Cent. Annuities.

PART II.

OTHER FUNDS.

£22,893 10*s.* 5*d.* £3 per Cent Annuities.
£6,642 6*s.* 7*d.* £3 5*s.* per Cent Annuities.
£500 7*s.* 6*d.*, with accruing Interest, secured by Bond of Sir Matthew Barrington, Baronet.

SCHE-

SCHEDULE (B.)

We, the undersigned Trustees for the Funds heretofore belonging to the Irish Reproductive Loan Fund Institution in County and now vested in the Commissioners of Her Majesty's Treasury by an Act [*insert the Title of this Act*], certify that

A.B. of in County
C.D. of in County
and *E.F.* of in County
are an Association at in County heretofore lending Monies advanced by us,
and now hold the Amount of £ from us.

(Signed) _____
_____
_____ } Trustees as above described.

Signed in the Presence of me,
Inspector to the above Trustees in County

SCHEDULE (C.)

Statements of Amounts due on the Day of 184 by Borrowers from the local Association at under the Trustees to the late Irish Reproductive Loan Fund Institution in County

Whereof the Members are { of in the County of
of in the County of
of in the County of
of in the County of
of in the County of

Date when Loan made.	Borrower's Name.	Borrower's Residence.	Sureties' Names.	Sureties' Residences.	Amount lent.	Amount of Principal repaid on Date of this Return.	Amount of Principal due on Date of this Return.	Amount due for Interest and Fines on Date of this Return.	Amount due from Borrowers on Date of this Return for legal Expenses incurred by Association on Date of this Return.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
					£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.

Dated this Day of 184

_____ Manager.
_____ Clerk.

I certify to have examined the foregoing Statement with the Books and Papers belonging to the above-mentioned Association, and to have found the same to be true Extracts therefrom.

(Signed) _____ Inspector to the above-mentioned Trustees.

Dated this Day of 184

SCHE-

SCHEDULE (D.)

STATEMENT of FUNDS appropriated by the Relief Committee of 1822 to the Trustees for the several Counties of Ireland, with the Sums since repaid by them to the Irish Reproductive Loan Fund Institution.

	Sums originally appropriated.			Repaid.		
	£	s.	d.	£	s.	d.
To the County of Clare	5,697	8	0	933	7	6
„ Cork	8,028	0	0	1,050	0	0
„ Galway	7,065	0	0	—		
„ Kerry	5,777	6	5	5,572	0	2
„ Leitrim	2,000	0	0	1,200	0	0
„ Limerick	6,370	11	9	—		
„ Mayo	9,377	0	9	5,820	18	4
„ Roscommon	4,500	0	0	1,788	16	7
„ Sligo	3,870	0	0	3,890	6	3
„ Tipperary	2,500	0	0	1,841	9	0

CAP. CXVI.

An Act for carrying into effect the Treaty between Her Majesty and the Republic of the *Equator* for the Abolition of the Traffic in Slaves. [4th *September* 1848.]

'WHEREAS on the Twenty-fourth Day of *May* in the Year of our Lord One thousand eight hundred and forty-one a Treaty was concluded and signed at *Quito* between Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* and the Republic of the *Equator*, for the Abolition of the Traffic in Slaves, whereby it was agreed as follows:

'ARTICLE I.—*Great Britain* and the Republic of the *Equator* declare the Traffic in Slaves abolished for ever; and in order to avoid any Doubts that may hereafter occur from any Circumstance proving prejudicial to the Interests of Commerce and Navigation for Want of a proper Explanation of the real Spirit of the Phrase "Traffic in Slaves," do here mutually declare to be understood by such Traffic such only which is carried on in Negroes brought from *Africa* in order to transport them to other Parts of the World for Sale, but in no Manner whatever the conveying from one Port or Place to another belonging to the Republic the Slaves existing within it, be such undertaken either with the Object of selling them or with any other not prohibited by the Laws.

'ARTICLE II.—The Republic of the *Equator* agrees to treat as Pirates, and to punish with the Penalties which the existing penal Laws impose on Pirates, all such *Equatorians* who on the High Seas, or in any other Place under the Jurisdiction of the Republic, may be found embarking, transporting, or disembarking One or more Persons brought from *Africa* as Slaves.

'ARTICLE III.—The Republic of the *Equator* will promulgate every other legislative Provision that may be deemed requisite for the Prevention of her Citizens engaging in any way in the said Traffic in Slaves, and for the complete Extinction thereof; seeing that the same are in harmony with those which may be promulgated by *Great Britain* for the like Object, and with the constitutional Principles of the Republic.

'ARTICLE IV.—In order more completely to prevent all Infringement of the Spirit of the present Treaty, the High Contracting Parties mutually consent that those Ships of their respective Navies which shall be provided with special Instructions for that Purpose, as herein-after mentioned, may visit such Merchant Vessels of the Two Nations as may upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having during the Voyage on which they are met by the said Cruisers been engaged in the Traffic of Slaves, contrary to the Provisions of this Treaty; and that such Cruisers may detain and send or carry away such Vessels, in order that they be brought to Trial in the Manner herein-after agreed upon.

'In order to fix the reciprocal Right of Search in such a Manner as shall be adapted to the Attainment of the Object of this Treaty, and at the same Time to avoid Doubts, Disputes, or Complaints, the Right of Search shall be understood in the Form and according to the Rules following:

'First,—It shall never be exercised except by Vessels of War authorized expressly for that Object, according to the Stipulations of this Treaty.

'Secondly,—In no Case shall the Right of Search be exercised with respect to a Vessel of the Royal or National Navy of either of the Two Powers, but only as regards Merchant Vessels.

'Thirdly,—Whenever a Merchant Vessel is searched by a Ship of War, the Commander of the said Ship shall, in the Act of so doing, exhibit to the Commander of the Merchant Vessel the

'Document

'Document by which he is duly authorized to that End, and shall deliver to him a Certificate, 'signed by him, stating his Rank in the Naval Service of his Country, and the Name of the 'Vessel he commands, and which also delares that the only Object of the Search is to ascertain 'whether the Vessel is employed in the Slave Trade, or if it is fitted up for the said Traffic. When 'the Search is made by an Officer of the Cruiser who is not the Commander, the said Officer 'shall exhibit to the Captain of the Merchant Vessel a Copy of the before-mentioned special 'Orders, signed by the Commander of the Cruiser, and in like Manner deliver a Certificate 'signed by him, stating his Rank in the Navy, the Name of the Commander by whose Orders he 'proceeds to make the Search, that of the Cruiser in which he sails, and the Object of the Search, 'as has been already laid down. If it appears from the Search that the Papers of the Vessel are 'in regular Order, and that it is employed on licit Objects, the Officer shall then enter in the 'Log Book of the Vessel that the Search has been made in pursuance of the aforesaid special 'Orders, and the Vessel shall be left at liberty to pursue its Voyage. The Rank of the Officer 'who makes the Search must not be less than that of Lieutenant of the Royal or National Navy, 'unless the Command, either by reason of Death or other Cause, is at the Time held by an Officer 'of inferior Rank.

'ARTICLE V.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution it is agreed,—

'First,—That all the Ships of the respective Navies of the Two Nations which shall be here-'after employed to prevent the Traffic in Slaves shall be furnished by their respective Governments 'with a Copy, in the *English* and *Spanish* Languages, of the present Treaty, of the Instructions 'for Cruisers annexed thereto marked A., and of the Regulations for the Mixed Courts of Justice 'annexed thereto, marked B., which Annexes respectively shall be considered as integral Parts of 'the Treaty.

'Secondly,—That each of the High Contracting Parties shall from Time to Time communicate 'to the other the Names of the several Ships furnished with such Instructions, the Force of each, 'and the Names of their several Commanders. The said Commanders ought to hold the Rank of 'Captain in the Navy, or at least of Lieutenant; it being nevertheless understood that the 'Instructions originally issued to an Officer holding the Rank of Lieutenant of the Navy or other 'superior Rank shall be sufficient, in case of Death or temporary Absence of the same, to autho-'rize the Officer on whom the Command of the Vessel has devolved to make the Search, although 'the said Officer may not hold the aforesaid Rank in the Service.

'Thirdly,—That if at any Time the Commander of a Cruiser of either of the Two Nations shall 'suspect that any Merchant Vessel under the Escort or Convoy of any Ship or Ships of War of 'the other Nation carries Slaves on board, or has been engaged in the Traffic of Slaves, or is 'fitted out for the Purpose thereof, the said Commander of the Cruiser shall communicate his 'Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the 'Cruiser, shall proceed to the Search of the suspected Vessel; and in case that the Suspicions 'appear well founded, according to the Tenor of this Treaty, then the said Vessel shall be con-'ducted or sent to One of the Points where the Mixed Courts of Justice are stationed, in order 'that the just Sentence may there be pronounced.

'Fourthly,—It is further mutually agreed, that the Commanders of the Ships of the Two 'Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor 'of the aforesaid Instructions.

'ARTICLE VI.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting 'Parties engage mutually to make good any Losses which their respective Subjects may incur by 'the arbitrary and illegal Detention of their Vessels; it being understood that this Indemnity shall 'be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal 'Detention, and that the Visit and Detention of Vessels specified in the Fourth Article of this 'Treaty shall only be effected by those *British* and *Equatorian* Ships which may form Part of the 'Two respective Navies, and by such of those Ships only as are provided with the special Instructions 'annexed to the present Treaty, in pursuance of the Provisions thereof. The Indemnification for 'the Damage of which this Article treats shall be made within the Term of One Year, reckoning 'from the Day in which the Mixed Court of Justice pronounces its Sentence on the Vessel for the 'Detention of which such Compensation is claimed.

'ARTICLE VII.—In order to bring to Adjudication with as little Delay and Inconvenience as 'possible the Vessels which may be detained according to the Tenor of the Fourth Article of this 'Treaty, there shall be established, as soon as may be practicable, Two Mixed Courts of Justice, 'formed of an equal Number of Individuals of the Two Nations, and named for this Purpose by 'their respective Governments.

'These Courts shall reside, one in a Possession belonging to Her *Britannic* Majesty, the other 'within the Territory of the *Equatorian* Republic; and at the Period of the Exchange of the 'Ratifications of the present Treaty the Two Governments shall declare, each for its own Dominions, 'in what Place these Courts shall respectively reside.

'But each of the Two High Contracting Parties reserves to itself the Right of changing at its 'Pleasure the Place of Residence of the Court held within its own Dominions: Provided always,

'that one of the Courts shall be held upon the Coast of *Africa*, and the other in some Part of the 'Territory of the *Equator*.

'And these Courts, from which there shall be no Appeal, shall judge the Causes submitted to 'them according to the Provisions of the present Treaty, and according to the Regulations and 'Instructions which are annexed to the present Treaty, and which are considered as integral Parts 'thereof.

'ARTICLE VIII.—In case the Commanding Officer of any of the Ships of the respective Navies of '*Great Britain* and the *Equator*, duly commissioned according to the Provisions of Article IV. of this 'Treaty, shall deviate in any respect from the Stipulations of the said Treaty or the Instructions 'annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled 'to demand Reparation, and in such Case the Government to which such Commanding Officer may 'belong binds itself to cause Inquiry to be made into the Subject of the Complaint, and to inflict 'upon the said Officer a Punishment proportioned to any wilful Transgression which he may have 'committed.

'ARTICLE IX.—It is hereby further mutually agreed, that every Merchant Vessel, *British* or '*Equatorial*, which shall be visited by virtue of the present Treaty, may lawfully be detained, and 'sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions 'thereof, if in her Equipment there shall be found any of the Things herein-after mentioned; namely,

'First,—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant 'Vessels.

'Second,—Divisions or Bulkheads in the Hold or on Deck in greater Number than are necessary 'for Vessels engaged in lawful Trade.

'Third,—Spare Planks fitted for laying down a Second or Slaves Deck.

'Fourth,—Shackles, Bolts, or Handcuffs.

'Fifth,—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption 'of the Crew of the Vessel as a Merchant Vessel.

'Sixth,—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, 'unless the Master shall produce a Certificate from the Custom House at the Place from which he 'cleared Outwards, stating that a sufficient Security had been given by the Owners of such Vessel 'that such extra Quantity of Casks or other Vessels should only be used to hold Palm Oil, or for 'other Purposes of lawful Commerce.

'Seventh,—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the 'Crew of the Vessel as a Merchant Vessel.

'Eighth,—A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the 'Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

'Ninth,—An extraordinary Quantity either of Rice, of the Flour of *Brazil*, of Manioc or 'Cassada commonly called Farinha, of Maize or *Indian* Corn, or of any other Article of Food 'whatever, beyond what might probably be requisite for the Use of the Crew, such Rice, Flour, 'Maize or *Indian* Corn, or other Article of Food, not being entered on the Manifest as Part of 'the Cargo for Trade.

'Tenth,—A Quantity of Mats or Matting greater than is necessary for the Use of the Crew of 'the Vessel as a Merchant Vessel.

'Any One or more of these several Things, if proved to have been found on board, shall be considered 'as *primâ facie* Evidence of the actual Employment of the Vessel in the Slave Trade, and the Vessel 'shall thereupon be condemned and declared lawful Prize, unless satisfactory Evidence upon the Part 'of the Master or Owners shall establish that such Vessel was at the Time of her Detention or 'Capture employed in some legal Pursuit.

'ARTICLE X.—If any of the Things specified in the preceding Article shall be found in any 'Merchant Vessel, neither the Master nor Owner, nor any Person whatever interested in her Equip- 'ment or Cargo, shall be entitled to Compensation for Losses or Damages, even though the Mixed 'Courts of Justice should not pronounce any Sentence of Condemnation in consequence of her 'Detention; but the same Tribunal shall be authorized to pay out of the Prize Fund, if they think 'it in Equity required, some Sum of Money proportionate to the Demurrage suffered, and according 'to the Circumstances of the Case.

'ARTICLE XI.—It is agreed between the Two High Contracting Parties, that in all Cases in which 'a Vessel shall be detained under this Treaty by their respective Cruisers as having been engaged 'in the Slave Trade, or as having been fitted out for the Purpose thereof, and shall consequently be 'adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said 'Vessel shall, immediately after its Condemnation, be broken up entirely, and shall be sold in 'separate Parts after having been so broken up.

'ARTICLE XII.—The Negroes who are found on board of a Vessel detained by a Cruiser, and 'condemned by the Mixed Courts of Justice, in conformity with the Stipulations of this Treaty, 'shall be placed at the Disposition of the Government whose Cruiser has made the Capture, but on 'the Understanding that not only they shall be immediately put at liberty and kept free, the Govern- 'ment to whom they have been delivered guaranteeing the same, but likewise engaging to afford 'from Time to Time, and whenever demanded by the other High Contracting Party, the fullest

'Information

'Information as to the State and Condition of such Negroes, with a view of insuring the due 'Execution of the Treaty in this respect.

'For this Purpose the Regulations annexed to this Treaty marked C., as to the Treatment of 'Negroes liberated by Sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral Part of this Treaty. The Two High Contracting Parties reserve to themselves the Right to alter or suspend, by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

'ARTICLE XIII.—The Acts and Instruments annexed to this Treaty, and which it is mutually agreed upon shall form an integral Part thereof, are as follows:

'A Instructions for the Ships of the Royal and National Navies of both Nations destined 'to prevent the Traffic of Slaves.

'B Regulations for the Mixed Courts of Justice which are to hold their Sittings on the 'Coast of *Africa* and in the Territory of the Republic of the *Equator*.

'C Regulations as to the Treatment of liberated Negroes.

'ARTICLE XIV.—The present Treaty, consisting of Fourteen Articles, shall be ratified, and the Ratifications thereof exchanged in *Quito*, within the Space of Two Years from this Date, or sooner if possible.

'In witness whereof the respective Plenipotentiaries have signed in duplicate Two Originals, in *English* and *Spanish*, of the present Treaty, and have thereunto affixed their respective Seals.

'Done in *Quito* this Twenty-fourth Day of *May* in the Year of our Lord One thousand eight 'hundred and forty-one.

'(L.S.) *Walter Cope.*

'ANNEX A.

'to the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR, for the ABOLITION of the 'SLAVE TRADE of the REPUBLIC of the EQUATOR.

'*Instructions for the Ships of the British and Equatorial Navies employed to prevent the Traffic 'in Slaves.*

'ARTICLE I.—The Commander of any Ship belonging to the Navy of Her *Britannic* Majesty 'or of the Republic of the *Equator*, which shall be furnished with these Instructions, shall have a 'Right to visit, search, and detain any *British* or *Equatorial* Merchant Vessel which shall be 'actually engaged or which shall be suspected to be engaged in the Slave Trade, or to be fitted 'out for the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage 'in which she may be met with by such Ship of the *British* or *Equatorial* Navy; and such 'Commander shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment 'before that Mixed Court of Justice, established in virtue of the Seventh Article of the said 'Treaty, which shall be the nearest to the Place of Detention, or which such Commander shall, 'upon his own Responsibility, think can be soonest reached from such Place.

'ARTICLE II.—Whenever a Ship of either of the said Navies, duly authorized as aforesaid, shall 'meet a Merchant Vessel liable to be visited under the Provisions of the said Treaty, the Search 'shall be conducted in the mildest Manner, and with every Attention which ought to be observed 'between allied and friendly Nations; and the Search shall in all Cases be made by an Officer 'holding a Rank not lower than that of a Lieutenant in the Navy of *Great Britain* or in that of 'the Republic of the *Equator* respectively (unless the Command shall by reason of Death or 'otherwise be held by an Officer of inferior Rank), or by the Officer who at the Time shall be 'Second in command of the Ship by which the Search is made.

'ARTICLE III.—The Commander of any Ship of the Two Navies, duly authorized as aforesaid 'who may detain any Merchant Vessel in pursuance of the present Instructions, shall leave on 'board the Vessel so detained the Master, the Mate or Boatswain, and Two or Three at least of 'the Crew thereof, the whole of the Slaves, if any, and all the Cargo.

'The Captor shall at the Time of Detention draw up in Writing an authentic Declaration, 'which shall exhibit the State in which he found the detained Vessel; and such Declaration shall 'be signed by himself, and shall be given in or sent, together with the captured Vessel, to the 'Mixed Court of Justice before which such Vessel shall be carried or sent for Adjudication.

'The Captor shall deliver to the Master of the detained Vessel a certified List of the Papers 'seized on board the same, as well as a Statement of the Number of Slaves found on board at the 'Moment of Detention.

'In the authenticated Declaration which the Captor is hereby required to make, as well as in 'the certified List of the Papers seized, he shall insert his own Name, the Name of the capturing 'Ship, the Latitude and Longitude of the Place where the Detention shall have taken place, and 'the Number of Slaves found on board the Vessel at the Time of the Detention.

'The Officer in charge of the Vessel detained shall, at the Time when he brings the Vessel's 'Papers into the Mixed Court of Justice, deliver into the Court a Paper, signed by himself, and 'verified on Oath, stating any Changes which may have taken place in respect to the Vessel, her 'Crew, the Slaves, if any, and her Cargo, between the Period of her Detention and the Time of 'delivering in such Paper.

'ARTICLE IV.—The Slaves shall not be disembarked till after the Vessel which contains them 'shall have arrived at the Place of Adjudication, and even after the Vessel has arrived at such 'Place they shall not be landed without the Permission of the Mixed Court of Justice.

'But if urgent Reasons, deduced from the Length of the Voyage, from the State of Health of 'the Slaves, or from other Causes, should require that either the whole or a Portion of the Negroes 'should be disembarked or be transhipped before the Vessel can arrive at the Place at which One 'of the said Courts is established, or after her Arrival there, and before Adjudication, the Com-'mander of the capturing Ship may take upon himself the Responsibility of so disembarking or 'transhipping the Negroes, provided that such Necessity, and the Causes thereof, be stated in a 'Certificate in proper Form, and that this Certificate be entered at the Time on the Logbook of 'the detained Vessel.

'The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of 'the Treaty signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred 'and forty-one, that the preceding Instructions, consisting of Four Articles, shall be annexed to 'the said Treaty, and shall be considered as an integral Part thereof.

'The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

'(L.S.) *Walter Cope.*

'ANNEX B.

'To the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR, for the ABOLITION of the 'SLAVE TRADE of the REPUBLIC of the EQUATOR.

'*Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the 'Republic of the Equator.*

'ARTICLE I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty 'of which these Regulations are declared to be an integral Part shall be composed in the following 'Manner:

'Each of the Two High Contracting Parties shall name a Judge and an Arbitrator, who shall be 'authorized to hear and to decide, without Appeal, all Cases of the Capture or Detention of Vessels 'which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them.

'The Judges and the Arbitrators shall, before entering upon the Duties of their Office, respec-'tively make Oath before the principal Magistrate of the Places in which such Courts respectively 'shall reside, that they will judge fairly and faithfully, that they will have no Preference either for 'the Claimants or the Captors, and that in all their Decisions they will act in pursuance of the 'Stipulations of the aforesaid Treaty.

'There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed 'by the Government of the Country within whose Territories such Court shall reside. Such 'Secretary or Registrar shall register all the Acts of such Court, and shall, before he enters upon 'his Office, make Oath before the Court to which he is appointed, that he will conduct himself 'with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters 'relating to his said Office.

'The Salary of the Secretary or Registrar of the Court to be established on the Coast of *Africa* 'shall be paid by Her *Britannic* Majesty, and that of the Secretary or Registrar of the Court to 'be established in the Republic of the *Equator* shall be paid by the Government of that Republic.

'Each of the Governments shall defray Half of the aggregate Amount of the incidental Expenses 'of such Courts.

'ARTICLE II.—The Expenses incurred by the Officer charged with the Reception, Maintenance, 'and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and 'all Disbursements occasioned by bringing the Vessel to Adjudication, shall, in case of Condemna-'tion, be defrayed out of the Funds arising from the Sale of the Materials of the broken-up 'Vessel, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize; and 'in case the Proceeds arising from this Sale should not prove sufficient to defray such Expenses, 'then the Deficiency shall be made good by the Government of the Country within whose Terri-'tories the Adjudication shall have taken place.

'If the detained Vessel shall be released, the Expenses occasioned by bringing her to Adjudica-'tion shall be defrayed by the Captor, excepting in the Cases specified and otherwise provided 'for by Article X. of the Treaty to which these Regulations form an Annex, and by Article VIII. 'of these Regulations.

'ARTICLE III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention 'of such Vessels as the Cruisers of either Nation shall, in pursuance of the said Treaty, detain.

'These Courts shall judge definitively, and without Appeal, all Questions which shall arise out of 'the Capture and Detention of such Vessels.

'The Proceedings of these Courts shall take place with as little Delay as possible; and for this 'Purpose the Courts are required to decide each Case, as far as may be practicable, within the 'Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been 'brought into the Port where the deciding Court shall reside.

'If in consequence of such Proceedings the Vessel whose Case is brought before the Court shall 'be found to have been employed in the Slave Trade, or to have been fitted out for the Purposes 'thereof,

'thereof, such Vessel, her Cargo of Merchandize, and her Equipments, shall be condemned by the 'Court, and shall be declared lawful Prize; and any Slaves who may have been put on board such 'Vessel for the Purposes of Traffic shall be emancipated.

'The final Sentence shall not in any Case be delayed beyond the Period of Two Months, either 'on account of the Absence of Witnesses or for any other Reason, except upon the Application 'of any of the Parties interested; in which Case, if such Party or Parties shall give satisfactory 'Security that they will take upon themselves the Expense and Risks of the Delay, the Courts 'may, at their Discretion, grant an additional Delay, not exceeding Four Months.

'Either Party shall be allowed to employ such Counsel as he may think fit, to assist him in 'conducting his Cause.

'All the Acts and essential Parts of the Proceedings of the said Courts shall be written down in 'the Language of the Country in which the Courts shall respectively reside.

'ARTICLE IV.—The Form of the Process shall be as follows:—

'The Judges appointed by the Two Governments respectively shall, in the first place, proceed to 'examine the Papers of the detained Vessel, and to take the Depositions of the Master or Com- 'mander, and of Two or Three at least of the principal Individuals on board such Vessel, as well as 'the Declaration on Oath of the Captor, should such Declaration appear to be necessary, in order 'to enable them to judge and to pronounce whether the said Vessel has been justly detained or not, 'according to the Stipulations of the aforesaid Treaty, and in order that according to this Judgment 'the Vessel may be condemned or released.

'In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce 'with respect to the Legality of the Detention of any Vessel, as to the Liability of the Vessel to 'Condemnation, as to the Compensation to be allowed to the Owners, or as to any other Question 'which may arise out of any Capture, or if any Difference of Opinion should arise between them as 'to the Mode of proceeding in the said Court, they shall in any such Case draw by Lot the Name 'of One of the Two Arbitrators appointed as is stated in Article I. of this Annex, and the 'Arbitrator whose Name shall be so drawn shall, after he has considered the Proceedings which 'have taken place, consult with the Two above-mentioned Judges, and the final Sentence or 'Decision shall be pronounced in conformity with the Opinion of the Majority of the Three.

'ARTICLE V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel 'and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the 'Master or to the Person who represents him; and such Master or other Person may before the 'same Court claim to have a Valuation made, in order to ascertain the Amount of the Damages to 'which he shall be entitled. The Captor himself, and in his Default his Government, shall remain 'responsible for the Damages which may definitively be pronounced to be due to the Master of such 'Vessel, or to the Owners of the Vessel or of her Cargo.

'The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the 'Date of the Sentence, the Costs and Damages which may be awarded by the aforesaid Court, it 'being mutually understood and agreed that such Costs and Damages shall be made good by the 'Government of the Country of which the Captor shall be a Subject or Citizen.

'ARTICLE VI.—If a detained Vessel shall be condemned she shall be declared lawful Prize, 'together with her Cargo, whatever it may be, with the Exception of the Slaves who shall have 'been found on board; and the said Vessel, in conformity with the Regulations in Article XI. of the 'Treaty of this Date, shall, as well as her Cargo, be sold by public Sale, for the Profit of the Two 'Governments, subject to the Payment of the Expenses herein mentioned.

'The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered 'over to the Government to whom belongs the Cruiser which made the Capture, to be dealt with 'according to the Regulations and Conditions contained in the Annex to this Treaty, Letter C.

'ARTICLE VII.—The Commander and the Crew of a Vessel condemned under this Treaty, and all 'Persons found on board who shall have been Accomplices in her Slave Trade Undertaking, shall, 'on Condemnation of the Vessel, be sent as Prisoners to the nearest Settlement of the Country of 'which they are Subjects or Citizens, and shall be there delivered over to the Authorities of the 'Place, to be tried according to the Laws of their Country, for the Offences which they have 'committed against those Laws. The Commander of the Cruiser which made the Capture of the 'Vessel shall, on the Requisition of the Members of the Mixed Courts of Justice, take charge of 'the Commander, the Crew, and Accomplices on board of the captured Vessel, and shall convey 'them and deliver them over as before mentioned.

'The Charges incurred for the Support and Return Voyage of the Commander, the Crew, and the 'Accomplices, thus sent as Prisoners, shall be defrayed by the Government of which they are the 'Subjects or Citizens.

'ARTICLE VIII.—The Mixed Courts of Justice shall also take cognizance of, and shall decide 'definitively, and without Appeal, all Claims for Compensation on account of Losses occasioned to 'Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but 'which shall not have been condemned as legal Prize by the said Courts; and in all Cases wherein 'Restitution of such Vessels and Cargoes shall be decreed (save as mentioned in a subsequent Part 'of these Regulations, and in Article X. of the Treaty to which these Regulations form an Annex,) 'the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attornies,

'for

'for his or their Use, a just and complete Indemnification for all Costs of Suit; and for all Losses 'and Damages which the Owner or Owners may have actually sustained by such Capture and 'Detention; (that is to say,)

'First,—In case of total Loss, the Claimant or Claimants shall be indemnified,—

'A For the Ship, her Tackle, Equipment, and Stores.

'B For all Freights due and payable.

'C For the Value of the Cargo of Merchandize, if any, deducting all Charges and Expenses 'payable upon the Sale of such Cargo, including Commission of Sale.

'D For all other regular Charges in such Case of total Loss.

'Secondly,—In all other Cases not of total Loss, save as herein-after mentioned, the Claimant 'or Claimants shall be indemnified,—

'A For all special Damages and Expenses occasioned to the Ship by her Detention, and 'for Loss of Freight when due or payable.

'B For Demurrage, according to the Schedule annexed to the present Article.

'C For any Deterioration of the Cargo.

'D For all Premium of Insurance on additional Risks.

'Further, the Claimant or Claimants shall be entitled to Interest at the Rate of Five *per Centum* '*per Annum* on the Sum awarded, until such Sum is paid by the Government to which the capturing 'Ship belongs. The whole Amount of such Indemnification shall be calculated in the Money of 'the Country to which the detained Vessel belongs, and shall be paid at the Rate of Exchange 'current at the Time of the Award.

'The Two High Contracting Parties, however, have agreed, that if it shall be proved to the 'Satisfaction of the Judges of the Two Nations, and without Recourse to the Decision of an 'Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of 'the detained Vessel, the detained Vessel shall in such Case not receive for the Time of her Detention 'the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, 'or Expenses consequent upon such Detention.

'SCHEDULE of Demurrage or daily Allowance for a Vessel of

'100	Tons to	120	inclusive	-	-	£ 5	*per Diem.*
'121	„	150	„	-	-	6	„
'151	„	170	„	-	-	8	„
'171	„	200	„	-	-	10	„
'201	„	220	„	-	-	11	„
'221	„	250	„	-	-	12	„
'251	„	270	„	-	-	14	„
'271	„	300	„	-	-	15	„

'And so on in proportion.

'ARTICLE IX.—Neither the Judges, nor the Arbitrators, nor the Secretaries of the Mixed Courts 'of Justice, shall demand or receive from any of the Parties concerned in the Cases which shall 'be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the 'Performance of the Duties which such Judges, Arbitrators, and Secretaries have to perform.

'ARTICLE X.—The Two High Contracting Parties have agreed, that in the event of the Death, 'Sickness, Absence on Leave, or other legal Impediment of One or more of the Judges or Arbi- 'trators composing the above-mentioned Courts, the Post of such Judge or of such Arbitrator shall 'be supplied *ad interim* in the following Manner:

'First,—On the Part of Her *Britannic* Majesty, and in that Court which shall sit in One of the 'Possessions of Her said Majesty, if the Vacancy be that of the *British* Judge, his Place shall be 'filled by the *British* Arbitrator; and either in that Case, or if the Vacancy be originally that of 'the *British* Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor 'or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, 'and by the Secretary of the Government; and the said Court so constituted as above shall sit, 'and shall proceed to adjudge all Cases brought before them for Adjudication, and shall pass 'Sentence accordingly.

'Secondly,—On the Part of *Great Britain*, and in that Court which shall sit in some Place 'within the Territories of the Republic of the *Equator*, if the Vacancy be that of the *British* 'Judge, his Place shall be filled by the *British* Arbitrator; and either in that Case, or if the 'Vacancy be originally that of the *British* Arbitrator, the Place of *British* Arbitrator shall be 'filled successively by the *British* Consul and *British* Vice Consul, if there be a *British* Consul 'or *British* Vice Consul appointed to and resident in such Place; and if the Vacancy be both of 'the *British* Judge and of the *British* Arbitrator, then the Vacancy of the *British* Judge shall be 'filled by the *British* Consul, and that of the *British* Arbitrator by the *British* Vice Consul, if 'there be a *British* Consul and a *British* Vice Consul appointed to and resident in such Place; 'and if there shall be no *British* Consul or *British* Vice Consul to fill the Place of *British* 'Arbitrator, then the *Equatorial* Arbitrator shall be called in, in those Cases in which a *British* 'Arbitrator, if there were any, would be called in; and in case the Vacancy be both of the 'British Judge and *British* Arbitrator, and there be neither *British* Consul nor *British* Vice

'Consul

'Consul to fill *ad interim* the Vacancies, then the *Equatorial* Judge and *Equatorial* Arbitrator 'shall sit, and shall proceed to adjudge all Cases brought before them for Adjudication, and shall 'pass Sentence accordingly.

'Thirdly,—On the Part of the *Equatorial* Republic, and in that Court which shall sit within 'the Territories of the said Republic, if the Vacancy be that of the *Equatorial* Judge, his Place 'shall be filled by the *Equatorial* Arbitrator; and either in that Case, or if the Vacancy be 'originally that of the *Equatorial* Arbitrator, the Place of such Arbitrator shall be filled 'successively by the Judges of First Instance, according to their Seniority, resident in the Place 'where such Court shall sit, or by an Advocate appointed for the Purpose; and the said Court so 'constituted as above shall sit, and shall proceed to adjudge all Cases brought before them for 'Adjudication, and shall pass Sentence accordingly.

'Fourthly,—On the Part of the *Equatorial* Republic, and in that Court which shall sit within 'the Possessions of Her *Britannic* Majesty, if the Vacancy be that of the *Equatorial* Judge, his 'Place shall be filled by the *Equatorial* Arbitrator; and either in that Case, or if the Vacancy be 'originally that of the *Equatorial* Arbitrator, the Place of *Equatorial* Arbitrator shall be filled 'successively by the *Equatorial* Consul and *Equatorial* Vice Consul, if there be an *Equatorial* 'Consul or *Equatorial* Vice Consul appointed to and resident in such Possession; and if the 'Vacancy be both of the *Equatorial* Judge and of the *Equatorial* Arbitrator, then the Vacancy 'of the *Equatorial* Judge shall be filled by the *Equatorial* Consul, and that of the *Equatorial* 'Arbitrator by the *Equatorial* Vice Consul, if there be an *Equatorial* Consul and an *Equatorial* 'Vice Consul appointed to and resident in such Possession, and if there be no *Equatorial* Consul 'or *Equatorial* Vice Consul to fill the Place of *Equatorial* Arbitrator, then the *British* Arbitrator 'shall be called in, in those Cases in which an *Equatorial* Arbitrator would be called in; and in 'case the Vacancy be both of the *Equatorial* Judge and *Equatorial* Arbitrator, and there be 'neither *Equatorial* Consul nor Vice Consul to fill *ad interim* the Vacancies, then the *British* 'Judge and *British* Arbitrator shall sit, and shall proceed to adjudge all Cases brought before 'them for Adjudication, and shall pass Sentence accordingly.

'The highest Civil Authority of the Settlement wherein either of the Mixed Courts of Justice 'shall sit shall, in the event of a Vacancy arising either of the Judge or of the Arbitrator of the 'other High Contracting Party, forthwith give Notice of the same to the highest Civil Authority 'of the nearest Settlement of such other High Contracting Party, in order that such Vacancy may 'be supplied at the earliest Period; and each of the High Contracting Parties agrees to fill up 'definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Courts, 'from Death or from any other Cause whatever.

'The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of 'the Treaty signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred 'and forty-one, that the preceding Regulations, consisting of Ten Articles, shall be annexed to 'the said Treaty, and considered as an integral Part thereof.

'The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

'(L.S.) *Walter Cope.*

'ANNEX C.

'To the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR, for the ABOLITION of the 'SLAVE TRADE of the REPUBLIC of the EQUATOR.

'*Regulations for the good Treatment of liberated Negroes.*

'ARTICLE I.—The Object of these Regulations is to secure to Negroes liberated by virtue of the 'Stipulations of the Treaty to which these Regulations form an Annex (marked C.), permanent good 'Treatment, and full and complete Freedom, in conformity with the humane Intentions of the High 'Contracting Parties.

'ARTICLE II.—Immediately after Sentence of Condemnation shall have been passed by a Mixed 'Court of Justice established under the Treaty to which these Regulations form an Annex, on a 'Vessel charged with being concerned in Slave Trade, all Negroes who were on board such Vessel, 'and who were brought on board for the Purpose of Traffic, shall be delivered over to the Government 'to whom belongs the Cruiser which made the Capture.

'ARTICLE III.—If the Cruiser which made the Capture is *British*, the *British* Government engages 'that the Negroes shall be treated in exact Conformity with the Laws in force in the *British* Colonies 'applicable to free-born or to emancipated Negroes.

'ARTICLE IV.—If the Cruiser which made the Capture is *Equatorial*, then the Negroes shall be 'delivered over to the *Equatorial* Authorities of that Place in the Dominions of the Republic of the '*Equator* in which the Mixed Court of Justice is established; and the *Equatorial* Government 'solemnly engages that such Negroes shall be there treated strictly according to the Regulations in 'force at the Time being in the Republic of the *Equator* with respect to free Negroes. The 'Republic of the *Equator* further engages that those Regulations shall always be framed with the 'view of securing, honestly and faithfully, to emancipated Negroes, unmolested Liberty, good 'Treatment, a Knowledge of the Tenets of the Christian Religion, Advancement in Morality and 'Civilization, and sufficient Instruction in the Mechanical Arts to enable the said emancipated 'Negroes to earn their own Subsistence as Artisans, Mechanics, or Servants.

'ARTICLE

'ARTICLE V.—For the Purpose which is explained in the following Article, there shall be kept 'in the Office of the Governor, in that Part of the Possessions of the Republic of the *Equator* where 'the Mixed Court of Justice resides, a Register of all emancipated Negroes; and in such Register 'shall be entered, with scrupulous Exactness, the Names given to the Negroes, the Names of the 'Vessels in which they were captured, the Names of the Persons to whose Care they have been 'committed, and any other Circumstances likely to contribute to the full and permanent Liberty and 'Welfare of such emancipated Negroes.

'ARTICLE VI.—The Register to which the preceding Article refers will serve to form a general 'Return, which the Governor of that Part of the Possessions of the Republic of the *Equator* where 'the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid 'Mixed Commission, in order to show the continued Freedom of the Negroes emancipated under 'this Treaty, the Improvement effected in their Condition, and the Progress made in their Religious 'and Moral Instruction, and in their Acquirement of the Arts of Life; the aforesaid Return shall 'also specify the Names and Descriptions of such of the emancipated Negroes as shall have died 'since the Period of the last Return.

'ARTICLE VII.—The High Contracting Parties agree, that if in future it should appear necessary 'to adopt new Measures, in consequence of those which are laid down in this Annex turning out 'inefficacious, the said High Contracting Parties will consult together, and will agree upon other 'Means better adapted for the complete Attainment of the Objects they have in view.

'The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the 'Treaty signed by them on this Day, the Twenty-fourth of *May* One thousand eight hundred and 'forty-one, that this Annex, consisting of Seven Articles, shall be united to the said Treaty, and be 'considered an integral Part thereof.

'The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

'(L.S.) *Walter Cope.*

'ARTICLES ADDITIONAL to the Treaty concluded on the Twenty-fourth Day of *May* One thousand 'eight hundred and forty-one between Her *Britannic* Majesty and the Republic of the *Equator* 'for the Suppression of Slave Trade.

'ARTICLE I.—It is agreed and understood, that if there should be any Delay in appointing the 'Judge and Arbitrator to be nominated on the Part of the Republic of the *Equator* to act in each 'of the Mixed Courts of Justice to be established under this Treaty, or if those Officers, after being 'appointed, should at any Time be absent, then and in either of such Cases the Judge and Arbitrator 'who shall be appointed on the Part of Her *Britannic* Majesty, and who shall be present in the 'said Courts, shall, in the Absence of the *Equatorial* Judge and Arbitrator, proceed to open the 'said Courts, and to adjudge such Cases as may be brought before them under the Treaty; and 'the Sentence pronounced upon such Cases by the said *British* Judge and Arbitrator shall have 'the same Force and Validity as if the Judge and the Arbitrator on the Part of the Republic of the '*Equator* had been present and acting with them.

'ARTICLE II.—It is also agreed, notwithstanding the Provisions of the First Article of the 'Annex B., that so long as no *Equatorial* Judge and Arbitrator shall have been nominated it will 'be unnecessary for the Republic of the *Equator* to nominate the Secretary or Registrar mentioned 'in the said Article; that in the meanwhile the Secretary or Registrar of the Court which may 'exist within the Territory of the Republic of the *Equator* shall be named and paid by the Govern- 'ment of Her *Britannic* Majesty, and that the entire Expense of both the Courts to be established 'under this Treaty shall be borne by the Government of Her *Britannic* Majesty.

'The present additional Articles shall form an integral Part of the Treaty for the Abolition of 'the Slave Trade of the Republic of the *Equator* signed this Day, and shall have the same Force 'and Validity as if they were inserted Word for Word in that Treaty, and shall be ratified in the 'same Form and at the same Time.

'The Twenty-fourth Day of *May* One thousand eight hundred and forty-one.

'(L.S.) *Walter Cope.*

'FURTHER ADDITIONAL ARTICLE to the Treaty concluded on the Twenty-fourth Day of *May* One 'thousand eight hundred and forty-one between *Great Britain* and the Republic of the *Equator* 'for the Abolition of the Traffic in Slaves.

'Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and His Excel- 'lency the President of the Republic of the *Equator*, having deemed it convenient and necessary to 'prorogue the Term stipulated in the Fourteenth Article of the Treaty concluded on the Twenty- 'fourth Day of *May* One thousand eight hundred and forty-one, between *Great Britain* and the 'Republic of the *Equator*, for the Abolition of the Traffic in Slaves, have named and authorized as 'their Plenipotentiaries *ad hoc;* (that is to say,)

'Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, *Walter Cope* 'Esquire, Her Majesty's Consul in the *Equator:*

'And His Excellency the President of the Republic of the *Equator*, General *José Maria Urbina*, 'Minister of State in general:

'Who

'Who, after having exchanged their full Powers, found to be in good and due Form, have agreed 'upon the following:

'The Term stipulated for the Exchange of the Ratifications of the Treaty for the Abolition of 'the Traffic in Slaves, signed by the Plenipotentiaries of *Great Britain* and the *Equator* on the 'Twenty-fourth Day of *May* One thousand eight hundred and forty-one, is prorogued, and in 'virtue of that Prorogation it is agreed by the Two Contracting Parties that the said Treaty shall 'be ratified, and the Ratifications exchanged in *Quito*, within the Space of Two Years from the 'Date hereof, or sooner if possible.

'In witness whereof the respective Plenipotentiaries have signed this Agreement in Duplicate, and 'have sealed it with their respective Seals.

'Done in the City of *Cuença* on the Fifteenth Day of *January* in the Year of our Lord One 'thousand eight hundred and forty-six.

'(L.S.) *Walter Cope.*

Ratifications of Treaty exchanged on the 5th July 1847.

'And whereas the said Treaty was ratified between Her Majesty the Queen of the United Kingdom of '*Great Britain* and *Ireland* and the Republic of the *Equator*, and such Ratifications exchanged at *Quito* 'on the Fifth Day of *July* One thousand eight hundred and forty-seven: And whereas it is expedient 'and necessary that effectual Provision should be made for carrying into execution the Provisions of the 'said Treaty, and Annexes thereto, and additional Articles:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of Her Majesty or of the Republic of the *Equator* not below the Rank of Lieutenant of the Royal Navy (unless the Command shall by reason of Death or otherwise be held by an Officer of inferior Rank), or by the Officer who at the Time shall be Second in Command of the Ship, and who shall be duly instructed and authorized according to the Provisions of the said Treaty, to visit and search any Merchant Vessel of either of the said Two Nations, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves or Negroes from *Africa*, in order to transport them to other Parts of the World for Sale, or any Vessel fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and to detain and send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication before One of the Mixed Courts of Justice to be established in virtue of the Seventh Article of the said Treaty; and all such Commanders and other Officers in the Exercise of such Rights shall comply with the several Provisions and Instructions of the said Treaty which apply thereto respectively.

Officers commanding Ships of Her Majesty, or of the Republic of the Equator, being duly authorized and empowered, to visit and search Merchant Ships.

II. And be it enacted, That all Ships and Vessels belonging wholly or in part to Her Majesty's Subjects which shall be suspected upon reasonable Grounds of being engaged in the said Traffic in Slaves, or of having been fitted out for that Purpose, or of having been engaged in such Traffic during the Voyage in which such Vessel is met, and all Boats, Apparel, and Cargoes therein, shall be subject to Search and Detention by *British* or *Equatorian* Vessels of War duly authorized for that Purpose according to the Stipulations of the said Treaty, and subject to Condemnation or other Judgment by the Judges and Arbitrators of the Mixed Courts to be appointed according to the Provisions of the said Treaty.

Ships suspected of having been fitted out for the Purpose of the said Traffic in Slaves liable to Search and Detention.

III. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint such Judges and Arbitrators as are in and by the said Treaty mentioned to be appointed by Her Majesty, and from Time to Time to supply any Vacancies which may arise in such Offices by appointing other Persons thereto, and to grant Salaries to such Judges and Arbitrators as aforesaid, not exceeding such annual Sums as the Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Judges and Arbitrators shall be empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, or captured under the said Treaty, as are by the said Treaty and by this Act made subject to their Jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and do all other Things appertaining thereto, agreeably to the Provisions of the said Treaty, as fully as if special Powers for that Purpose were inserted in this Act.

Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention.

IV. And be it enacted, That it shall be lawful for Her Majesty, by any Warrant under Her Royal Sign Manual, countersigned by One of Her Majesty's Principal Secretaries of State for the Time being, to appoint a Secretary or Registrar to each of the Mixed Courts which shall be established, and from Time to Time to supply by other Appointments any Vacancy which may thereafter occur in such Office, and to grant a Salary to such Secretary or Registrar, not exceeding such annual Sum as the said Commissioners of Her Majesty's Treasury shall from Time to Time direct; and such Secretary or Registrar shall be empowered to perform all the Duties of such Office set forth by the said Treaty, and to do all such Things as may be necessary for the due Discharge of the Duties of his said Office.

Her Majesty may appoint a Secretary or Registrar to the Mixed Court.

V. And be it enacted, That in the Case of the Death, Sickness, Absence on Leave, or any other legal Impediment of any such *British* Judge of either of the said Courts established by virtue of the said Treaty, the *British* Arbitrator of such Court shall fill the Office of such Judge *ad interim* until the Office shall be thereafter filled by some Person appointed by Her Majesty, or until such Judge shall resume the Duties of his said Office; and that in case of such Vacancy of the Office of *British* Arbitrator of the Court established by virtue of the said Treaty in the Possessions of Her Majesty, or in case of the Death, Sickness, Absence on Leave, or other Impediment of the said Arbitrator of the said Court, the Office of

In case of the Death or Incapacity from Illness of any British Judge of such Courts, or of the British Arbitrator.

such Arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate in the same, and by the Secretary of the Government, until the said Office shall be filled by some Person appointed by Her Majesty's Government, or until such Arbitrator shall resume the Duties of his said Office; and that in case of the Death, Sickness, Absence on Leave, or other legal Impediment of the *British* Arbitrator in the Court established by virtue of the said Treaty within the Possessions of the *Equatorian* Republic, or of his assuming *ad interim* the Duties of a Judge of the said Court as aforesaid, the Office of such *British* Arbitrator shall be filled *ad interim* successively by the *British* Consul and *British* Vice Consul resident in such Possession; and in case of such Vacancy of the Offices both of such *British* Judge and *British* Arbitrator, then that such Office of Judge shall be filled by the *British* Consul, and such Office of *British* Arbitrator by the *British* Vice Consul; and in case there shall be no *British* Consul or Vice Consul at such Place, then that it shall be lawful for the *Equatorian* Arbitrator to act in all those Cases in which a *British* Arbitrator, if there were any, would be required to act; and in case of such Vacancy in the Offices both of *British* Judge and *British* Arbitrator, and there should be neither a *British* Consul nor *British* Vice Consul resident at such Place, then that it shall be lawful for the *Equatorian* Judge and *Equatorian* Arbitrator of such Court to sit alone in such Court, and in all Cases brought before them for Adjudication to adjudge the same, and pass Sentence accordingly, until the said Offices shall respectively be thereafter filled by some Person or Persons appointed by Her Majesty, or until the said *British* Judge and *British* Arbitrator shall resume the Duties of their said Offices respectively.

Judges and Arbitrators to take an Oath.

VI. And be it enacted, That every such Judge and Arbitrator so appointed by Her Majesty, before he shall enter upon the Execution of any of the Duties of such his Office, shall take an Oath in the Presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Court shall be established, whether belonging to Her *Britannic* Majesty or to the Republic of the *Equator*, which Oath any such Magistrate shall be authorized to administer in the Form following; (that is to say,)

Form of Oath.

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour either for Claimants or Captors or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between Her Majesty and the Republic of the *Equator* signed at on the in the Year One thousand eight hundred and .'

Secretary or Registrar's Oath.

And every Secretary or Registrar appointed by Her Majesty under the Provisions of the said Treaty, and of this Act, before he enters on the Duties of his said Office, shall take an Oath before One of the Judges of the said Court, who shall be empowered to administer the same, in the Form following; (that is to say,)

'I *A.B.* do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with respect to the Authority of the Judges and Arbitrators of the Court to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour either for Claimants or Captors or any other Persons.'

Judges and Arbitrators may administer Oaths.

VII. And be it enacted, That it shall be lawful for the said Judges or Arbitrators, or either of them, or for any such Secretary or Registrar, to administer Oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the Purpose of deposing, in the course of any Proceeding before the said Judges or Arbitrators under the said Treaty and this Act; and it shall also be lawful for the said Judges and Arbitrators to summon before them all Persons whom they may deem it necessary or proper to examine in relation to any Proceeding under their Cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the Matters in question before them, and to enforce all such Summonses, Orders, and Precepts by such and the like Means, Powers, and Authorities as any Court of Vice Admiralty may do.

Punishing Persons giving false Evidence.

VIII. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding before the Judges or Arbitrators aforesaid, under the said Treaty or this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Pains and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IX. And be it enacted, That the Pendency of any Suit or Proceedings instituted before the said Judges or Arbitrators for the Condemnation or Restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Treaty, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby, or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done in pursuance of the Provisions of the said Treaty.

X. And

X. And be it declared and enacted, That if any of the Particulars specified in the Ninth Article of the said Treaty shall be found in the Outfit and Equipment of or on board any such Merchant Vessel engaged or to be engaged in such Traffic, and visited and detained in pursuance of the said Treaty, such Vessel, unless Proof be given to the contrary, shall be taken to have been engaged in the said Traffic, or to have been fitted out for the Purposes of such Traffic, and to be equipped and employed for the Purposes declared unlawful. Vessels equipped for Traffic in Slaves to be deemed engaged in the Slave Trade.

XI. And be it enacted, That any Ship or Vessel which shall be condemned under any such Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or, if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, together with the Goods, Wares, and Merchandize laden therein, for the Profits of the Two Governments of *Great Britain* and the Republic of the *Equator*, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same. Vessels condemned to be sold for Her Majesty's Service or broken up.

XII. And be it enacted, That where any Ship or Vessel employed or engaged in illicit Traffic in Slaves, in violation of the said Treaty, shall be seized by any Ship or Vessel belonging to Her Majesty, duly authorized to make such Seizure under the Provisions of the said Treaty or Articles, and shall be afterwards condemned by any of the Commissioners appointed in virtue of the Treaty or Articles aforesaid, there shall be paid to the Captors the Portion to which Her Majesty is entitled, such Portion to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels. Captors of Vessels shall, after Condemnation, be entitled to the Portion belonging to Her Majesty.

XIII. And be it enacted, That there shall be paid to the Commanders, Officers, and Crew of Her Majesty's Ships authorized to make Seizures under the said Treaty a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board a *British* or *Equatorian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, such Bounty to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council or by any Proclamation to be made for that Purpose. Bounty for Slaves captured.

XIV. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Treaty shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizures, and in addition to the Amount which may be payable in respect of Her Majesty's Portion of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage. Bounty on Tonnage of Slave Ships captured and demolished.

XV. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Treaty there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make and making such Seizure an additional Bounty upon the Tonnage of such Ship or Vessel, at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained, to be certified by the Commissioners by whom such Condemnation shall be pronounced: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships making the Seizure may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board. Where no Slaves are on board a Ship seized, an additional Bounty to be paid.

XVI. And be it enacted, That all Bounties payable under this Act shall be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the Provisions of any such Treaties or Conventions, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury. Bounties to be paid out of Consolidated Fund.

XVII. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description. Bounties not liable to Payment of Fees.

XVIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory. Proof of Tonnage.

XIX. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves. Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XX. And be it enacted, That where any Slaves or Persons treated as Slaves shall be seized on board any *British* or *Equatorian* Ship or Vessel taken and condemned in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or One Moiety of the Bounty only to be paid in certain Cases.

or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XXI. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *British* or *Equatorian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act.

Regulations, &c. as to Prize Agents Accounts extended to Bounties, &c. under this Act.

XXII. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained, but not condemned.

XXIII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Republic of the *Equator* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, and the said Ship shall be restored by Sentence of the Court, as is mentioned in the Fifth Article of the Annex B. to the said Treaty, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded according to the Provisions of the said last-mentioned Article: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

XXIV. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make such Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

CAP. CXVII.

An Act for rendering certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage. [4th *September* 1848.]

'WHEREAS it is expedient to render certain Newspapers published in the *Channel Islands* and the *Isle of Man* liable to Postage:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury (signified under the Hands of the said Commissioners, or any Three of them, or under the Hand of One of their Secretaries or Assistant Secretaries), may from Time to Time, and at all Times hereafter, charge any Newspapers printed or published in any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and sent by the Post between any of such Islands and *Great Britain* or *Ireland*, or sent by the Post in *Great Britain* or *Ireland*, with such Rates or Duties of Postage as the Postmaster General, with such Consent as aforesaid, shall think fit, but not exceeding the Rates or Duties to which such Newspapers would be liable if they were Letters sent by the Post; and the Postmaster General may from Time to Time, with such Consent as aforesaid, alter or repeal any such Rates or Duties of Postage, and charge any such Newspapers with any other Rates or Duties of Postage, not exceeding the Rates to which such Newspapers would be liable if they were Letters (or may exempt any such Newspapers from all Duties of Postage), in lieu thereof, and the Rates or Duties of Postage from Time to Time to become chargeable under or by virtue of this Act shall be paid accordingly; and the Monies paid to or received by the Post Office for such Rates or Duties shall form Part of the Revenue of the Post Office.

Newspapers from the Channel Islands or from the Isle of Man to be liable to the Payment of Rates or Duties of Postage.

Act to be deemed a Post Office Act, and Terms to be construed as directed by 3 & 4 Vict. c. 96.

II. And be it enacted, That this Act shall be deemed and taken be a Post Office Act, and that the several Terms and Expressions used in this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, so far as those Interpretations are not repugnant to the Subject, or inconsistent with the Context of such Terms and Expressions.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. CXVIII.

An Act to explain and amend the Law as to the Licence required for the letting of Post Horses to Hire in *Ireland*, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom. [4th *September* 1848.]

'WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to grant certain Duties of Excise upon Licences for the Sale of Spirituous and other Liquors by Retail, and upon Licences to Persons dealing in exciseable Commodities, in* Ireland, *in lieu of the Stamp Duties payable upon such Licences, and to secure the Payment of such Excise Duties, and to regulate the issuing of such Licences, and to discourage the immoderate Use of Spirituous Liquors in* Ireland, and by the Schedule to that Act annexed, a certain Duty is granted and made payable upon and in respect of Licences to Persons to let to Hire any Horse for the Purpose of travelling Post by the Mile or from Stage to Stage in *Ireland;* and by an Act of the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in* Ireland *from the Commissioners of Stamps to the Commissioners of Excise*, such Duty is placed under the Collection and Management of the Commissioners of Excise, and directed to be denominated and taken to be an Excise Duty: And whereas Doubts have arisen whether such Licence is required to be taken out by every Person who lets any Horse for Hire, whether the same be for the Purpose of travelling Post by the Mile, or from Stage to Stage, or otherwise, in *Ireland:*' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Licence in the said Act of the Fifty-fifth Year aforesaid mentioned shall be deemed and taken to have been and to be required to be taken out, and the Duty by that Act granted paid, by every Person who has let or who lets to Hire any Horse in *Ireland*, and that any Person so having let or letting any Horse in *Ireland* without such Licence shall be subject to the Penalty of Fifty Pounds imposed by the said Act upon the letting to Hire any Horse for the Purpose of travelling Post by the Mile or from Stage to Stage, and that the Duties of Excise heretofore collected and charged for or in respect of the Licence before mentioned shall be deemed and taken to have been lawfully charged on all Persons who have let to Hire any Horse in *Ireland*, whether the same has been for the Purpose of travelling Post by the Mile, or from Stage to Stage, or otherwise, and all Penalties heretofore incurred for or in respect thereof shall be deemed and taken to have been legally incurred (save and except in any Case in which the same has been already determined to the contrary in any Court of Law of competent Jurisdiction), and all such Duties and Penalties (save and except as aforesaid) shall be recovered, paid, and applied as any other Duties or Penalties of Excise due or in arrear may now be recovered, paid, and applied under any Law or Laws of Excise; and the Commissioners of Excise, and their Officers duly authorized to grant Licences, shall be indemnified, freed, and discharged from all Actions, Causes of Action, and Damages for or in respect of any Act heretofore done by them in granting any such Licences.

55 G. 3. c. 19.

7 & 8 Vict. c. 67.

Licences to let Horses to Hire in Ireland, mentioned in recited Act 55 G. 3. c. 19., to be deemed to be taken out by all Persons letting Horses to Hire, under a Penalty of 50*l.*

II. And be it enacted, That all Duties of Excise by the said recited Acts granted, and as by this Act explained, for and in respect of the Licence to let to Hire any Horse in *Ireland*, and all Penalties imposed by the said Acts upon Persons so letting Horses to Hire without such Licence, and all Duties imposed on Horses let for Hire in *Great Britain*, and on Licences relating to the same, by an Act of the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in* Great Britain, *and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto*, and all Duties imposed for and in respect of Stage Carriages, and of Licences for keeping or using the same, and for and in respect of Passengers conveyed upon Railways, by an Act of the Fifth and Sixth Years of the Reign of Her Majesty, intituled *An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in* Great Britain, *and to grant other Duties in lieu thereof, and also to amend the Laws relating to the Stamp Duties*, and all Duties imposed for and in respect of Licences to keep, use, and let to Hire Hackney Carriages within the Distance of Five Miles from the General Post Office in the City of *London*, by an Act of the First and Second Years of the Reign of His said Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggons, Carts, and Drays, used in the Metropolis, and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in* England *under the Commissioners of Stamps*, all which several Duties are declared by Law to be Duties of Excise, and placed under the Collection and Management of the Commissioners of Excise, and all Penalties, Fines, and Forfeitures imposed by the said recited Acts or any of them, or by any other Act or Acts of Parliament relating to the several Duties or any of them, may, by Order of the Commissioners of Excise, be collected, sued for, recovered, levied, mitigated, paid, and applied as by the said recited Acts or any of them, or by any of the Acts aforesaid, is directed, or by the same Ways, Means, and Methods, and in like Manner, and under the same general or special Powers, Provisions, Regulations, and Directions as to Appeal, and in all other respects, as any other Duties of Excise, or any Fines, Penalties, or Forfeitures in such respect are directed to be collected, sued for, recovered, levied, mitigated, paid, and applied under an Act of Parliament of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland,

Commissioners may direct Proceedings to be taken for Recovery of the Duties and Penalties levied under 2 & 3 W. 4. c. 120., 5 & 6 Vict. c. 79., 1 & 2 W. 4. c. 22., 7 & 8 G. 4. c. 53., and 4 & 5 W. 4. c. 51.

Ireland, as amended by another Act of the Fourth and Fifth Years of the Reign of His said Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*, (except so far as the same is afterwards repealed by this Act,) and as amended by any other Act or Acts relating to the Collection and Management of the Duties of Excise, anything in any Act or Acts of Parliament transferring the Collection and Management of the Duties before specified to the Commissioners of Excise to the contrary thereof notwithstanding.

So much of 4 & 5 W. 4. c. 51. as is herein recited repealed.

III. 'And whereas by the said Act of the Fourth and Fifth Years of the Reign of His said Majesty 'King *William* the Fourth it is amongst other things enacted, "that every Information for the Recovery '"of any Penalty, or for the Condemnation of any Seizure, shall be exhibited before the Commissioners '"of Excise or Justice or Justices of the Peace respectively within Four Calendar Months next after '"the Offence or Offences alleged in such Information shall have been committed, or the Goods, Com-'"modities, Chattels, or Things therein alleged to have been forfeited shall have been seized:" And 'whereas there is no such Limitation of Time to the like Proceedings before Justices directed by the 'said Act of the Second and Third Years of the Reign of His said Majesty King *William* the Fourth:'

After passing of this Act every Information for Recovery of Penalties, &c. may be brought before the Commissioners of Excise or Justices within Six Months from Commission of Offences.

Be it enacted, That so much of the said Act of the Fourth and Fifth Years of the Reign of His said Majesty King *William* the Fourth as is herein-before recited shall be and the same is hereby repealed; and that from and after the passing of this Act every Information exhibited by Order of the Commissioners of Excise for the Recovery of any Penalty imposed, or for the Condemnation of any Seizure made as forfeited under or by virtue of any Act or Acts relating to any Duties under the Collection and Management of the Commissioners of Excise or of the Commissioners of Customs may be exhibited before the Commissioners of Excise or Justice or Justices of the Peace respectively at any Time within Six Calendar Months after the Offence or Offences alleged in such Information have been committed, or the Goods, Commodities, Chattels, or Things therein alleged to have been forfeited have been seized, and all such Proceedings shall be afterwards had thereupon as by Law directed, anything in any other Act or Acts of Parliament to the contrary thereof notwithstanding.

CAP. CXIX.

An Act to simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in *Great Britain*. [4th *September* 1848.]

9 & 10 Vict. c. 101.

10 & 11 Vict. c. 11.

'WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years 'of Her present Majesty, intituled *An Act to authorize the Advance of Public Money to a limited 'Amount to promote the Improvement of Land in* Great Britain *and* Ireland *by Works of Drainage*, and 'the said Act was explained and amended by an Act of the last Session of Parliament: And whereas 'Doubts have been entertained whether, in Cases where more than One Certificate for an Advance is 'issued in respect of the same Provisional Certificate under the said Acts, the Specifications of the Lands 'should not be repeated in full in every such Certificate, it is expedient that the Provisions of the said 'Acts as to such Certificates of Advance should be amended and explained as hereafter mentioned:' Be it enacted and declared, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where more than One Certificate for an Advance under the said Acts or either of them shall be issued in respect of the Works referred to in the same Provisional Certificate, it shall not be necessary in the Second or any subsequent Certificate for an Advance in respect of such Works to specify the Land in respect of which such Advance is to be made, except by way of Reference to the Specification in the First Certificate of Advance as herein-after mentioned, but it shall be sufficient that such Second and every subsequent Certificate shall certify that the Land to be charged in respect of the Advance under such Certificate is the Land which is specified in the First Certificate of Advance in respect of the Works referred to in the same Provisional Certificate, and shall state the Date of such First Certificate, and the Sum which the Commissioners shall have therein certified should be issued.

Lands in Second and subsequent Certificates may be specified by Reference to the First.

Commissioners, with Approval of Treasury, may cancel Certificates, &c.

II. And be it enacted, That it shall be lawful for the Commissioners, where they shall think fit, with the Approval of the Commissioners of Her Majesty's Treasury, notified by One of their Secretaries by any Memorandum in Writing under the Seal of the Commissioners, to cancel any Certificate for an Advance under the said Acts upon which no Advance shall have been actually made, and thereupon such Certificate shall be wholly void; and it shall be lawful for the Commissioners to proceed as if no such Certificate had been made or issued.

Where cancelled Certificate shall have been registered in Scotland, Commissioners to deliver a Memorandum of Cancellation, which shall be registered, &c.

III. Provided always, and be it enacted, That where any such Certificate which shall have been so cancelled as aforesaid shall have been registered in the General or Particular Register of Sasines in *Scotland*, the said Commissioners shall and may deliver to the Owner of the Lands, or the Party to whom such Certificate so cancelled as aforesaid was granted, or other Party interested, a Duplicate of the said Memorandum of such Cancellation, and such Owner or Party shall cause the said Memorandum to be duly registered in the General or Particular Register of Sasines in which such cancelled Certificate was registered, and the Keeper of such Register is hereby authorized and required to register the same accordingly, and to grant an Endorsement on the said Memorandum, certifying that the same has been duly registered.

This and recited Act One.

IV. And be it enacted, That this Act and the said recited Act shall be construed together as One Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP.

CAP. CXX.

An Act to facilitate the Transfer of Landed Property in *Ireland*. [4th *September* 1848.]

'WHEREAS it is expedient to afford further Facilities for the Transfer of Landed Property in *Ireland*, by diminishing the Expense of Registry Searches, and otherwise as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Registrar of Deeds and the Registrar of Judgments in *Ireland* for the Time being shall and they are hereby required, previous to giving out of said Office any Negative Search, to cause a Copy of such Negative Search to be entered on Parchment in Books to be provided for the Purpose, and to be kept in their Offices respectively among the Records thereof.

Registrar of Deeds, &c., previous to giving out any Negative Search, to cause a Copy to be recorded in Registry Office.

II. And be it enacted, That every Book wherein any such Copy of a Negative Search and Certificate as aforesaid shall be entered shall be numbered or otherwise distinguished in some appropriate and convenient Manner, and the Pages of each such Book shall be numbered consecutively, and the Number or other distinctive Mark of every such Book, and the Number or Numbers of the Page or Pages thereof, wherein any such Negative Search and Certificate shall be copied, shall be specified at Foot of the Certificate, signed by the Registrar or Assistant Registrar in manner following; (that is to say,) "Copied in Book, No. Page Number ."

Record Books to be numbered, and Number and Page of Book to be endorsed on original Search.

III. And be it enacted, That the said Registrars for the Time being shall and they are hereby required respectively to cause a sufficient Index or sufficient Indexes to be prepared, in such Form as the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, to the Books containing the Copies of Searches made pursuant to this Act; and in such Indexes shall be entered in some convenient Manner for Reference, the Name or Names of some One or more of the Persons whose Acts such Negative Search shall relate to; and that the said Registrar of Deeds shall also cause to be prepared another sufficient Index or other sufficient Indexes to the said Books, containing the said Copies of the said Negative Searches, in such Form as the said Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, wherein shall be entered, in some convenient Form for Reference, the Name or Names of some One or more of the Denominations of Land mentioned in the Requisition for such Negative Search; and all Persons shall be at liberty to search the said Books on Payment of the Fee mentioned in the Schedule hereunto annexed.

Indexes to be provided for the Books containing Copies of Negative Searches.

Power to search Books on Payment of Fee.

IV. And be it enacted, That every Person requiring the same shall be entitled to an attested Copy of any Search so recorded as aforesaid, or any Portion thereof, upon Payment of the Fees mentioned in the Schedule hereunto annexed; and the Registrar or Assistant Registrar of Deeds and Registrar of Judgments in *Ireland* for the Time being, upon being furnished with a specific Requisition, shall cause to be delivered to the Person making such Requisition an attested Copy of every such recorded Negative Search, or the Portion thereof in such Requisition mentioned; and all the Penalties and Liabilities to which such Registrars and Assistant Registrars are liable in respect of Fraud, Collusion, or Neglect in making the original Searches and Certificates shall extend to the attested Copies to be given under this Act.

Attested Copies of recorded Searches to be given by Registrar, &c. upon Payment of Fee.

V. And be it enacted, That every such attested Copy of every such recorded Negative Search and Certificate, so signed as aforesaid, shall have the same Force and Effect, and shall be accepted and received in the same Manner and for the same Purposes, as an original Negative Search or Certificate to the same Extent and in the same Terms.

Such Copy to be equivalent to a new Search to the same Extent.

VI. And be it enacted, That the Fees payable to the said Registrar of Deeds and Registrar of Judgments under this Act shall be deemed and taken to be Part of the Fees payable to them under the Acts for the Regulation of their respective Offices, and shall be applied and accounted for according to the Provisions of said Acts.

Fees to be accounted for as under Act for regulating Registry Office.

VII. And whereas by the said Act of the Second and Third Years of His late Majesty King *William* 'the Fourth, intituled *An Act for regulating the Office for registering Deeds, Conveyances, and Wills in* 'Ireland, it was provided that alphabetical Indexes of the Names of the Persons and of the Lands 'affected by the Memorials registered in said Office should be made and kept in the Manner and 'according to the Form particularly specified in said Act: And whereas the making of Searches in said 'Office may be facilitated by Alterations in the Form of such Indexes:' Be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them for the Time being, by an Order under their Hands, from Time to Time to make any Alterations in the Forms of the Indexes of Names and Lands directed by said recited Act to be made, and to order that a sufficient Index or Indexes shall be prepared to the several Books in the Office of the said Registrar of Judgments; and from the Time of making any such Order, or from any Time to be specified therein, the said Indexes shall be made and kept in such Manner and Form as the said Commissioners of Her Majesty's Treasury, or any Three of them, shall in such Order specify and direct; and it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, in like Manner to vary or rescind any such Order as aforesaid.

Power to Treasury to alter the Forms of Indexes of Names and Lands directed by 2&3 W. 4. c. 87.

VIII. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, from Time to Time to order and direct that any Expense which may appear

Treasury n direct Exp upon this Act to

be paid out of Balances in Registrar's Hands.

appear to them to be requisite for or to be necessarily and properly incurred in carrying the Purposes of this Act into effect shall be defrayed out of the Balances on the Accounts of the said Registrars in respect of the said Register Offices, or in such other Manner as the said Commissioners shall think fit to direct.

Power to demand Fees as specified in the Schedule to this Act.

IX. And be it enacted, That for and in respect of the Entries, Endorsements, Certificates, and other Matters or Acts hereby directed or required to be performed, the Officers discharging said Duties shall respectively be entitled to demand and receive the several Fees specified in the Schedule to this Act annexed, which Schedule, and all Directions therein contained, shall be deemed and taken to be Part of this Act; and that it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, by Order under their Hands, from Time to Time to alter and vary the Fees specified in the said Schedule, and to substitute other Fees therefor.

Registrar of Judgments, upon Production of Certificate of Satisfaction of Judgment, to enter Memorandum thereof upon Entry of Registry. 7 & 8 Vict. c. 90. 3 & 4 Vict. c. 105.

X. 'And whereas by an Act made and passed in the Session of Parliament holden in the Seventh and 'Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers 'against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing 'One Office for the registering of all Judgments in* Ireland, *and for amending the Laws in* Ireland *'respecting Bankrupts and the Limitation of Actions*, Provision was made for the Registry in the Office 'created by said Act, and called the "Judgment Office," of all Judgments of the Superior Courts of 'Common Law, and of Crown Bonds and Recognizances, and of all Decrees, Rules, and Orders which, 'under the Provisions of the Act made and passed in the Third and Fourth Years of the Reign of Her 'Majesty, intituled *An Act for abolishing Arrests on Mesne Process in Civil Actions, except in certain 'Cases, and for extending the Remedies of Creditors against the Property of Debtors, and for the further 'Amendment of the Law and better Advancement of Justice in* Ireland, had the Force and Effect of Judg-'ments of the Superior Courts of Common Law, in order to make same binding as against Purchasers, 'Mortgagees, and Creditors, but no sufficient Provision was made by said recited Act for the Registry in 'said Office of the Satisfaction of Judgments, Crown Bonds or Recognizances, Decrees, Rules, or Orders 'registered therein:' Be it therefore enacted, That the Registrar of Judgments for the Time being shall, upon the Lodgment with him of a Certificate of the Entry of Satisfaction upon the Roll of any Judgment of any of the Superior Courts of Common Law which may have been registered under the said recited Act, or which may appear upon the Books of Revivals and Redocketings which under the Provisions of said recited Act were transferred to said Registrar, signed by the proper Officer of such Superior Court of Common Law, or upon the Lodgment with him of the Certificate of the cancelling or vacate of any Bond or Recognizance to the Crown, signed by the proper Officer in that Behalf, and which Certificate such Officers are hereby authorized and required respectively to give, cause a Memorandum of such Satisfaction, cancelling, or vacate to be subscribed to the Entry of the Registry of such Judgment, or of the Revival or Redocketing thereof, or of such Crown Bond or Recognizance, specifying the Date at which such Satisfaction, cancelling, or vacate appears by such Certificate to have been entered on Record, and shall sign such Memorandum, and shall, if required, endorse upon a Duplicate of such Certificate a Minute, stating that such Memorandum has been entered as aforesaid; and upon every Search made in the said Judgment Office subsequently to the Entry of such Memorandum as aforesaid, whereon such Judgment, Crown Bond or Recognizance shall appear, the Entry of such Memorandum shall be stated.

Court, &c. by whom Decree has been pronounced shall direct Officer to give Certificate thereof, &c.

In case Decree has been registered under 3 & 4 Vict. c. 105., or under 7 & 8 Vict. c. 90., a Memorandum to be annexed to the Entry of Registry.

XI. And be it enacted, That from and after the passing of this Act every Court, Judge, Commissioner, or other Person by whom any Decree, Rule, or Order has been or shall be pronounced or made, which, under the said Act of the Third and Fourth Years of the Reign of Her Majesty, has the Force and Effect of a Judgment, upon its being made to appear to them or him that such Decree, Rule, or Order has been fully performed, complied with, or satisfied, shall direct the proper Officer to give a Certificate thereof, and record the same in his Office; and in case the said Decree, Rule, or Order shall have been or shall be registered under the Provisions of the said Act of the Third and Fourth Years of the Reign of Her Majesty, or under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her Majesty, the Registrar of Judgments shall, upon the Lodgment with him of such Certificate, cause a Memorandum thereof to be annexed or subscribed to the Entry of the Registry of such Decree, Rule, or Order, specifying therein the Date of such Certificate, and shall sign such Memorandum, and shall, if required, cause a Minute of the Entry of such Memorandum to be endorsed upon a Duplicate of such Certificate; and in every Search made in the said Judgment Office after the Entry of such Memorandum, whereon such Decree, Rule, or Order shall appear, the Entry of such Memorandum of Satisfaction shall also be stated.

No Judgment, &c. to be registered until Certificate of the Existence of such Judgment, &c. has been lodged with Registrar.

XII. And be it enacted, That from and after the passing of this Act no Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, shall be registered by the said Registrar of Judgments, pursuant to the Provisions of the said Act of the Seventh and Eighth Years of the present Reign, unless and until there shall be subscribed to the Memorandum or Minute by said Act required to be left with said Registrar a Certificate of the Existence of the Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, described in said Memorandum or Minute, such Certificate to be signed by the proper Officer of the Court in which such Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens shall have been entered or obtained; and that the said Registrar of Judgments, upon the Lodgment with him of any such Memorandum or Minute, shall, if required, endorse upon a Duplicate thereof a Certificate of the Lodgment and Entry thereof, for which Certificate no Fee shall be paid to him beyond the Fee authorized by the said Act for such Entry.

Crown Bonds and Recogni-

XIII. 'And whereas by the said Act of the Seventh and Eighth Years of the present Reign Provision 'is made whereby no Bonds or Recognizances to the Crown to be thereafter entered into or passed shall

affect

'affect Lands, Tenements, or Hereditaments as to Purchasers or Mortgagees or Creditors until duly 'registered according to the Directions of the said Act, but no similar Provision is made with respect to 'Obligations to the Crown previously existing: And whereas Bonds and Recognizances to the Crown 'passed or entered into at remote Periods, and filed as of Record in Her Majesty's Courts in *Ireland*, 'remain in full Force, and operate as Incumbrances on Land, notwithstanding that the Conditions upon 'which they were passed or entered into may have been long since satisfied and performed, and no Claim 'may exist on Foot thereof on the Part of the Crown, and it is expedient to extend the Principle of the 'aforesaid Provision to such Cases, and thereby further facilitate the Transfer of Landed Property:' Be it therefore enacted, That from and after the First Day of *January* next no Bond or Recognizance to the Crown so filed as of Record in *Ireland* which shall be more than Twenty Years old from the Date thereof shall affect any Lands, Tenements, or Hereditaments as to Purchasers or Mortgagees or Creditors, unless and until a Memorandum or Minute, duly authenticated, containing the Name and usual or last known Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected, the Sum for which such Bonds or Recognizance was passed or entered into, and the Date of the same, shall be left with the Registrar of Judgments, who shall forthwith enter the same Particulars in a Book to be entitled "Re-docketed Crown Bonds and Recognizances," to be kept in alphabetical Order by the Name of the Person whose Estate is intended to be affected by such Bonds or Recognizances; and for every such Entry the said Registrar shall be entitled to the same Fee as is authorized by the said Act for each Entry in the Book intituled "The Index of Debtors and Accountants to the Crown;" and all Persons shall be at liberty to search the said Book, as well as the Books directed by the said Act to be kept by the said Registrar, on Payment of the Fee by the said Act authorized.

Recognizances more than Twenty Years old not to affect Purchasers or Mortgagees, unless redocketed in the Office of Registrar of Judgments.

XIV. 'And whereas by the Operation of this Act the Duties of certain Offices may be diminished, and 'it will therefore be expedient, having regard to Economy, to discontinue them as separate Offices, and 'to provide for the Discharge of such Duties as may remain to be performed:' Be it therefore enacted, That in such Cases the Commissioners of Her Majesty's Treasury, or any Three of them for the Time being, shall have Power, if they shall think fit, by their Warrant, after the passing of this Act, to order that a Consolidation of any Office so affected shall take place with some existing Office of the Court to which it belongs; and any Order made as aforesaid for the Regulation of the Business of such Office shall be of as much Force as if it had been specifically enacted herein, and the Officer to whom the Duties as aforesaid shall be so transferred shall have as full Power and Jurisdiction for all official Purposes as were enjoyed or belonged to the Officer whose Duties shall be so transferred.

Power to Treasury to consolidate Offices.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE of FEES to which the foregoing Act refers.

	s.	d.
For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Deeds on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4
For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Judgments on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words	1	0
When such Copy shall exceed Three Folios, for every Folio	0	4
For every other Certificate directed or required by this Act, including a Duplicate thereof	1	0
For every Memorandum of Satisfaction of a Judgment, Crown Bond or Recognizance, Decree, Rule, or Order, to be subscribed or annexed to the original Entry of Registry in the Office of Registrar of Judgments, pursuant to this Act, including the Endorsement thereof directed by this Act	2	6
For Liberty to search the Book or Books in the Office of Registrar of Deeds containing the recorded Copies of Negative Searches	1	0
For Liberty to search the Book or Books in the Office of Registrar of Judgments containing the recorded Copies of Negative Searches	1	0

CAP. CXXI.

An Act to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders, and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise. [4th *September* 1848.]

'WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* 'the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* 'England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of* 'Spirits, *and to impose other Duties in lieu thereof; and to provide other Regulations for the Collection* 'of the said Duties, *and for the Sale of Spirits, and for the warehousing of such Spirits, without Pay-* 'ment of Duty, *for Exportation;* in which Act are contained several Enactments, Regulations, Provisions, 'Penalties, and Forfeitures respecting Dealers in and Retailers of Spirits, and the same are directed to 'extend

6 G. 4. c. 80.

'extend and be applied to *Scotland* and *Ireland* by an Act passed in the Ninth Year of the Reign of His
9 G. 4. c. 45. 'said Majesty, intituled *An Act to amend and to make perpetual, and to extend to the whole of the*
'*United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, com-*
'*pounding, dealing in, or retailing of Spirits, and for preventing private Distillation in* Scotland; *and to*
'*provide for the Payment of the Duty on Malt used in making of Spirits from Malt only:* And whereas
'it is expedient to repeal all such Enactments, Regulations, Provisions, Penalties, and Forfeitures, and
'to substitute other Regulations in lieu thereof:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all the Enactments, Regulations, Provisions, Penalties, and Forfeitures contained in the said Act of the Sixth Year of the Reign aforesaid which are in force in respect of or in relation to Dealers in and Retailers of Spirits, and which are directed to extend and be applied to, and to be established, observed, executed, and put in force in and throughout *Scotland* and *Ireland* respectively, and in and throughout the United Kingdom of *Great Britain* and *Ireland*, by the said Act of the Ninth Year of the Reign aforesaid, and all other Enactments, Regulations, Provisions, Penalties, and Forfeitures respecting Dealers in and Retailers of Spirits in any other Act or Acts of Parliament relating to the Revenue of Excise which are provided for by this Act, or which are repugnant to or inconsistent with any of the Provisions of this Act, shall be and the same are hereby repealed, save and except as to any Fine, Penalty, or Forfeiture incurred under the said Acts or any of them by any such Dealer in or Retailer of Spirits before the passing of this Act, which Fine, Penalty, and Forfeiture may be recovered, enforced, and applied in the same Manner, and by the same Ways, Means, Powers, and Authorities, as if this Act had not been passed.

So much of recited Acts as relate to Dealers in and Retailers of Spirits, and all other Acts repugnant hereto, repealed.

Act not to affect former Provisions respecting Licences or Certificates or Regulations of Police respecting Retailers of Spirits, or the Removal of Spirits by Permit from the Distiller or Rectifier, or between the Three Parts of the United Kingdom.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to affect any Excise Licence required to be taken out by any Dealer in or Retailer of Spirits in any Part of the United Kingdom, or any Duties of Excise in such respect (except so far as the same are otherwise specially provided for by this Act), or the Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in force in respect of any such Licence, or in respect of any Certificate, to keep a common Inn, Alehouse, or Victualling House, or any other Certificate, Notice, or Authority required to be produced before an Excise Licence can be obtained for the Sale of Spirits by Retail to be drunk or consumed in or upon the House or Premises where sold, or in respect of the Sale of Spirits, or the carrying on of the Business of a Retailer of Spirits, so far as the same is made subject to certain Laws, Regulations, and Provisions of Police, or the Enactments, Regulations, Provisions, Pains, Penalties, or Forfeitures under or by virtue of which any Dealer in or Retailer of Spirits is required not to receive or knowingly suffer to be received into his Stock, Custody, or Possession, or to suffer any Person for him, or for his Use, or on his Account, to receive, any Spirits without the same being accompanied by a true and lawful Permit, so far as relates to the receiving of Spirits by such Dealers or Retailers from the Stock, Custody, or Possession of the Distiller or Rectifier thereof, or from any other Person not being a licensed Dealer in or Retailer of Spirits sending out such Spirits with a true and lawful Certificate as after mentioned, or from a public Sale of Spirits condemned and sold under the Direction of the Commissioners of Excise or Customs, or the Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures under which Spirits made in *England*, *Scotland*, and *Ireland* respectively may be shipped or carried, conveyed or removed, from *England* to *Scotland* or *Ireland*, or from *Scotland* to *England* or *Ireland*, or from *Ireland* to *England* or *Scotland*; all which Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures shall be and remain in full Force and Effect to all Intents and Purposes.

Entry to be made of Premises.

III. And be it enacted, That every Dealer in or Retailer of Spirits shall make a true and particular Entry in Writing, to be signed by such Dealer or Retailer, of every Building, Room, or other Place intended to be used by him in or for the keeping of Spirits, and of every Vessel or Utensil, and of all standing or fixed Casks used or intended to be used by him in or for the keeping of any Spirits; and every such Entry shall be made by delivering the same to the proper Officer of Excise; and every such Building, Room, Place, Vessel, Utensil, and Cask shall be distinguished by a particular Letter or Number, and shall be described in such Entry by a corresponding Letter or Number; and every such Building, Room, and Place shall be open to the Entry and Inspection of any Officer of Excise, as directed by an
7 & 8 G. 4. c. 53. Act of the Seventh and Eighth Years of the Reign of His said Majesty, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland, and by an Act of the Fourth and Fifth Years of the Reign of His late
4 & 5 W. 4. c. 51. Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise;* and every Dealer in and Retailer of Spirits shall be subject to the Pains, Penalties, and Forfeitures imposed by the said recited Acts, and by an Act passed in the Fourth
4 & 5 Vict. c. 20. Year of the Reign of Her present Majesty, intituled *An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise*, for every Default in observing any of the Particulars aforesaid; and the said Pains, Penalties, and Forfeitures, and all Enactments, Regulations, Provisions, Matters, and Things, in the said recited Acts, or any of them, so far as the same are applicable to this Act, shall be applied to the several Enactments, Regulations, Provisions, Matters, and Things contained in this Act as fully and effectually as if the same had been repeated and re-enacted in this Act.

IV. And

Fixed Casks used by Dealers or Retailers to to have Contents cut, &c. thereon, under Penalty of 50*l.*

IV. And for enabling the Officers of Excise the more readily to take account of Dealers and Retailers Stocks of Spirits as in this Act after mentioned, be it enacted, That upon every standing or fixed Cask used by any Dealer in or Retailer of Spirits for holding or keeping any Spirits in stock, its full Measure in Gallons, or the Quantity of Liquor it is capable of containing, shall be legibly painted, cut, or branded on some conspicuous Part thereof, upon pain that the Dealer or Retailer in whose Custody or Possession any Cask so used is found, not having such full Measure thereof painted, cut, or branded thereon as aforesaid, shall forfeit and lose the Sum of Fifty Pounds for every such Default as aforesaid.

Dealers and Retailers to mark the true Strength and Quantity of compounded Spirits on the Casks.

V. And be it enacted, That in all Cases where the Strength of any Part of the Stock of Spirits of any Dealer in or Retailer of Spirits, by being mixed or compounded with any Sugar, Syrup, Seeds, Fruit, or any other Ingredients or Materials, cannot be ascertained by *Sykes'* Hydrometer, every such Dealer or Retailer shall, immediately on being required so to do by any Officer of Excise, cause the true Quantity and Degree of Strength of such Spirits to be legibly marked on the Outside of the Cask or Casks or Vessel or Vessels containing the same respectively; and if the Quantity and Strength of any such Spirits is found to be untruly marked as aforesaid, or if any such Dealer or Retailer, upon being required by any Officer of Excise, refuses or neglects immediately to mark the Quantity and Strength of such Spirits as aforesaid, all such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and every such Dealer or Retailer shall for every such Offence incur the Penalty of Fifty Pounds: Provided always, that no such Penalty or Forfeiture shall be incurred by any Dealer or Retailer who marks on any such Cask of Compounds as the Strength of the Spirits therein contained the Strength expressed in the Permit or Certificate with which the same were received by such Dealer or Retailer into his Stock, no Alteration having been since made therein.

True Content to be cut, branded, or painted on movable Casks, under pain of Forfeiture.

VI. And be it enacted, That every Dealer in or Retailer of Spirits shall cause to be legibly cut, branded, or painted on the Outside of both of the Heads or Ends of each rolling or movable Cask used by him for keeping or delivering out Spirits, and shall at all Times keep thereon so cut, branded, or painted, the full and true Number of Gallons which every such Cask is capable of containing; and every such Cask which is found containing Spirits without the full and true Number of Gallons which the same is capable of containing being so cut, branded, or painted thereon, together with the Spirits contained therein, shall be forfeited.

Penalty on Retailer sending out Spirits to a Rectifier, and on Dealer selling less than Two Gallons.

VII. And be it enacted, That every Retailer of Spirits, not being entered and licensed also as a Dealer in Spirits, who sells, sends out, or delivers any Spirits to any Rectifier or Compounder of or Dealer in or Retailer of Spirits, shall incur the Penalty of Fifty Pounds; and every Dealer in Spirits, not being entered and licensed also as a Retailer of Spirits, who sells, sends out, or delivers any Spirits in a less Quantity than Two Gallons of Spirits of the same Denomination at a Time to the same Person, shall incur the like Penalty: Provided always, that no such Penalty shall be incurred for or in respect of any Foreign or Colonial Spirits so sold whilst the same remain in the proper Warehouse of the Customs in which the same have been deposited on the due Importation thereof.

Retailer not to be a Distiller within Two Miles of his Premises, which must not communicate with a Distillery, &c.

VIII. And be it enacted, That no Retailer of Spirits shall be a Distiller, Rectifier, or Compounder of Spirits, or be in any Manner interested or concerned in the Trade or Business of a Distiller, Rectifier, or Compounder of Spirits, at any Premises within Two Miles of the Place at which he is entered or licensed to carry on the Business of a Retailer of Spirits; and no Person shall be licensed as a Retailer of Spirits in any House or Premises having any Communication or Way internally or through any inclosed or private Yard, Field, Passage, or private Road or Place with any House or Premises entered or used by any Distiller or Rectifier of Spirits; and if any such Retailer of Spirits is a Distiller, Rectifier, or Compounder of Spirits, or is in any Manner interested or concerned in such Trade or Business contrary to this Act, and if any Person is licensed as a Retailer of Spirits in any House or Premises contrary to this Act, he shall for every such Offence incur the Penalty of Two hundred Pounds.

Dealers in Spirits may take out a Licence to retail Foreign Liqueurs. 6 G. 4. c. 81.

IX. And be it enacted, That from and after the Commencement of this Act any Person duly licensed as a Dealer in Spirits under an Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences,* may take out an additional Licence authorizing such Person to sell by Retail any Quantity (the same not being less than One reputed Quart Bottle, or in the Bottles in which the same may have been imported) of Foreign Liqueurs, not to be drunk or consumed upon the Premises.

Duty on additional Licence to be 2*l.* 2*s.*, to be under the Excise.

X. And be it enacted, That for every such additional Licence there shall be paid an annual Duty of Excise of Two Pounds Two Shillings, which said Duty shall be under the Collection and Management of the Commissioners of Excise, and shall be raised, recovered, paid, and accounted for in the same Manner, and under the same Enactments, Provisions, Pains, Penalties, and Forfeitures, as other Licence Duties under the Collection and Management of the Commissioners of Excise are raised, recovered, paid, and accounted for.

Licence to be in such Form as the Commissioners of Excise direct, and to be granted by the Officers of Excise.

XI. And be it enacted, That every such Licence shall be in such Form and shall contain such Particulars as the Commissioners of Excise may direct, and shall be signed, granted, and issued by the proper Officers of Excise duly authorized to grant Licences; and every such Licence shall continue in force from the Day of the Date thereof until the Fifth Day of *July* following, on which Day every such Licence shall expire, and shall be renewed if the same Business is carried on; and all the Enactments, Provisions, Pains, Penalties, and Forfeitures contained in the said recited Act of the Sixth Year of the Reign aforesaid shall apply to and be in force in respect of the said additional Licence in the same Manner as if the same had been one of the Licences originally included in that Act.

Every Dealer and Retailer to provide a Book for entering therein the Particulars of Spirits received and sent out by him.

XII. And be it enacted, That every Dealer in or Retailer of Spirits shall provide himself with a Book prepared according to a Pattern to be given to him on his Application for it to the proper Officer of Excise in whose Division or Ride the Premises of such Dealer or Retailer are situated; and every such Dealer or Retailer shall, on the same Day on which he receives any Spirits into his Stock, Custody, or Possession, or at such Time on that Day as he is requested to do so by any Officer of Excise authorized to take an Account of his Stock, write and enter in such Book, and in the proper Columns prepared for such Purposes respectively, the Date when, and the Christian and Surname of the Person or the Name of the Firm from whom, and of what Place, such Spirits were received, the Number of Gallons, and the Kind or Quality of such Spirits, and the Strength thereof; and every such Dealer or Retailer shall also, on the same Day on which he sends out of his Stock, Custody, or Possession any Spirits in a Quantity requiring a Certificate as after mentioned, or at such Time afterwards as aforesaid, write and enter in like Manner in the said Book the Day when sent, and the Christian and Surname of the Person or the Name of the Firm, and of what Place, to whom such Spirits are sent, the Number of Gallons, and the Kind or Quality of such Spirits, and the Strength thereof; and every such Book shall at all Times be kept in some public and open Place of the entered Premises of such Dealer in or Retailer of Spirits for the Inspection of such Officers of Excise as aforesaid, and every such Officer of Excise may examine such Book, and take any Extract therefrom; and every such Book, after it has been filled up as aforesaid, shall be preserved by the Dealer or Retailer by whom the same has been filled up for a Period of not less than Twelve Months, and during such Time shall be produced by such Dealer or Retailer to every such Officer of Excise demanding the same; and if any Dealer in or Retailer of Spirits refuses or neglects to provide any such Book, or to make or cause to be made due Entries therein as aforesaid, according to the true Intent and Meaning of this Act, or fraudulently cancels, alters, obliterates, or destroys any Part of such Book or any Entry therein, or makes any false Entry therein, or hinders or obstructs any such Officer of Excise from or in examining such Book, or making any Minute therein, or taking any Extract therefrom, or if any such Book is not preserved or is not produced by such Dealer or Retailer as herein-before directed, every such Dealer or Retailer shall for every such Offence incur the Penalty of One hundred Pounds.

All Spirits sold by Dealers to be accompanied by a Certificate, and so also by Retailers when the Quantity exceeds One Gallon.

XIII. And be it enacted, That a Certificate Book, prepared with proper printed Forms for such Purposes as herein-after mentioned, shall be delivered by the proper Officer of Excise to every Dealer in and to every Retailer of Spirits who requests the same, in Writing, of such Officer; and every such Dealer or Retailer, on Receipt of such Book, shall acknowledge the same in Writing, under such Request as aforesaid, or as the Commissioners of Excise may direct; and no Spirits whatever shall be sold, sent out, or delivered from the Stock, Custody, or Possession of any Dealer in Spirits, and no Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time, for the same Person, shall be sold, sent out, or delivered from the Stock, Custody, or Possession of any Retailer of Spirits, without a Certificate filled up, and cut out progressively from the printed Forms contained in such Book, and signed by the Dealer or Retailer selling, sending out, or delivering such Spirits, or by some Person on his Behalf, with the Addition to his Signature of his Occupation (whether Dealer or Retailer), certifying the Person from whom, the Place from whence, the Day and Hour of the Day when sent out or delivered, the Number of Casks or other Packages in which such Spirits are sent out, the Number of Gallons and Kind or Quality and Strength of such Spirits, the Christian and Surname of the Person or the Name of the Firm to whom sold, and the Place to which, and the Conveyance by which, the same are to be sent; and every such Dealer or Retailer, before such Certificate is cut from its Counterpart, shall make a corresponding Entry in such Counterpart of the same Particulars as are stated in the Certificate, and every such Certificate shall accompany such Spirits on the Removal thereof, and shall be delivered to the Person to whom such Spirits are sold, sent out, or delivered; and every Dealer in or Retailer of Spirits shall keep the said Certificate Book in some public and open Part of his entered Premises for the Inspection of the Officers of Excise; and when such Certificate Book is completely used by filling up the same as aforesaid, or when demanded by the proper Officer, every such Dealer or Retailer shall return the same to the proper Officer of Excise, who shall give a Receipt for the same, and, if requested as aforesaid, shall thereupon deliver to him a new Certificate Book, to be acknowledged and kept by him as aforesaid; and every Dealer in Spirits who sells, sends out, or delivers any Spirits without such Certificate as aforesaid, and every Retailer of Spirits who sells or sends out any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time, for the same Person, without such Certificate as aforesaid, and every Dealer in or Retailer of Spirits who does not make a corresponding Entry in the Counterpart of such Certificate as aforesaid, or who does not keep or return such Book as aforesaid, or who hinders or obstructs any Officer of Excise in examining such Book, or making any Minute therein or Extract therefrom, or who fraudulently cancels, alters, obliterates, or destroys any Part of such Book, or any Entry therein, or who makes any false Entry therein, shall for every such Offence incur the Penalty of One hundred Pounds, and all Spirits sent out or delivered as aforesaid without such Certificate shall be forfeited: Provided always, that no such Penalty or Forfeiture shall be incurred for or by reason of the Strength of the Spirits not agreeing with the Certificate accompanying the same, if the Strength of the Spirits is not more than One *per Centum* above or Two *per Centum* below the Strength of the Spirits expressed in such Certificate.

Dealers under additional Licence may send out not

XIV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to require any licensed Dealer in Spirits taking out such additional Licence to retail Foreign Liqueurs as in this Act mentioned to send out or deliver such Foreign Liqueurs with such Certificate as aforesaid,

aforesaid, if the Quantity of Foreign Liqueurs so sent out does not at any One Time exceed the Quantity of One Gallon, and such Liqueurs are not sent to the Stock of any Dealer in or Retailer of Spirits.

exceeding One Gallon without Certificate.

XV. And be it enacted, That if any Dealer in or Retailer of Spirits fills up and cuts out from any Certificate Book delivered to him as aforesaid any Certificate as for the Removal of Spirits from his own Stock, and sells, lends, delivers, employs, or makes use of such Certificate, or causes or suffers such Certificate to be sold, lent, delivered, employed, or made use of, for any other Purpose whatsoever than to accompany the actual Removal and Delivery of such Spirits as are therein expressed, or sells, lends, or delivers any Certificate cut out from such Book as aforesaid, but not filled up, to any Person whatever, or if any Dealer in or Retailer of Spirits, or any other Person, buys, borrows, or receives any Certificate, whether filled up or not, and uses the same, so that any Account of Spirits kept or checked by any Officer of Excise, or any Examination of Spirits by any Officer authorized to demand the Production of the Certificate accompanying such Spirits, is or may be frustrated and evaded, then and in every such Case every such Dealer or Retailer or other Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds; and every Person having any Licence to deal in, retail, or sell Spirits shall, upon being convicted of any such Offence as aforesaid, forfeit every such Licence, and no new Excise Licence shall be granted to such Person so convicted for the Remainder of the current Year of any Licence so forfeited.

Penalty for using Certificate for any Purpose other than the due Removal of Spirits.

XVI. And be it enacted, That no Dealer in or Retailer of Spirits shall receive any Spirits which are not accompanied by a true and lawful Permit or Certificate as the same are respectively by this Act or by any other Act or Acts of Parliament required; and immediately on receiving any such Permit or Certificate every such Dealer or Retailer shall cancel the same by writing in large Letters in Ink across such Permit or Certificate, or in the Space prepared for that Purpose, the Word "Received," and the Day and Hour when received, or shall otherwise permanently cancel such Permit or Certificate by Lines drawn in Ink across the same, so as to prevent its being again used for the Removal of Spirits; and every Dealer in or Retailer of Spirits who receives any Spirits without the same being accompanied by a true and lawful Permit or Certificate as by this Act or any other Act or Acts of Parliament required shall incur the Penalty of One hundred Pounds; and all such Spirits, or an equal Quantity of Spirits of a like Kind, to be taken out of any Part of his Stock, shall be forfeited; and every Dealer in and Retailer of Spirits receiving any such Permit or Certificate as aforesaid who does not cancel the same as aforesaid shall incur the Penalty of Fifty Pounds.

No Dealer or Retailer to receive any Spirits without Permit or Certificate, and the same to be cancelled on Receipt thereof.

XVII. And be it enacted, That all Permits and Certificates received with any Spirits by any Dealer in or Retailer of Spirits shall be preserved after being cancelled as aforesaid, and delivered by such Dealer or Retailer to the Officer of Excise who first inspects his Premises after the Receipt thereof; and if any Dealer in or Retailer of Spirits receives any Permit or Certificate with Spirits, and does not preserve or deliver the same to such Officer as aforesaid, he shall incur the Penalty of Fifty Pounds for every such Permit or Certificate: Provided always, that no such Penalty shall be incurred if the Permit or Certificate has been lost or destroyed after the Expiry of Three Months from the Date thereof.

Permits and Certificates to be delivered to the Officer.

XVIII. And be it enacted, That the Certificate Book, prepared with proper printed Forms of Certificates, which by this Act is directed to be delivered by the proper Officer of Excise to every Dealer in and to every Retailer of Spirits who requests the same in Writing of such Officer, shall be printed on Paper provided under and by virtue of an Act passed in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws regulating the granting and issuing of Permits for the Removal of Goods under the Laws of Excise*, to be used in *Great Britain* and *Ireland* for Permits, under and subject to the same Enactments, Rules, Regulations, Exceptions, Pains, and Penalties as is or are in the said Act contained for or in respect of the same Paper when used by the Commissioners of Excise for Permits; and the said Commissioners shall cause to be provided Plates engraved with such Marks, Stamps, Numbers, or Devices, which they may afterwards alter, as to them seems meet, and shall also cause to be provided Types cast in any particular Form that they think proper for the printing, stamping, and marking the said Paper for such Certificates; and the said Plates shall be engraven and Types cast by such Person or Persons as the said Commissioners for that Purpose authorize or appoint, and the said Plates so engraven, and the Types so cast, shall be kept by such Officer or other Person as the said Commissioners authorize or appoint; and every Person not being so authorized or appointed by the said Commissioners who engraves, casts, cuts, or makes, or causes or procures to be engraven, cast, cut, or made, or aids or assists in engraving, casting, cutting or making, any Plate or Type made or used by the Direction of the said Commissioners for the Purpose of marking or printing the Paper to be used for Certificates, and every Person (except as aforesaid) who knowingly has in his Custody or Possession, without lawful Excuse (the Proof whereof shall lie on the Person accused), any such Plate or Type, shall for every such Offence be adjudged guilty of the like Offence, and shall suffer Punishment accordingly, as by the said Act of the Second Year of the Reign of His Majesty King *William* the Fourth is provided for and enacted in respect of any Person adjudged guilty of a similar Offence for and in respect of the Plates or Types provided by the said Commissioners for the printing of Permits; and every Person who counterfeits or forges, or causes or procures to be counterfeited or forged, or assists in counterfeiting or forging, any such Certificate as aforesaid, or any Part of any such Certificate, or counterfeits any Impression, Mark, or Stamp, Number or Device, provided or appointed by the said Commissioners to be put on such Certificate, or who utters, gives, or makes use of any counterfeited or forged Certificate, knowing the same or any Part thereof to be counterfeited or forged, or who utters, gives, or makes use of any such Certificate with any such counterfeited Impression,

Commissioners to provide Plates and Types for printing Certificates on Paper used for Permits. 2 & 3 W. 4. c. 16.

Unauthorized Persons counterfeiting or having counterfeit Plates or Types or Impressions to be subject to like Punishment as in recited Act.

sion, Mark, or Stamp, Number or Device, knowing the same to be counterfeited, and every Person who knowingly or willingly accepts or receives any counterfeited or forged Certificate, or any Certificate with any such counterfeited Impression, Mark, or Stamp, Number or Device thereon, knowing the same to be counterfeited, shall for every such Offence be adjudged guilty of the like Offence, and shall suffer Punishment accordingly, as by the said Act of the Second Year of the Reign of His Majesty King *William* the Fourth is provided for and enacted in respect of every Person adjudged guilty of a similar Offence for and in respect of the Plates or Types provided by the said Commissioners for the printing of Permits: Provided always, that it shall be lawful for the said Commissioners to cause the Paper to be used for the printing of Permits under the said Act of the Second Year of the Reign aforesaid, or to be used for the printing of Certificates under this Act, to be made of such Quality or Texture, or with such Letters, Figures, Marks, or Devices visible in the Substance of such Paper, as the said Commissioners may direct, without such Paper having the Words "Excise Office" visible in the Substance thereof; and all Paper so made and used shall be subject to the same Enactments, Rules, Regulations, Exceptions, Pains, and Penalties as is or are contained in the said recited Act for and in respect of the Paper to be provided as directed by that Act.

Bulk not to be broken until One Hour after Receipt of Spirits.

XIX. And be it enacted, That no Dealer in or Retailer of Spirits receiving any Spirits in any less Quantity than a Cask containing Fifty Gallons shall break Bulk or draw off any Part thereof, or add any Water or anything thereto, or in any respect alter the same, or tap any of the Casks so received, or alter or change any of the Packages containing any Spirits, or the Spirits therein removed, until One Hour after such Spirits have been received by him, under pain of forfeiting such Spirits and the Penalty of Fifty Pounds.

Stock may be taken by Supervisor, and Excess forfeited.

XX. And be it enacted, That any Officer of Excise of not less Rank than a Supervisor of Excise may at any Time take or cause to be taken by any other Officer of Excise in his Presence an Account of the Quantity of all Spirits in the Stock, Custody, or Possession of any Dealer in or Retailer of Spirits; and if it be found that the Quantity of Spirits remaining in the Stock, Custody, or Possession of such Dealer or Retailer exceeds the Quantity which appears to the Credit of such Dealer or Retailer on balancing the Book by this Act before directed to be kept by him of all Spirits received into and sent out of his Stock, Custody, or Possession, (such Spirits, and all Spirits entered in such Book, and all Spirits in the Stock of such Dealer or Retailer, being for that Purpose computed at Proof,) such Excess shall be deemed and taken to be Spirits illegally received; and a Quantity of Spirits equal to such Excess may be seized out of any Part of the Stock of such Dealer or Retailer by any Officer of Excise; and the Dealer or Retailer in whose Stock, Custody, or Possession such Excess is found shall forfeit the Penalty of Twenty Shillings for every Gallon of such Excess; and every Dealer in or Retailer of Spirits who does not, when required by any Officer of Excise authorized to take an Account of his Stock, by a sufficient Number of his Servants aid and assist such Officer in taking such Account as aforesaid, shall incur the Penalty of Fifty Pounds: Provided always, that it shall be lawful for any Officer of Excise, without the Presence of such Supervisor, to enter into any Part of the entered Premises of any Dealer in or Retailer of Spirits, and to examine and take Samples of any Spirits in the Stock, Custody, or Possession of such Dealer or Retailer, paying for such Samples the usual Price thereof.

Persons licensed as Dealers and Rectifiers of Spirits on the same or adjoining Premises to be surveyed as Rectifiers.

XXI. And be it enacted, That when any Person is licensed as a Dealer in Spirits and also as a Rectifier of Spirits at the same Time, and in the same or in any adjoining Premises, such Person shall not be surveyed as a Dealer in Spirits under this Act, except with the Consent of the Commissioners of Excise, and under and subject to such further Rules and Regulations as they may in that Behalf appoint; and the Account of all Spirits in the Stock, Custody, or Possession of any such Person, except as aforesaid, whether in the Premises entered by him as a Dealer in Spirits, or in the Premises entered by him as a Rectifier of Spirits, shall be kept as the Stock of a Rectifier of Spirits, and taken account of by any Officer of Excise; and all Spirits sold or sent out from any Part of such Stock, whether from the one Premises or the other, shall be sent out as by a Rectifier of Spirits, and by Permit, under and subject to the Provisions and Enactments, Pains, Penalties, and Forfeitures, now by Law applicable to Rectifiers of Spirits, and to Spirits sent out from the Stock, Custody, or Possession of a Rectifier of Spirits, anything in this or in any other Act or Acts of Parliament to the contrary thereof notwithstanding.

No Spirits to be purchased except from licensed Traders.

XXII. And be it enacted, That if any Dealer in or Retailer of Spirits receives or buys, or procures or employs any Person to receive or buy, any Spirits from any Person or Persons whomsoever, except a licensed Distiller, Rectifier, or Compounder of Spirits, or a licensed Dealer in or Retailer of Spirits, whose Name is painted over the outward Door of his entered Premises, in the Manner required by the said Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, or at some public Sale of Spirits sold under the Direction of the Commissioners of Excise or Customs, every such Dealer or Retailer so offending shall incur the Penalty of Five hundred Pounds: Provided always, that no such Penalty shall be incurred for or by reason of any such Dealer or Retailer receiving or buying any Foreign or Colonial Spirits from the proper Warehouse of the Customs in which the same have been deposited, on the due Importation thereof, or receiving or buying any *British* Spirits from any Warehouse of Excise in which the same have been deposited before Payment of Duty, or whilst the same are lying openly on the Quays on which such last-mentioned Spirits have been lawfully landed on due Removal thereof from one Part of the United Kingdom to another, and from a licensed Dealer in such last-mentioned Spirits.

Strength at which British

XXIII. And be it enacted, That no Dealer in or Retailer of Spirits shall receive or keep in or send out from his Stock, Custody, or Possession any *British* Spirits, except Spirits of Wine, of any Strength exceeding

exceeding the Strength at which licensed Distillers and Rectifiers of Spirits can send out Spirits of the like Denomination from their Stock, Custody, or Possession, or any Spirits of Wine of any less Strength than the Strength of Forty-three *per Centum* above Hydrometer Proof, on pain of forfeiting all Spirits, and the Casks and Packages containing the same, received, kept, or sent out contrary hereto.

Spirits may be kept and sent out of Stock.

XXIV. And be it enacted, That no Spirits of any Kind whatever exceeding the Quantity of One Gallon of Spirits at a Time, of the same Denomination, for the same Person, shall be removed from any one Part or Place in the United Kingdom to any other Part or Place thereof, without a true and lawful Certificate of the proper Officer of Customs, if the Spirits be removed from a Customs Warehouse, (unless the same be under Bond on Removal from one such Warehouse to another Warehouse,) or without a true and lawful Certificate from a Dealer in or Retailer of Spirits, if the Spirits be removed from the Stock of such Trader, or without a true and lawful Permit if the Spirits be removed from the Stock, Custody, or Possession of any other Person, or from any Excise Warehouse; and all such Spirits found removing or removed without such Permit or Certificate accompanying or having accompanied the same on the last Removal thereof (unless the same be under Bond as aforesaid) shall be forfeited; and every Person in whose Custody or Possession the same are found shall incur the Penalty of One hundred Pounds, or Treble the Value of such Spirits, at the Election of the Commissioners of Excise or Customs.

All Spirits exceeding One Gallon to be removed by Permit or Certificate, otherwise Penalty and Forfeiture.

XXV. And be it enacted, That any Officer of Excise or Customs, or of the Revenue Police in *Ireland*, and any Officer of the Peace, having a Commission from the Commissioners of Excise, may stop or detain any Person or Persons found carrying or removing any Spirits in any Part of the United Kingdom, and may demand the Production of the Permit or Certificate accompanying such Spirits, and such Officer may endorse on such Permit or Certificate the Time, Hour, and Place of such Examination; and if any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time for the same Person are found removing without a true and lawful Permit or Certificate accompanying the same, or if any Person found removing Spirits in such Quantity and in such Circumstances as by Law render it necessary that such Spirits should be accompanied by a Permit or Certificate refuses to produce such Permit or Certificate immediately on the Production thereof being demanded as aforesaid, every such Person so offending shall incur the Penalty of One hundred Pounds; and every such Officer is authorized and required to arrest and detain every such Person, and to convey him before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person is arrested; and every such Justice or Justices is and are hereby authorized and required to hear and determine, as soon afterwards as practicable, the Charge against any Person so arrested, and on the Confession of such Person, or on Proof upon Oath by One or more credible Witness or Witnesses (which Oath such Justice or Justices of the Peace is and are hereby authorized to administer), to convict every such Person in such Penalty as aforesaid; and no such Penalty shall be mitigated by any such Justice below the Sum of Ten Pounds; and every Person so convicted shall immediately on such Conviction pay down into the Hands of such Officer, or (if an Officer of the Peace) into the Hands of the Clerk of such Justice or Justices, for the Order and Direction of the Commissioners of Excise, the said Penalty; and if any Person so convicted does not forthwith pay down such Penalty, such Justice or Justices is and are hereby required, by Warrant under his or their Hand and Seal, to commit such Person to any Gaol or Prison of the County, there to be kept to hard Labour for the Space of not exceeding Six Calendar Months nor less than One Calendar Month, unless such Penalty is sooner paid.

Persons removing Spirits in any Quantity exceeding One Gallon in any Part of the United Kingdom, and refusing to produce a proper Permit or Certificate, may be arrested, convicted, and on Nonpayment of the Penalty imprisoned for not more than Six or less than One Calendar Month.

XXVI. And be it enacted, That all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in any Act or Acts of Parliament relating to the Revenue of Excise which are applicable to this Act, and are not expressly provided for therein, and are not repugnant to or inconsistent with any of the Provisions thereof, shall be enforced, used, and applied to and for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if such Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures had been particularly repeated and re-enacted in this Act.

Former Provisions and Penalties of Excise not inconsistent herewith applied to this Act.

XXVII. And be it enacted, That all Penalties and Forfeitures by this Act imposed or incurred shall be prosecuted, sued for, recovered, and applied as any other Penalties and Forfeitures incurred under or by virtue of the Acts of Parliament relating to the Revenue of Excise, and as by this Act afterwards directed respecting the Distribution of such Penalties and Forfeitures.

Penalties, &c. of this Act recoverable under Laws of Excise.

XXVIII. 'And whereas Penalties and Forfeitures incurred under or by virtue of the Acts of 'Parliament relating to the Revenue of Excise are, after Deduction therefrom of all Costs and Expenses 'relating thereto, directed to be distributed in One Moiety, or Part, or in the whole, to the Officer or 'Officers of Excise or the Person or Persons who discovers, informs, or sues for the same:' Be it enacted, That no Part of any Penalty or Forfeiture incurred under or by virtue of any Act of Parliament relating to the Revenue of Excise to be hereafter recovered shall be distributed or paid to any Officer or Officers of Excise, but all (if any) Parts of such Penalty or Forfeiture which would have been payable to any Officer of Excise if this Act had not been passed shall be deemed and taken to have been recovered to the Use of Her Majesty, Her Heirs or Successors.

Officer of Excise to have no Interest in Penalties or Forfeitures under any Law of Excise.

XXIX. And be it enacted, That this Act shall commence and take effect from and after the Tenth Day of *October* One thousand eight hundred and forty-eight.

Commencement of Act.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP.

CAP. CXXII.

An Act to amend the Laws respecting the Warehousing of *British* Spirits in *England*, *Scotland*, and *Ireland* respectively, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and Rectified Spirits, to be exported on Drawback from any Part of the United Kingdom; and respecting certain Spirit Mixtures, and the Removal of Goods subject to Excise Regulations from Customs Warehouse. [4th *September* 1848.]

6 G. 4. c. 80. 6 & 7 W. 4. c. 72.

'WHEREAS by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to repeal the Duties payable in respect of Spirits distilled in* England, *and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the Warehousing of such Spirits, without Payment of Duty, for Exportation,* every Distiller in *England* is permitted to warehouse for Exportation only, or for Removal to *Scotland* or *Ireland*, any Spirits distilled in the Distillery of such Distiller, without Payment of the Duty of Excise thereon, according to the Provisions of the said Act, and of an Act of the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits removed from* Ireland *to* England *or* Scotland, *or from* Scotland *to* England, *and to grant countervailing Drawbacks on the Removal of the same, to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom, and to alter the Laws relating to Distillers and Retailers of Spirits,* and under and subject to such further Rules and Regulations as the Commissioners of Excise may from Time to Time order or direct: And whereas it is expedient to extend the same Provisions to the warehousing of such Spirits for Home Consumption in *England* as it is now permitted to be done by Law in *Scotland* and *Ireland*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every licensed Distiller in *England* may warehouse for Home Consumption any Spirits distilled in the Distillery of such Distiller without Payment of the Duty of Excise charged thereon according to the Provisions of the said Acts, and of this Act, and under and subject to the Payment of the full Duty of Excise payable on *British* Spirits distilled in *England* before any such Spirits are delivered out of any such Warehouse for Consumption in *England*, in like Manner as such Duty is directed to be paid by the said Act of the Sixth Year of the Reign of His said Majesty *George* the Fourth before any such Spirits are delivered out of any such Warehouse for Removal for Consumption in *Scotland* or *Ireland*, and under and subject to such other Rules and Regulations as the Commissioners of Excise may make in that respect.

Power for licensed Distillers in England to warehouse Spirits for Home Consumption, without Payment of the Duty till delivered out.

II. And be it enacted, That all Spirits distilled and warehoused without Payment of Duty in any Warehouse approved of by the Commissioners of Excise in any one Part of the United Kingdom under the Provisions, Enactments, Rules, and Regulations in force in such respect may, at the Desire and Risk of the Distiller thereof, and on Payment of the Duties on all Deficiencies found before the Removal thereof, (or if such Warehouse be a general Warehouse, as herein-after described, and the Spirits have been transferred therein from the Distiller to a Purchaser as after mentioned, then at the Desire and Risk of such Proprietor, and upon Payment of the Duties on all Deficiencies found in the Spirits so transferred before the Removal thereof,) be removed for Home Consumption, or for Exportation, or for the Purpose of being shipped as Stores, under such Security and Regulations as the Commissioners of Excise from Time to Time order or direct in respect thereof, from the Warehouse in which the same are warehoused to any other Warehouse approved of by the Commissioners of Excise in any other Part or Place of the United Kingdom, there to be warehoused in the Name of the Distiller thereof, or of the Proprietor thereof, if transferred as aforesaid, anything in any other Act or Acts to the contrary thereof in anywise notwithstanding; and all such Spirits, when so removed and re-warehoused, shall be dealt with in all respects as if the same had been distilled in the Country to which the same are removed.

Spirits warehoused in one Part of the United Kingdom may be removed to another upon Payment of Duties for all Deficiencies, for Home Consumption, for Exportation, or for Ship's Stores.

III. And be it enacted, That the Commissioners of Excise may appoint any general Warehouse or Warehouses in any Part or Place of the United Kingdom, for the Deposit therein of *British* Spirits warehoused without Payment of Duty for Home Consumption, or for Exportation, or for Use as Ships Stores, under such Security by Bond from the Proprietor or Tenant of such Warehouse, for the Payment of the Duties on all Spirits to be deposited therein, in such penal Sum and subject to such Condition and with One or more sufficient Sureties as the said Commissioners may require, and under such other Rules and Regulations as the said Commissioners may make in that respect; and every licensed Distiller of any *British* Spirits may, under the Laws and Regulations in that respect, warehouse without Payment of Duty any Spirits distilled and removed by him either direct from his Distillery or from any other Warehouse in any such general Warehouse for all or any of the Purposes aforesaid, there to be entered and deposited by such Distiller in his Name in a Book to be kept by the proper Officer of Excise in charge of such Warehouse, in such Manner and Form as the Commissioners of Excise may direct; and the said Commissioners may at any Time revoke their Approval of any such Warehouse, in which Case all Spirits then deposited in any such Warehouse shall be removed therefrom as directed by the said Commissioners, and no other *British* Spirits shall be warehoused therein as aforesaid.

Commissioners of Excise may appoint general Warehouses under Bond, in which any Distiller may warehouse British Spirits.

IV. And

IV. And be it enacted, That any Distiller of any Spirits distilled and warehoused by him in any such general Warehouse, and there entered and deposited in his Name as aforesaid, may sell and transfer the same to a Purchaser in such Warehouse, upon giving Six Days Notice in Writing of his Intention so to do to the Collector of Excise, in whose Collection the Distillery of such Distiller is situated; and upon due Notice being given as aforesaid, and no Objection made to such Sale and Transfer by the Collector, or by any Person on behalf of the Commissioners of Excise, within such Six Days, it shall be lawful for such Distiller to complete the Sale by entering into a written Agreement of Sale, to be duly signed by the Parties, or by a written Contract of Sale, made, executed, and delivered by a Broker or other Person legally authorized for or on behalf of the Parties respectively; and the Officer of Excise in charge of such Warehouse shall thereupon forthwith transfer and enter the Spirits so sold and deposited in the Name of the Distiller to the Name of the Purchaser in the Book kept by such Officer for that Purpose as aforesaid, in such Manner and Form as the Commissioners of Excise may direct; and all such Spirits shall, from and after such Transfer, be discharged and released from all Claim for or in respect of any Duties, Penalties, or Forfeitures to which the Distiller by whom such Sale has been made is liable, anything in this or in any other Act of Parliament to the contrary thereof notwithstanding: Provided always, that no such Spirits shall be delivered out of any such Warehouse for Home Consumption until Payment of the full Duties of Excise chargeable thereon, nor shall any such Spirits be removed from such Warehouse for any Purpose until such Duties are charged and paid on all Deficiencies found therein before the Removal thereof.

Spirits deposited in a general Warehouse may be transferred on Notice and Sale from the Distiller to a Purchaser, and there entered, and kept in Name of Purchaser, who shall be liable to the Duty.

Spirits not to be delivered out till full Duty paid.

V. And be it enacted, That if after any Spirits duly removed under the Provisions of this Act, and the Laws and Regulations in such respect, from a Warehouse in *England*, *Scotland*, or *Ireland*, to be deposited in another Warehouse without Payment of Duty in some other Part of the said Three Parts of the United Kingdom, have been duly entered and landed, and before the same have been actually deposited in such last-mentioned Warehouse, the Distiller or Proprietor makes a further Entry of such Spirits, or of some Portion or Part thereof not being less than a whole Cask, for Removal for Home Consumption, or to another Warehouse than such last-mentioned Warehouse, or for Exportation, or for the Purpose of being used as Ships Stores, the Spirits of which such further Entry is made shall be considered as virtually and constructively warehoused in such last-mentioned Warehouse, although not actually deposited therein, and may be delivered and permitted to be removed for Home Consumption, or to another Warehouse, or for Exportation, or for the Purpose of being used as Ships Stores, as if the same had been delivered from Warehouse.

Distiller or Proprietor of Spirits removed from Warehouse in one Part of the United Kingdom to another may make fresh Entry of the same after landing.

VI. And be it enacted, That it shall be lawful for the Commissioners of Excise to remit the Duties payable or paid on the whole or any Portion of any *British* Spirits which are or have been deposited in any Warehouse approved of by them, and which are lost or destroyed by unavoidable Accident occurring on Shipboard, or in the shipping or landing of the same, or while such Spirits are deposited in such Warehouse, or in the Act of being received into or delivered out from such Warehouse, on Proof of such Loss or Destruction being being given to the Satisfaction of the said Commissioners.

Commissioners of Excise may remit Duties on Spirits lost from Accident.

VII. ‘ And whereas by an Act passed in the Fourth Year of the Reign of His said Majesty King ‘ *George* the Fourth, intituled *An Act to grant certain Duties of Excise upon Spirits distilled from* 4 G. 4. c. 94.
‘ *Corn or Grain in* Scotland *and* Ireland, *and upon Licences for Stills for making such Spirits, and to*
‘ *provide for the better collecting and securing such Duties, and for the warehousing of such Spirits*
‘ *without Payment of Duty*, it is provided and enacted, “that any Spirits which under the Provisions
‘ “ in this Act contained shall be made from Malt only, unmixed with any unmalted Corn or Grain, and
‘ “ on which the Allowance of One Shilling for every Gallon thereof shall be made in respect of the
‘ “ Duty on such Malt, shall be stored and deposited in some Store or Place separate and apart from any
‘ “ other Spirits which shall be warehoused under this Act, and subject to and under such Rules and
‘ “ Regulations as shall be made by the Commissioners of Excise with respect to such Spirits, and that
‘ “ no such Spirits so made from Malt only, and on which such Allowance of One Shilling *per* Gallon
‘ “ shall have been made, shall be taken out of any such Warehouse, Store, or Place for Exportation to
‘ “ *England* until the Allowance so made shall have been repaid by the Proprietor or Exporter of such
‘ “ Spirits:” And whereas by the said Act of the Sixth Year of the Reign of His said Majesty King
‘ *George* the Fourth, it is provided and enacted, “that no Spirits which shall be or shall have been made 6 G. 4. c. 80.
‘ “ or distilled in *Scotland* or *Ireland* respectively, from unmalted Corn or Grain, mixed or unmixed
‘ “ with Malt, shall be taken out of any Warehouse, Store, or Place for Removal to *England* unless such
‘ “ Spirits were made and warehoused by some Distiller having at the Time when such Spirits were so
‘ “ made and warehoused no Spirits made from Malt only, or on which any Allowance shall be or shall
‘ “ have been made in respect of the Duty on such Malt, in his or her Stock or Possession, or in such
‘ “ Warehouse, and which shall be so certified by the proper Officer at the Time of warehousing, and
‘ “ also at the Delivery thereof, nor shall any Spirits made or distilled in *Scotland* or *Ireland* from Malt
‘ “ only, or in respect of which any Allowance as aforesaid has been or shall be made, paid, or received,
‘ “ be removed to *England* until the Allowance so made shall have been repaid by the Proprietor of such
‘ “ Spirits to the Commissioners of Excise, or such Person as they shall order or direct to receive the
‘ “ same; and if any Person or Persons shall take out of any Warehouse, Store, or Place any Spirits
‘ “ made from unmalted Corn or Grain, mixed or unmixed with Malt for such Removal, which were not
‘ “ made and warehoused by such Distiller as aforesaid, and shall not be so certified as aforesaid, or shall
‘ “ remove any Spirits made from Malt only, or on which any such Allowance as aforesaid has been
‘ “ made or shall be made as aforesaid, to *England* without first repaying such Allowance thereon as
‘ “ aforesaid, all such Spirits shall be forfeited, and shall and may be seized by any Officer or Officers of
‘ “ Excise,

‘ “ Excise, and every Person so offending shall for every such Offence forfeit and lose the Sum of Twenty
‘ “ Shillings *per* Gallon for every Gallon of such Spirits so taken out or removed, or One hundred
‘ “ Pounds, at the Election of the Commissioners of Excise or Person who shall inform or sue for the
‘ “ same:” And whereas by an Act passed in the Second Year of the Reign of His said Majesty King
2 & 3 W. 4. c. 29. ‘ *William* the Fourth, intituled *An Act to reduce the Allowance on Spirits made from Malt only in*
‘ Scotland *and* Ireland, such Allowance is reduced to Eight-pence for and upon every Gallon of Spirits
‘ at the Strength of Hydrometer Proof distilled from malted Corn only in *Scotland* or *Ireland:* And
‘ whereas by an Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty,
5 & 6 Vict. c. 15. ‘ intituled *An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Sprits made*
‘ *from Malt only in* Ireland, it is enacted, “that no Spirits distilled in *Scotland* from unmalted Corn or
‘ “ Grain, mixed or unmixed with Malt, shall be taken out of any Warehouse for Removal to *Ireland*
‘ “ unless such Spirits were distilled and warehoused by some Distiller not having at the Time when
‘ “ such Spirits were distilled and warehoused any Spirits made from Malt only, or on which any Allow-
‘ “ ance shall be or shall have been made in respect of the Duty on Malt in his Stock or Possession, or in
‘ “ such Warehouse, and which shall be so certified by the proper Officer at the Time of warehousing
‘ “ and also at the Delivery thereof, nor shall any Spirits made from Malt only, or in respect of which
‘ “ any Allowance as aforesaid has been or shall be made, paid, or received, be taken out of Warehouse in
‘ “ *Scotland* for Removal to *Ireland* until the Allowance so made shall have been repaid by the Distiller
‘ “ to the Commissioners of Excise, or such Person as they shall order or direct to receive the same;
‘ “ and every Person who shall take out of any Warehouse in *Scotland* any Spirits made from unmalted
‘ “ Corn or Grain, mixed or unmixed with Malt, for Removal to *Ireland* which were not made and ware-
‘ “ housed by such Distiller as aforesaid, and shall not be so certified as aforesaid, or shall take out of
‘ “ Warehouse for Removal, or remove, any Spirits made from Malt only, or on which any such Allowance
‘ “ as aforesaid has been made or shall be made, to *Ireland* without first repaying such Allowance thereon
‘ “ as aforesaid, shall forfeit Twenty Shillings *per* Gallon for every Gallon of such Spirits so taken out
‘ “ or removed, or One hundred Pounds, at the Election of the Commissioners of Excise, and all such
‘ “ Spirits shall also be forfeited:”’ Be it enacted, That so much of the before-recited Acts as requires that no Spirits made or distilled from Malt only, or in respect of which any Allowance as aforesaid has been made, paid, or received, shall be taken out of the Warehouse in *Scotland* for Exportation or Removal to *England* or *Ireland* until the Allowance so made has been repaid by the Distiller, Proprietor, or Exporter of such Spirits to the Commissioners of Excise, or such Person as they order or direct to receive the same, shall be repealed, and the same is and are hereby repealed accordingly.

Parts of recited Acts as to Repayment of Allowance on Malt Spirits removed from Scotland repealed.

Malt Spirits may be removed from Scotland without Payment of Duty, for Consumption in England, on Payment of full English Duty, &c.

VIII. And be it enacted, That Spirits which, under the Provisions of the Acts in force in such respect, have been distilled in *Scotland* from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made, may be taken from the Warehouse in *Scotland* in which the same have been warehoused without Payment of the Duty, under the Regulations of the Acts in force in such respect, and of this Act, for Removal for Consumption in *England* on Payment of the full Duty of Excise payable on *British* Spirits distilled in *England* on such Spirits, as directed by the said Act of the Sixth Year of the Reign of His said Majesty *George* the Fourth (except so far as the same is repealed or altered by this Act), and on Repayment at the same Time of the Allowance made thereon by the Distiller or Proprietor of such Spirits to the Collector of Excise or other Person employed by the Commissioners of Excise to receive the said Duty.

Under certain Regulations and Conditions Spirits made from Malt only may be removed from Scotland to England or Ireland, without Repayment of the Allowance.

IX. And be it enacted, That Spirits which, under the Provisions of the Statutes in such respect in force, have been distilled in *Scotland* from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made, may be removed to *England* or *Ireland* without Repayment of such Allowance if such Spirits have been warehoused under the Provisions, Enactments, Rules, and Regulations in force respecting the warehousing of Spirits without Payment of Duty, and in a separate and distinct Warehouse apart from all Spirits made from any other Materials than Malt only, and at a Time when no Spirits made from unmalted Corn or Grain, or any other Materials than Malt only, were in the Stock, Custody, or Possession of the Distiller by whom such Spirits were distilled and warehoused, which shall be certified by the proper Officer at the Time of warehousing such Spirits, by Endorsement on the Permit accompanying the same, and if such Spirits when removed to *England* or *Ireland* are taken direct from the Warehouse in which the same have been warehoused to a like Warehouse in *England* or *Ireland*, and by Sea, and in such Casks and Vessels as in this Act after mentioned, and with a proper Permit accompanying the same, and under such Security and Regulations as the Commissioners of Excise may order or make in that respect.

No raw Grain Spirits to be removed on same Day Notice given to remove Malt Spirits on which Allowance not repaid.

X. And be it enacted, That no Spirits which have been made or distilled in *Scotland* from unmalted Corn or Grain, mixed or unmixed with Malt, or from any other Materials than Malt only, shall be removed by the Distiller thereof from his Distillery, or from any Warehouse in the same Town or Place, and on the same Day in and on which he has given Notice to remove Spirits made by him from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made and not repaid, either for Exportation to Foreign Parts, or for Use as Ships Stores, or for Removal to *England* or *Ireland*, or for Removal to any other Warehouse, otherwise such Notice shall be void, and all Spirits removed contrary hereto shall be forfeited.

XI. And

Malt Spirits on which Allowance not repaid removed from Warehouse for Exportation, &c. to be entitled to a Drawback of 7½*d.*, and 5 per Cent. per Gallon at Proof, on Certification by proper Officer.

XI. And be it enacted, That all Spirits distilled in *Scotland* from Malt only unmixed with any unmalted Corn or Grain, on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made and not repaid, may be removed from any Warehouse in the United Kingdom in which the same have been deposited under the Provisions of the Acts in that respect in force and of this Act for Exportation to Foreign Parts or for Use as Ships Stores, and upon such Spirits being duly removed from Warehouse by Permit to the Port of Shipment, and being duly exported or shipped there as Stores under and according to the Laws and Regulations of Customs in such respect, the Distiller or Proprietor of such Spirits shall be entitled to a Drawback of Seven-pence Halfpenny and Five *per Centum* for and on every Gallon of such Spirits actually exported or shipped as Stores as aforesaid, for and in respect of the Duty upon the Malt used in the Distillation of such Spirits over and above the Allowance aforesaid, upon a Certificate of the Quantity of Spirits so exported or shipped being transmitted to the Collector of Excise at or nearest to the Port where such Spirits have been so exported or shipped from the proper Export Officer of Customs or Excise at such Port, such Certificate being endorsed by such Officer upon the Permit accompanying such Spirits on their Removal from Warehouse to the Ship; and every such Officer shall transmit such Certificate and Permit as aforesaid, on the Request of the Distiller or Proprietor exporting or shipping such Spirits, to such Collector as aforesaid, and every such Collector shall, on being satisfied of the Truth thereof, pay such Drawback as aforesaid to the Distiller or Proprietor of such Spirits: Provided always, that no Distiller or Proprietor of such Spirits shall be entitled to such Drawback unless such Spirits were deposited and kept in a separate and distinct Warehouse apart from all *British* Spirits made from any other Materials than Malt only until such Spirits were actually exported or shipped as Stores; and if any Distiller or Proprietor warehousing or removing such Spirits makes any Alteration in the Quality of such Spirits, by mixing Spirits made from Grain, or from any other Material than Malt, with Spirits made from Malt only, or by substituting Spirits of the one Quality for the other, he shall incur the Penalty of Two hundred Pounds over and above all other Penalties, and all such Spirits shall be forfeited; and in case any Doubt arises whether any such Spirits are really and *bonâ fide* Spirits made from Malt only as described in the Permit accompanying the same, on any Removal thereof Proof shall be made by the Distiller or Proprietor of such Spirits to the Satisfaction of the Commissioners of Excise that such Spirits are Spirits made from Malt only, and are such as the same are described to be in the Permit accompanying them, otherwise no such Drawback as aforesaid shall be paid for or in respect of such Spirits.

Such Spirits to be kept separate.

Penalty on any Alteration in Quality.

Proof of same Quality to lie on Proprietor.

Allowance on Malt Spirits removed to England or Ireland, not repaid in Scotland, must be repaid before Permit granted.

XII. And be it enacted, That when any Spirits distilled in *Scotland* from Malt only, unmixed with any unmalted Corn or Grain, and on which the Allowance of Eight-pence and Five *per Centum* for every Gallon thereof has been made, have been removed from a Warehouse in *Scotland* to a like Warehouse in *England* or *Ireland*, without Repayment of such Allowance under the Provisions of this Act, and of the Laws and Regulations in such respect, are taken out of such Warehouse for Home Consumption in *England* or *Ireland*, the aforesaid Allowance of Eight-pence *per* Gallon and Five *per Centum* for every Gallon of such Spirits taken out as aforesaid shall be repaid by the Proprietor or Person requesting a Permit for the Removal of such Spirits into Consumption before any such Permit shall be granted.

Distillers in England or Ireland entitled, under same Provisions, to same Allowance and Drawback on their Malt Spirits as Distillers in Scotland warehousing for Exportation only, &c. 2 & 3 W. 4. c. 29. 4 G. 4. c. 94. 7 & 8 G. 4. c. 52. 2 & 3 W. 4. c. 29.

XIII. And be it enacted, That every licensed Distiller in *England* or *Ireland* shall be entitled to the Allowance of Eight-pence *per* Gallon by the said Act of the Second Year of the Reign of His Majesty King *William* the Fourth granted, and Five *per Centum* for and upon every Gallon of Spirits, and so in proportion for any greater or less Quantity of Spirits of the Strength of Hydrometer Proof, and so in proportion for any greater or less Strength, distilled in *England* or *Ireland* for Exportation only, or for Use as Ships Stores, from malted Corn only, not being mixed with any unmalted Corn or Grain; provided such Spirits have been distilled under the several Provisions of the said Act of the Fourth Year of the Reign of His said Majesty King *George* the Fourth, and of an Act of the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, intituled *An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in* Ireland, *and to the Allowance in respect of the Malt Duty on Spirits made in* Scotland *and* Ireland *from Malt only*, and of the aforesaid Act of the Second Year of the Reign of His Majesty King *William* the Fourth, and of any other Act or Acts of Parliament in force respecting the Distillation of Spirits from Malt only in *Scotland*, and the Payment of the Allowance granted in respect thereof, and the Rules and Regulations made by the Commissioners of Excise in such respect, and such other Rules and Regulations as the said Commissioners think fit to make in respect of the Payment of the like Allowance on Spirits distilled in *England* or *Ireland* from Malt only, and for the preventing of Frauds in claiming the same; and all Spirits distilled in *England* or *Ireland* from Malt only, to be entitled to any such Allowance, shall be warehoused for Exportation only, or for Use as Ships Stores, within Six Days after the same have been distilled, and under the same Provisions, Rules, and Regulations as Spirits distilled from Malt only in *Scotland* are by any former Act in force, or by this Act, directed to be warehoused for Exportation only, or for Use as Ships Stores; and upon any such Spirits distilled in *England* or *Ireland* from Malt only, and so warehoused, being duly removed from Warehouse by Permit to the Port of Shipment, and being duly exported or shipped there as Stores under and according to the Laws and Regulations of Customs in such respect, the Distiller or Proprietor of such Spirits shall be entitled to the Drawback of Seven-pence Halfpenny and Five *per Centum* by this Act granted for and on every Gallon of such Spirits actually exported or shipped as Stores as aforesaid; and such Drawback shall be paid over and above the Allowance aforesaid, and at the same or some different Time, as the said Commissioners may appoint, and upon like Certificate of the Spirits having been exported or shipped, or upon

Delivery of such Receipt, as in this Act after mentioned, for the Spirits, as deposited in a Warehouse of special Security, or in any Warehouse approved of by the Commissioners of Her Majesty's Customs, in like Manner as such Drawback is by this Act directed to be paid upon Spirits distilled in *Scotland* from Malt only when so exported or shipped or warehoused as aforesaid; and all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in the said Acts of the Fourth Year and of the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, and of the said Act of the Second Year of the Reign of His said Majesty King *William* the Fourth, or of any or either of them, or of any other Act or Acts of Parliament in force, or of this Act, respecting the making or Use of Malt for the Distillation of Spirits from Malt only, or respecting the Distillation of such Spirits in *Scotland*, or the warehousing or Removal of the same for Exportation, or for Use as Ships Stores, or respecting the granting or Payment of the Allowance or Drawback granted in respect of Spirits distilled in *Scotland* from Malt only, or for the preventing of Frauds in claiming the same, shall be enforced, used, and applied to, and in and for the granting or Payment of the like Allowance or Drawback by this Act granted for and in respect of Spirits distilled in *England* or *Ireland* from Malt only, and for the preventing of Frauds in claiming the same, as fully and effectually to all Intents and Purposes as if such Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures had been at first applied, or were now re-enacted to apply, to the making and Use of Malt for Distillation of Spirits from Malt only, and to the Distillation of such Spirits in *England* and *Ireland* respectively, and to the warehousing and Removal of the same for Exportation or for Use as Ships Stores, and to the granting and Payment of the Allowance and Drawback by this Act granted for or in respect of Spirits distilled in *England* and *Ireland* respectively from Malt only, and for the preventing of Frauds in claiming the same.

Spirits made from any other Materials than Malt only entitled to a Drawback of 1½*d.* per Gallon on Exportation or Shipment as Stores.

XIV. And be it enacted, That every Distiller, Rectifier, or Proprietor of any *British* Spirits distilled or made from any other Materials than Malt only, which have been duly warehoused in any Warehouse in the United Kingdom, under the Provisions of the Acts in that respect in force, and of this Act, and which are duly removed from such Warehouse for Exportation, or for the Purpose of being used as Ships Stores, shall be entitled to a Drawback of One Penny and One Halfpenny for and on every Gallon at Proof of such Spirits actually exported or shipped as Stores as aforesaid, for and in respect of the Duty upon the Malt used in the Distillation of such Spirits or as an Equivalent in respect thereof; and such last-mentioned Drawback shall be paid upon like Certificate of Shipment, or Receipt in Warehouse, as in this Act after mentioned, and in like Manner (except as to the Proviso in respect of separate Warehouse) as the Drawback in respect of Spirits made from Malt only is by this Act directed to be paid, and under such further Regulations as the Commissioners of Excise may make in that respect.

Distiller may warehouse Spirits for Exportation, or for Ships Stores, in Warehouses under the Control of the Customs, and on Production of the Warehouse Keeper's Receipt such Spirits entitled to Drawback.

XV. And be it enacted, That every licensed Distiller in *England*, *Scotland*, or *Ireland* may warehouse for Exportation, or for Ships Stores only, any Spirits distilled in the Distillery of such Distiller, without Payment of the Duty of Excise charged thereon in any Warehouse of special Security (as the same is defined by the Laws relating to the Customs), or in any Warehouse approved of by the Commissioners of Her Majesty's Customs for that Purpose only in *England*, *Scotland*, or *Ireland* respectively, according to the Laws, Rules, and Regulations there in force for the warehousing of Goods in such Warehouse, and under and subject to the same Rules and Abatement on account of a Deficiency in the Quantity or Strength of such Spirits as are made in the Case of Spirits the Produce of any *British* Plantation in *America*, or the Produce of any *British* Possession within the Limits of the *East India* Company's Charter; and the proper Officer of Customs at such Warehouse shall give to the Distiller or Person requiring the same for the Use of such Distiller a Receipt for such Spirits, upon the same being duly removed by Permit from the Distillery to the Warehouse, and deposited in such Warehouse, specifying the Number of the different Casks, with their Gauge, and the Quantity and Strength of the Spirits contained in them, with the Day of the Month and Year when such Spirits were so warehoused, and any Mark which may have been put on such Casks by such Distiller for distinguishing the Spirits to be his Property, and such Receipt shall be delivered over within a reasonable Time by every such Distiller to the Officer of Excise in charge of the Distillery of such Distiller; and such last-mentioned Officer shall immediately give to such Distiller a Copy thereof, signed by such last-mentioned Officer, and upon the Delivery of such Receipt, and not before, it shall be lawful for such last-mentioned Officer to deduct from the Number of Gallons of Spirits with which such Distiller is then charged or chargeable with Duty the Number of Gallons so warehoused, and to return the Charge of Duty against the Distiller to the Collector of Excise for the remaining Number of Gallons, which shall be a Charge against such Distiller accordingly; and every such Officer shall annex to such Return such Receipt as his Voucher for having made such Deduction as aforesaid; and every Distiller or other Person producing such Receipt for Spirits so deposited which are entitled to any or either of the Drawbacks for or in respect of the Duty on the Malt used in the Distillation of such Spirits by this Act granted on such Spirits being actually exported or shipped as Stores, shall be entitled to such Drawback respectively as if such Spirits had been actually exported or shipped as aforesaid; and every Distiller or other Person producing a Receipt for any Spirits deposited as aforesaid which is untrue in any of the Particulars therein mentioned shall incur the Penalty of Two hundred Pounds and double the Amount of the Drawback claimed in respect thereof.

Spirits deposited in an Excise Warehouse may be removed to Warehouses under the Con-

XVI. And be it enacted, That Spirits deposited in any Warehouse approved of by the Commissioners of Excise in one Part or Place of the United Kingdom, without Payment of the Duty of Excise thereon, may be removed for Exportation, or for Ships Stores, to any Warehouse of special Security as aforesaid, or to any Warehouse approved of by the Commissioners of Her Majesty's Customs for that Purpose only, in any other Part or Place of the United Kingdom, under such Rules and Regulations as the Commissioners

sioners of Excise and Customs from Time to Time may appoint, the Duty upon all Deficiencies in such Spirits being first paid on Removal from the Excise Warehouse in which the same are deposited to the Collector of Excise of the Collection in which such last-mentioned Warehouse is situated. trol of the Customs.

XVII. And be it enacted, That every licensed Rectifier of Spirits in *England*, *Scotland*, or *Ireland* may warehouse for Exportation, or for Ships Stores, any Spirits by him rectified from Spirits on which the proper Duties of Excise have been paid or charged in any Warehouse of special Security as aforesaid, or in any Warehouse approved of for that Purpose only by the Commissioners of Her Majesty's Customs in that Part of the United Kingdom in which such Spirits were rectified, such Spirits not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be ascertained by *Sykes'* Hydrometer, under the same Laws, Rules, and Regulations as Spirits the Produce of any *British* Plantation, or the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, and under and subject to such further Regulations as the Commissioners of Excise and Customs may from Time to Time appoint; and if any Rectifier of Spirits so warehouses any Spirits on which the proper Duties of Excise have not been paid or charged, he shall incur the Penalty of Two hundred Pounds, and all such Spirits shall be forfeited. Rectifiers of Spirits may warehouse Rectified Spirits not sweetened for Exportation or Ships Stores, in Warehouses under the Control of the Customs.

XVIII. And be it enacted, That all Rectified Spirits so warehoused may be removed from one Warehousing Port in the United Kingdom to another for Exportation, or for Ships Stores only, subject to the Regulations of this Act, and to the Laws and Regulations of Customs relating to such Removals of Goods, and no such Spirits shall be admitted to Entry for Home Consumption. Such Spirits may be sent Coastwise for Exportation, &c.

XIX. And be it enacted, That Spirits distilled or rectified in *England*, *Scotland*, or *Ireland* may be shipped or carried, conveyed or removed from *England* to *Scotland* or *Ireland*, or from *Scotland* to *England* or *Ireland*, or from *Ireland* to *England* or *Scotland*, under the Provisions of this Act, and of the said Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, and of the said Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, in any Ship or Vessel duly registered or licensed under the Laws and Regulations of Customs, and in any Cask containing Twenty Gallons of such Spirits at the least, anything in the said Act of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, or in any other Act or Acts of Parliament, to the contrary thereof notwithstanding. Spirits distilled or rectified in one Part of the United Kingdom may be removed to another in registered Ships and Casks of Twenty Gallons.

XX. And be it enacted, That all Rectified Spirits to be warehoused in such Warehouse of the Customs as aforesaid, other than Spirits of Wine, shall be of a Strength of not less than Twenty-two *per Centum* under Proof, nor more than Twenty-five *per Centum* over Proof, and if Spirits of Wine, shall be of a Strength not less than Forty-three *per Centum* over Proof, as denoted by the Hydrometer called *Sykes'* Hydrometer; and all Rectified Spirits to be so warehoused shall be contained in Iron-bound Casks, of not less than than Twenty Gallons Content each, marked on each End of such Cask, in Letters or Figures legibly cut, branded, or painted thereon, with the Mark or Number of every such Cask, and with the full Content thereof in Gallons, and with the true Number of Gallons, and the true Strength of the Spirits contained therein, every such Cask being full at the Time of sending such Spirits from the Rectifying House to the Warehouse; and all such Spirits when so removed shall be accompanied with lawful Permit, otherwise the same shall be forfeited, and every Rectifier so removing such Spirits shall incur the Penalty of Two hundred Pounds over and above all other Penalties. Rectified Spirits warehoused to be not less than 22 per Cent. under nor more than 25 over Proof, and Spirits of Wine not less than 43 over Proof, and in Casks of Twenty Gallons.

XXI. And be it enacted, That before any such Rectified Spirits shall be received into any such Warehouse of the Customs as aforesaid, a Warehousing Entry for Exportation only shall be passed for the same, specifying the Particulars of such Spirits, as set forth on the Back of the Permit accompanying such Spirits, and the Name of the Rectifier, and of the Place where the Rectifying House is situated from which such Spirits were sent; and after such Spirits have been duly examined and warehoused by the proper Officer of Customs at such Warehouse, he shall deliver to the Rectifier warehousing such Spirits, or to any Person requiring the same for the Use of such Rectifier, a Receipt specifying the Marks, Number, and Content in Gallons of the several Casks received into such Warehouse, the Strength of each as ascertained by *Sykes'* Hydrometer, and the total Number of Gallons at Proof received with such Permit, and such Customs Officer shall forthwith despatch to the Collector of Excise of the Collection in which the Rectifying House from which such Spirits were sent is situated a Certificate, setting forth the Name of the Rectifier, and of the Place where such Rectifying House is situated, the Mark, Number, and Content in Gallons of the several Casks, the Strength of the Spirits in each, and the total Number of Gallons at Proof received with such Permit; and the Collector of Excise to whom such Certificate is sent shall, upon Production to him of the Receipt before mentioned, pay to the Rectifier whose Name is specified in such Certificate, or to any Person requiring the same in behalf of such Rectifier, a Drawback of the full Duties of Excise chargeable upon Spirits of the like Quantity and Strength when taken at Proof as the Spirits so warehoused, and also the Drawback before mentioned of Three Halfpence for and on every Gallon at Proof of the Spirits so warehoused, as if such Spirits had been actually exported or shipped as Stores; and if any Rectifier or other Person, for the Purpose of obtaining any such Drawback, produces a false Receipt as and for the Receipt before mentioned, or any Receipt which is untrue in any of the Particulars therein specified, the Rectifier by or on whose Behalf such Receipt is produced shall incur the Penalty of Two hundred Pounds and of double the Amount of all Drawback claimed in respect thereof. Such Spirits to be entered for Warehouse, and Officer of Customs to grant Receipt for the Spirits so warehoused, and transmit a Certificate thereof to the Collector of Excise, who, on Production of such Documents, is to pay the Rectifier a Drawback of the Duties on such Spirits.

XXII. And be it enacted, That every Rectifier warehousing such Spirits may, on giving One Day's Notice to the Officer of Customs in charge of the Warehouse in which such Spirits are deposited, add to such Spirits any sweetening or colouring Matter, or any other Ingredient or Ingredients that he thinks proper, Rectifiers warehousing such Spirits may, on giving Notice,

add sweetening or colouring Matter to the same.

proper, subject nevertheless to such Regulations and Restrictions as the Commissioners of Her Majesty's Customs may make from Time to Time; and no such Spirits, after any Matter or Ingredient has been added as aforesaid, shall be removed to any other Warehouse for Exportation or for Ships Stores, but must be removed for such Purpose directly from the Warehouse in which the same are then deposited on board the Vessel in which they are to be exported or used as Stores under the Laws and Regulations of the Customs.

Spirits of the Strength of Spirits of Wine may be removed from Stock or warehoused by any Distiller in Casks of 20 Gallons at the least notwithstanding Provisions of 4 G. 4. c. 94. 6 G. 4. c. 80.

XXIII. 'And whereas by the said Act of the Fourth Year of the Reign of His said Majesty King *George* 'the Fourth it is provided, that the Strength to be expressed in any Permit to accompany Spirits sent 'out of or removed from the Distillery or Stock of a licensed Distiller in *Scotland* or *Ireland* shall be 'either Twenty-five *per Centum* over Proof, Eleven *per Centum* over Proof, or Ten *per Centum* under 'Proof, and that it shall not be lawful to warehouse any Spirits of any Strength other than the respective 'Strengths of Twenty-five *per Centum* over Proof, or Eleven *per Centum* over Proof, and there are like 'Provisions in the said Act of the Sixth Year of the Reign of His said Majesty King *George* the 'Fourth respecting licensed Distillers in *England*, and by such last-mentioned Act it is also provided 'that such Distillers in *England* shall not send out any Spirits from their Distillery or Stock in any less 'Quantity than in a Cask containing Eighty Gallons: And whereas it is expedient to amend such Laws 'in respect of Spirits of the Strength of Spirits of Wine:' Be it enacted, That nothing in the said Acts or either of them, respecting the Strength or Quantity at which Spirits may be removed from the Distillery or Stock of any Distiller, or may be warehoused by such Distiller as aforesaid, shall extend or be applied to Spirits of the Strength of Spirits of Wine, but that all *British* Spirits of that Strength may be sent out from the Distillery or Stock of any Distiller in *England*, *Scotland*, or *Ireland*, at the Strength of Forty-three *per Centum* above Proof, as denoted by the Hydrometer called *Sykes'* Hydrometer, or at any greater or higher Degree of Strength, in a Cask or Casks containing Twenty Gallons each at the least, for Home Consumption, or for Exportation, or for Use as Ships Stores, or may be warehoused for any such Purpose as aforesaid, in like Manner and under the same Laws, Regulations, Penalties, and Forfeitures as Spirits of the Strength before specified may be sent out, removed, or warehoused by the before-recited Acts or either of them, or by this Act, anything in the said recited Acts or either of them, or in any other Act, to the contrary thereof notwithstanding.

Penalty on Distiller, &c. fraudulently opening Warehouses, and gaining Access to Spirits.

Warehoused Spirits fraudulently altered in Quality to be forfeited, with Casks, &c., and Owner to pay Double Duties.

XXIV. And be it enacted, That if any Distiller, Rectifier, or Proprietor of Spirits warehoused in any Warehouse approved of by the Commissioners of Excise under this Act, or the said Acts of the Fourth Year or of the Sixth Year of the Reign of His said Majesty King *George* the Fourth, or of the Sixth and Seventh Years of the Reign of His said Majesty King *William* the Fourth, does by any Means fraudulently open such Warehouse or gain Access to the Spirits contained therein, every such Distiller, Rectifier, or Proprietor shall incur the Penalty of Five hundred Pounds; and if after any such Spirits have been deposited in any such Warehouse, and before their actual Removal therefrom for Home Consumption or for Exportation, or for the Purpose of being shipped as Stores under the Regulations of the said Acts, or any or either of them, such Spirits are altered in Quality, Quantity, or Strength, except from natural Causes, and otherwise than as provided by this Act or the said Acts, or any of them, or by the Rules and Regulations of the Commissioners of Excise in such respect, all such Spirits, and the Casks containing the same, shall be forfeited, and the Person in whose Name such Spirits are deposited shall forfeit, over and above all other Penalties, double the Amount of Duties chargeable on Spirits distilled in that Part of the United Kingdom in which such Spirits were deposited for and in respect of every Gallon of such Spirits as are abstracted contrary to this Act, or any of the said Acts, Rules, or Regulations.

"Spirits" to include Spirit Mixtures, when Duty not paid on the Spirits.

XXV. And be it enacted and declared, That for the Purposes of this Act, and of all other Acts relating to the Revenue of Excise, the Word "Spirits" shall, in addition to the Denomination of Spirits of different Distillations now defined by Law, include and mean all Mixtures, Compounds, Preparations, or Commodities into the Manufacture of which Spirits enter as the Basis or principal Ingredient in all Cases in which the Duty of Excise has not been paid upon the Spirits from or with which such Mixtures, Compounds, Preparations, or Commodities have been manufactured.

8 & 9 Vict. c. 86.

XXVI. 'And whereas by an Act of the Eighth and Ninth Years of the Reign of Her Majesty, intituled '*An Act for the general Regulation of the Customs*, it is enacted, "that no Goods which are subject to '"any Regulations of Excise shall be taken or delivered out of the Charge of the Officers of Customs '"(although the same may have been duly entered with them, and the full Duties due thereon may have '"been paid) until such Goods shall also have been duly entered with the Officers of Excise, and Permit '"granted by them for Delivery of the same, nor unless such Permit shall correspond in all Particulars '"with the Warrant of the Officers of Customs: Provided always, that such Entry shall not be received '"by the Officers of the Excise, nor such Permit granted by them, until a Certificate shall have been '"produced to them of the Particulars of the Goods, and of the Warrant for the same, under the Hand '"of the Officers of the Customs who shall have the Charge of the Goods: Provided also, that if upon '"any Occasion it shall appear necessary, it shall be lawful for the proper Officers of Excise to attend '"the Delivery of such Goods by the Officers of the Customs, and to require that such Goods shall be '"delivered only in their Presence; and it shall be lawful for such Officers of Excise to count, measure, '"gauge, or weigh any such Goods, and fully to examine the same, and to proceed in all respects '"relating to such Goods in such Manner as they shall be authorized or required by any Act for the Time '"being in force relating to the Excise:" And whereas it is expedient to repeal so much of the said 'Act as is before recited, and to enact other Regulations in lieu thereof:' Be it enacted, That so much of the said Act as is before recited shall be and the same is hereby repealed; and that from and after

So much of Act 8 & 9 Vict. c. 86.

the

the passing of this Act, before any Goods which are subject to any Regulations of Excise are removed from any Warehouse or Place in which they are deposited for Security of the Duties of Customs, the Party intending to remove the same shall, on making due Entry thereof for Home Consumption, deliver to the Collector and Comptroller of the Customs One Certificate or Duplicate of such original Entry in case the whole of the Goods included in such original Entry are intended to be removed into the Stock, Custody, or Possession of any One Party, or in case it be intended to remove such Goods into the Stock, Custody, or Possession of Two or more Parties, then the Party making such Entry shall deliver to the Collector and Comptroller Two or more Certificates, or Duplicates, as the Case may require; and each Certificate or Duplicate shall contain such Particulars, and be arranged in such Form and Manner, as the Collector and Comptroller may require; and such Certificate or Certificates, Duplicate or Duplicates, as the Case may be, shall be annexed to and retained with the original Entry, until Application be made for the Removal of such Goods, whereupon the proper Officer of Customs shall, in respect of such Removal, endorse on the Certificate or Duplicate relating thereto the Marks, Numbers, and Contents of the Casks and Packages so intended to be removed, and also, if any of such Packages contain Spirits, the Degree of Strength *per Centum* thereof; and the Party applying for such Removal shall endorse on the Certificate or Duplicate relating thereto the Name and Address of the Person to whom or into whose Stock, Custody, or Possession, such Goods are intended to be removed; and at the Time of the Delivery of such Goods for Removal the proper Officer of Customs shall endorse on such Certificate or Duplicate the Day and Hour of Delivery, and sign his Name thereto, and shall then deliver such Certificate or Duplicate to the Party applying for the Removal of such Goods, in order that the same may accompany such Goods into the Stock, Custody, or Possession of the Party whose Name and Address is endorsed on such Certificate; and no such Goods accompanied by such Certificate or Duplicate, on Removal thereof direct from the Warehouse to the Party whose Name and Address is endorsed on such Certificate or Duplicate, shall be liable to Seizure and Forfeiture, or the Party removing or receiving the same to any Penalty, for or by reason of such Goods not being accompanied by a Permit, provided such Goods be conveyed within a reasonable Time after the Date of the Delivery thereof direct from the Warehouse to or into the Stock, Custody, or Possession of the Party whose Name and Address is endorsed on such Certificate; and every Person removing or receiving such Goods with such Certificate accompanying the same as aforesaid, or removing or receiving the same without such Certificate, (except as to Spirits, so far as the same is provided for by another Act of this present Session of Parliament,) shall be subject and liable to the same Rules, Regulations, Penalties, and Forfeitures in respect of such Certificate as such Person is subject and liable to under and by virtue of any Act or Acts of Parliament relating to the Revenue of Excise, for or by reason of his removing or receiving the like Goods with a true and lawful Permit accompanying the same, or removing or receiving the same without such Permit.

as is herein recited repealed, and after passing of this Act Goods subject to Excise Regulations to be removed from Customs Warehouse to the Purchaser, by Certificate endorsed by the proper Officer of Customs.

XXVII. And be it enacted, That all Penalties and Forfeitures by this Act imposed and incurred shall be prosecuted, sued for, recovered, and applied as any other Penalties and Forfeitures incurred under or by virtue of the Acts of Parliament relating to the Revenue of Excise; and the Drawbacks by this Act granted shall be under the Management of the Commissioners of Excise, and shall be severally paid and accounted for as directed by this Act, and under the general or special Provisions, Clauses, Enactments, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

Penalties and Forfeitures of this Act recoverable, and Drawbacks payable under the Laws of Excise.

XXVIII. And be it enacted, That all Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures in any Act or Acts of Parliament relating to the Customs or Excise respecting the warehousing of Goods or Spirits, or the Removal thereof for Exportation, or for Ships Stores, shall, so far as the same are not repugnant to or inconsistent with the Provisions of this Act, be enforced, used, and applied to and for the Purposes of this Act as fully and effectually to all Intents and Purposes as if such Enactments, Regulations, Provisions, Pains, Penalties, and Forfeitures had been particularly repeated and re-enacted in this Act.

Former Provisions, &c. as to warehousing, &c. for Exportation, &c. applied to this Act.

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. CXXIII.

An Act to renew and amend an Act of the Tenth Year of Her present Majesty, for the more speedy Removal of certain Nuisances, and the Prevention of contagious and epidemic Diseases. [4th *September* 1848.]

'WHEREAS an Act passed in the Tenth Year of Her Majesty's Reign, for the more speedy Removal of certain Nuisances, and to enable the Privy Council to make Regulations for the Prevention of contagious and epidemic Diseases, will expire at the End of the present Session of Parliament; and it is necessary that other Provision should be made in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in *England* and *Ireland*, upon Receipt (or as soon afterwards as can be) by the Town Council, or by any Trustees or Commissioners for the drainage, paving, lighting, or cleansing, or managing or directing the Police of any City, Town, Borough, or Place, or by any other Body of a like Nature,

9 & 10 Vict c. 96.

In England and Ireland certain public Bodies, upon

Receipt of Notice in Writing from Two Householders, of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made;

Nature, or by any Commissioners of Sewers or Guardians of the Poor, or in *Ireland* by the Officers of Health of any Parish, of a Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to the like Effect, signed by Two or more inhabitant Householders of the Parish or Place to which the Notice relates, stating that, to the best of the Knowledge and Belief of the Persons by whom such Notice is signed, any Dwelling House or Building in any City, Town, Borough, Parish, or Place within or over which the Jurisdiction or Authority of the Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body to whom such Notice is given, extends, is in such a filthy and unwholesome Condition as to be a Nuisance to or injurious to the Health of any Person, or that upon any Premises within such Jurisdiction or Authority there is any foul and offensive Ditch, Gutter, Drain, Privy, Cesspool, or Ashpit, or any Ditch, Gutter, Drain, Privy, Cesspool, or Ashpit kept or constructed so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises Swine, or any Accumulation of Dung, Manure, Offal, Filth, Refuse, or other Matter or Thing, are or is kept so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises (being a Building used wholly or in part as a Dwelling House), or being Premises underneath any such Building, any Cattle or Animal are or is kept so as to be a Nuisance to or injurious to the Health of any Person, such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or some Committee thereof which may be temporarily or permanently appointed in this Behalf by such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, shall, after Twenty-four Hours Notice in Writing, by delivering the same to some Person on the Premises referred to in such first-mentioned Notice, or (if there be no Person upon the Premises who can be so served) by fixing the same upon some conspicuous Part of such Premises, (or in case of Emergency without Notice,) by themselves, their Servants or Agents, with or without Medical or other Assistants, enter such Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose; and if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners, it appear that any Dwelling House or Building so examined is in such a filthy and unwholesome Condition as aforesaid, or that upon any Premises so examined there is any such Ditch, Gutter, Drain, Privy, Cesspool, Ashpit, Swine, Cattle, or Animal, or any such Accumulation or other Matter or Thing as aforesaid, such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or such Committee, shall make or cause to be made Complaint before a Justice, who shall thereupon issue a Summons (which may be according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect,) requiring the Owner or Occupier of the Premises examined to appear before Two Justices to answer such Complaint; and such Summons shall be served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof Complaint is made, or (if there be no Person upon the Premises who can be so served) by fixing such Summons or Copy upon some conspicuous Part of such Premises; and if at the Time and Place appointed by such Summons it be proved to the Satisfaction of such Justices that any Dwelling House or Building in respect whereof Complaint is made is in such a filthy and unwholesome Condition as aforesaid, or that any such Cause or Causes of Complaint as aforesaid exists or exist, and (in case such Owner or Occupier do not appear) that such Summons or Copy was served as aforesaid, such Justices shall make an Order in Writing under their Hands and Seals, (which Order may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect,) for cleansing, whitewashing, or purifying such Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint, in such Manner and within such Time as shall be specified in such Order (not being more than Two clear Days, exclusive of *Sunday*, after Service of such Order as herein-after directed); and such Order shall be forthwith served by delivering the same or a true Copy thereof to some Person upon the Premises in respect whereof it is made, or (in case there be no Person upon the Premises who can be so served) by fixing such Order or Copy upon some conspicuous Part of such Premises; and if such Order be not complied with the Owner or Occupier against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during the Continuance of his Default, and the Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body mentioned therein, shall, by themselves, their Servants or Agents, or by such Committee as aforesaid, their Servants or Agents, enter such last-mentioned Premises, and cleanse, whitewash, or purify the same, or remove or abate the Cause or Causes of Complaint in respect whereof the said Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect; and any Dung, Manure, Offal, Filth, or Refuse, and any other Matter or Thing removed by any such Town Council, Trustees, Commissioners, Guardians, Officers of Health, or other Body as aforesaid, in pursuance of this Enactment, may be destroyed or sold, and in case of Sale the Proceeds arising therefrom shall be paid to or (as the Case may require) be retained by the Guardians of the Poor, and shall be by them applied in aid of the Rate for the Relief of the Poor of the Parish, Electoral Division, or Place in which such Removal shall have been made.

and if upon such Examination, or a Medical Certificate, it appear that the Nuisance, &c. exists, public Body to make Complaint before a Justice, who shall summon the Owner or Occupier to appear before Two Justices; who shall, upon Proof, &c., order him to whitewash, &c., or remove the Nuisance complained of;

and if such Order be not complied with, the Owner or Occupier in default to be liable to Penalties, and public Body to enter the Premises, and do the Works ordered, or remove the Nuisance.

In Scotland certain public Officers, upon Receipt of Notice in Writing from Two House-

II. And be it enacted, That in *Scotland*, upon or as soon as can be after Notice in Writing in the Form contained in the Schedule (A.) to this Act annexed, or to the like Effect, signed by Two or more of the inhabitant Householders of the Parish or Place to which the Notice relates, made to the Procurator Fiscal of any County, or the Procurator Fiscal or the Dean of Guild of any Royal Burgh, or the Procurator Fiscal of the Justices of the Peace of any County, or the Commissioners of Police or Trustees for paving, lighting, or cleansing any City, Town, Burgh, Parish, or Place, or the Inspector of the Poor

of

of any Parish, stating that any Dwelling House or Building within any Royal Burgh, or in any City, Town, Burgh, Parish, or Place, within or over which the Jurisdiction or Authority of any such Procurator Fiscal, or of such Dean of Guild, or Commissioners of Police, or Trustees for paving, lighting, or cleansing, or Inspector of the Poor, extends, is in such a filthy and unwholesome Condition as to be a Nuisance to or injurious to the Health of any Person, or that upon any Premises within such Jurisdiction or Authority there is any foul and offensive Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit, or any Drain, Ditch, Gutter, Privy, Cesspool, or Ashpit kept or constructed so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises Swine, or any Accumulation of Dung, Manure, Offal, Filth, Refuse, or other Matter or Thing, are or is kept so as to be a Nuisance to or injurious to the Health of any Person, or that upon any such Premises (being a Building used wholly or in part as a Dwelling House), or being Premises underneath any such Building, any Cattle or Animal are or is kept so as to be a Nuisance to or injurious to the Health of any Person, it shall be competent to any such Procurator Fiscal or Dean of Guild, or the proper Officer of such Commissioners of Police or Trustees, or such Inspector of the Poor respectively, after Twenty-four Hours from the giving Notice in Writing by Service thereof upon some Person on the Premises referred to in such first-mentioned Notice, or (if there be no Person upon the Premises who can be so served) by fixing the same upon some conspicuous Part of such Premises, or in case of Emergency without Notice, by himself or others acting under his Authority, with or without Medical or other Assistants, to enter such Premises, and examine the same with respect to the Matters alleged in such first-mentioned Notice, and do all such Works, Matters, and Things as may be necessary for that Purpose; and if upon such Examination, or upon the Certificate in Writing of Two legally qualified Medical Practitioners, it appear that any Dwelling House or Building so examined is in such a filthy and unwholesome Condition as aforesaid, or that upon any Premises so examined there is any such Drain, Ditch, Gutter, Privy, Cesspool, Ashpit, Swine, Cattle, or Animal, or any such Accumulation, or other Matter or Thing, as aforesaid, such Procurator Fiscal, Dean of Guild, Officer, or Inspector shall make or cause to be made Complaint to the Sheriff or Magistrates or a Justice, who shall thereupon order the Owner or Occupier of the Premises examined to appear before such Sheriff or Magistrates or Two Justices to answer such Complaint; and such Order shall be served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof Complaint is made, or (if there be no Person upon the Premises who can be so served) by fixing such Order or Copy upon some conspicuous Part of such Premises; and if at the Time and Place appointed by such Order it be proved to the Satisfaction of such Sheriff or Magistrates or Justices that any Dwelling House or Building in respect whereof Complaint is made is in such a filthy and unwholesome Condition as aforesaid, or that any such Cause or Causes of Complaint as aforesaid exists or exist, and (in case such Owner or Occupier do not appear) that such Order or Copy was served as aforesaid, such Sheriff or Magistrates or Justices shall make an Order in Writing under their Hands (which Order may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect,) for cleansing, whitewashing, or purifying such Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint, in such Manner and within such Time as shall be specified in such Order (not being more than Two clear Days, exclusive of *Sunday*, after Service of such Order), and such last-mentioned Order shall be forthwith served by delivering the same, or a true Copy thereof, to some Person upon the Premises in respect whereof it is made, or in case there be no Person upon the Premises who can be so served, by fixing such Order or Copy upon some conspicuous Part of such Premises; and if such Order be not complied with the Owner or Occupier against whom it is made shall be liable to a Penalty not exceeding Ten Shillings for every Day during the Continuance of his Default, and the Procurator Fiscal or Dean of Guild, or proper Officer of the Commissioners of Police, or Trustees or Inspectors of the Poor respectively, shall, by themselves or others acting under their Authority, enter such last-mentioned Premises, and cleanse, whitewash, or purify the same, or remove or abate the Cause or Causes of Complaint in respect whereof the said last-mentioned Order shall have been made, and do all such Works, Matters, and Things as may be necessary for carrying such Order into effect, and any Dung, Manure, Offal, Filth, or Refuse, and any other offensive or noxious Matter or Thing removed in pursuance of this Enactment, may be destroyed or sold, and in case of Sale the Proceeds arising therefrom shall be paid to or (as the Case may require) be retained by the Parochial Board for the Management of the Poor, and shall be by them applied in aid of the Funds for the Relief of the Poor of the Parish or Place in which such Removal shall have been made.

holders of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made;

and if Nuisance, &c. exists, public Body to make Complaint before the Sheriff or a Justice, who shall order the Owner or Occupier to appear;

and upon Proof, &c., whitewashing, &c. or Removal of the Nuisance complained of, to be ordered.

If such Order be not complied with, Owner or Occupier to be liable to Penalties, and the public Officers to do the Works ordered, or remove the Nuisance.

III. And be it enacted, That whenever any such Order as aforesaid for cleansing, whitewashing, or purifying any Dwelling House or Building, or for the Removal or Abatement of any such Cause or Causes of Complaint as aforesaid, has been obtained, all Costs and Expenses reasonably incurred in obtaining such Order, or in carrying the same into effect, shall be deemed to be Money paid for the Use and at the Request of the Owner or Occupier of the Premises in respect whereof such Costs and Expenses shall have been incurred, and may be recovered as such by the said Town Councils, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or by the said Procurators Fiscal, Deans of Guild, Commissioners of Police, or Trustees and Inspectors of the Poor respectively, as such, in any County Court, Civil Bill Court, or (in *Scotland*) before the Sheriff or Magistrates or Justices of the Peace; or such Town Council, Magistrates, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or Procurators Fiscal, Deans of Guild, or Inspectors of the Poor, may, if they shall think fit, recover such Costs and Expenses before Two Justices, or, in *Scotland*, before the Sheriff or Magistrates

Recovery of Costs, &c. from Owner or Occupier of the Premises.

trates or Two Justices, from the Owner or Occupier of the Premises in respect of which such Order is made; and any Two Justices, or, in *Scotland*, the Sheriff or Magistrates or any Two Justices, upon the Application of any such Town Council, Magistrates, Trustees, Commissioners, Guardians, Officers of Health, or other Body, or Procurator Fiscal, Dean of Guild, or Inspector of the Poor, shall issue a Summons, or, in *Scotland*, an Order, requiring such Owner or Occupier to appear before them, or before him or them, at a Time and Place to be named therein; and at the Time and Place so named, upon Proof to the Satisfaction of such Justices, or such Sheriff or Magistrates or Justices, that any such Costs and Expenses have been so incurred as aforesaid, and (in case such Owner or Occupier do not appear) that a Copy of such last-mentioned Summons or Order was served by delivering the same to some Person on the Premises in respect of which the Costs and Expenses were incurred, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of such Premises, such Justices, or such Sheriff or Magistrates or Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing, in *England* or *Ireland* under the Hands and Seals of such Justices, or in *Scotland* under the Hands of such Sheriff or Magistrates or Justices, order him to pay the Amount to the Applicants, together with the Costs attending such Application and the Proceedings thereon; and if the Amount be not paid within Seven Days after Demand, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or Justices, by whom the last-mentioned Order shall have been made, or any other Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Owner or Occupier in default; and if no Distress sufficient to satisfy the same can be found within the Jurisdiction of the Justices, or of the Sheriff or Magistrates or Justices, by whom such Warrant shall have been issued, and it so appear upon Oath before Two Justices, or, in *Scotland* before the Sheriff or Magistrates or Two Justices, of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, such last-mentioned Justices, or Sheriff or Magistrates or Justices, shall indorse their or his Signatures or Signature upon the last-mentioned Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if such Warrant had been originally and properly issued by the Justices, or by the Sheriff or Magistrates or Justices, of such last-mentioned County or Jurisdiction.

Certain Expenses of this Act to be defrayed out of Poor's Rates, &c.

IV. And be it enacted, That all Costs and Expenses reasonably incurred as aforesaid in carrying into effect any of the Provisions herein-before contained, and not recovered from any Owner or Occupier of the Premises in respect of which such Expenses shall have been incurred, shall, upon an Order in Writing, specifying the Sum to be paid under the Hands and Seals of Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or Two Justices, (who are hereby required to make such Order, upon proper Application in this Behalf,) be retained, paid, or defrayed by the Treasurer of such Guardians or Parochial Board, or by the Overseers of the Poor, or other proper Officers or Persons, out of the Funds in their Hands applicable to the Relief of the Poor, and shall be charged to the Parish, Electoral Division, or Place maintaining its own Poor in which the Premises in respect whereof such Costs and Expenses shall have been so incurred are situated, and in other Places in *England* or *Ireland* out of any public Rates or Funds raised in such Places, or applicable thereto under the Authority of Parliament, or in case there be no such Rates or Funds as last aforesaid, then out of the Funds for the Relief of the Poor of the Parish Electoral Division, or Place nearest adjoining, or if there be Two or more Parishes or Places nearest adjoining, out of the Funds for the Relief of the Poor of such One of them as Two Justices shall, by Order in Writing under their Hands and Seals, appoint; and in case any such Costs or Expenses shall have been incurred on account or in respect of any Parish in *Scotland* in which it shall happen that there is not at the Time an Assessment for the Relief of the Poor imposed or levied, then the same shall be paid or defrayed out of an Assessment to be imposed and levied for that Purpose and to the Extent necessary, under and in the Manner provided by an Act of the Ninth Year of Her Majesty's Reign, for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, and if any such Treasurer, Overseers, or Officers or Persons, neglect or refuse to pay the Sum specified in any Order of Justices, or of any Sheriff or Magistrates, made under this Enactment, for the Space of Twenty-one Days after the Date of such Order, the same may, by Warrant under the Hands and Seals of the same or any other Two Justices, or, in *Scotland*, under the Hands of the Sheriff or Magistrates or any Two Justices, by whom such Order shall have been made, or any other Two Justices, be levied by Distress and Sale, together with the Costs of such Distress and Sale, of the Goods and Chattels of the Treasurer, Overseers, or other Officers or Persons in default.

8 & 9 Vict. c. 83.

Not to apply to Districts and Places in which the Public Health Act is in force.

V. Provided always, and be it enacted, That nothing herein-before contained shall apply to any District, Parish, or Place in which the Public Health Act, 1848, or any Part thereof, shall be in force, unless and except in so far as the General Board of Health, by Order in Writing, sealed with the Seal of such Board, and signed by Two or more Members thereof, or (in case there be no such Board in existence) as One of Her Majesty's Principal Secretaries of State, by Order in Writing under his Hand, shall otherwise direct: Provided also, that nothing in this Act shall be construed to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers, or to take away or interfere with any Course of Proceeding which might be resorted to or adopted by such Commissioners if this Act had not been passed.

Jurisdiction of Commissioners of Sewers not to be impaired.

Surveyor of Highways

VI. 'And whereas by an Act passed in the Sixth Year of the Reign of King *William* the Fourth, 'for consolidating and amending the Laws relating to Highways in *England*, the Surveyor and District

'Surveyor

'Surveyor or Assistant Surveyor therein mentioned are empowered to scour, cleanse, and keep open all 'Ditches, Gutters, Drains, or Watercourses; and by an Act passed in the Ninth Year of Her Majesty's 'Reign, for amending the Laws concerning Highways, Bridges, and Ferries in *Scotland*, the Trustees or 'Surveyors therein mentioned are empowered to cleanse the Ditches made or to be made along the Sides 'of any Highway, in case of the Neglect or Refusal of the Proprietor or Occupier to cleanse such Ditches 'when duly required so to do by such Trustees or Surveyors; and with a view to the more effectual 'Removal of Nuisances injurious to Health it is expedient that such Surveyor, District Surveyor, or 'Assistant Surveyor, Trustees or Surveyors, should not only be empowered but required to scour, cleanse, 'and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open 'Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of any Highway:' Be it therefore enacted, That the said Surveyor, or District or Assistant Surveyor, Trustees or Surveyors, shall scour, cleanse, and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of any Highway; and any Sewage, Drainage, Soil, Filth, or other Matter or Thing whatsoever which shall be removed by any such Surveyor, District or Assistant Surveyor, Trustees or Surveyors, from any such Ditch, Gutter, Drain, or Watercourse, in scouring, cleansing, and keeping clear the same, shall be disposed of by such Surveyor, Assistant or District Surveyor, Trustees or Surveyors, and the Proceeds arising therefrom shall be applied towards the Repair of the Highway within the Parish or Place in which such Removal shall have taken place; and the Provisions herein-before contained with respect to Ditches, Gutters, Drains, and Watercourses upon, adjoining, or by or along the Sides of Highways, shall, in so far as the same relate to *England*, be deemed to be Part of the said Act relating to Highways in *England*, and in so far as the same relate to *Scotland* shall be deemed to be Part of the said Act relating to Highways in *Scotland*.

Surveyors required to cleanse open Ditches adjoining Highways, &c. 5 & 6 W. 4. c. 50. 8 & 9 Vict. c. 41.

VII. And be it enacted, That whosoever shall suffer any Sewage, Drainage, Soil, Filth, or any Matter or Thing of a noxious or offensive Nature, to run or flow into or to remain in any open Ditch, Gutter, Drain, or Watercourse, so as to be a Nuisance to or injurious to the Health of any Person, from any Dwelling House, Building, or other Premises which shall not have been occupied before the passing of this Act, or from any Privy or Water-closet which shall not have been constructed before that Time, shall be deemed guilty of a Misdemeanor, or in *Scotland* of an Offence punishable by Fine or Imprisonment, and shall, in addition, be liable for every such Offence to a Penalty not exceeding Five Pounds for every Day during which the Offence is continued.

Drainage into open Ditches from new Houses a Misdemeanor, &c.

VIII. And be it enacted, That whenever it is intended to build or open any Hospital for the Reception of Patients afflicted with contagious or infectious Diseases or Disorders, the Trustees or other Persons by whose Authority such Hospital is intended so to be built or opened as aforesaid shall give Notice of such Intention to the said General Board of Health or (in *Ireland*) to the Commissioners of Health hereinafter mentioned; and no such Hospital shall be built or opened as aforesaid until the said General Board of Health or Commissioners of Health, as the Case may be, have approved thereof in Writing; but nothing herein contained shall apply to the building or opening of any Addition to a Building which shall have been used as a Hospital previously to such Addition.

Notice to be given to General Board, and in Ireland to Commissioners of Health, of Intention to build or open Hospitals, &c.

IX. 'And whereas it is expedient that when any Part of the United Kingdom shall appear to be 'threatened with or affected by any formidable epidemic, endemic, or contagious Disease, Measures of 'Precaution should be taken with Promptitude, according to the Exigency of the Case:' Be it therefore enacted, That in *Great Britain* the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) and in *Ireland* the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland*, may, by Order or Orders to be by them from Time to Time made, direct that the Provisions herein-after contained for the Prevention of epidemic, endemic, and contagious Diseases be put in force in *Great Britain* and *Ireland* respectively, or in such Parts thereof or in such Places therein respectively as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders may extend, and in like Manner, revoke or renew any such Order, and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed.

Privy Council, &c. empowered to issue Orders for putting in force the Provisions of this Act relative to the Prevention of epidemic Diseases, &c.

X. And be it enacted, That from Time to Time after the issuing of any such Order as last aforesaid, and whilst the same shall continue in force, the General Board of Health (in *Great Britain*), under the Seal of the said Board, and the Hands of Two or more Members thereof, and in *Ireland* the Commissioners of Health for the Time being, under the Hands of Two or more of them, may issue such Directions and Regulations as the said Board or last-mentioned Commissioners (as the Case may be) shall think fit, for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time, in like Manner, revoke, renew, and alter any such Directions or Regulations, or substitute such new Directions and Regulations as to the said Board or last-mentioned Commissioners may appear expedient; and the said Board or last-mentioned Commissioners, as the Case may be, may by such Directions and Regulations provide for the frequent and effectual cleansing of Streets and public Ways and Places by the Surveyors, District or Assistant Surveyors of Highways, Trustees, County Surveyors, and others by Law intrusted with the Care and Management thereof, or by the Owners and Occupiers of Houses and Tenements adjoining thereto, and for the cleansing, purifying, ventilating, and disinfecting of Houses, Dwellings, Churches, Buildings, and Places of Assembly, by the Owners or Occupiers

After Order by Privy Council, General Board of Health, &c. may issue Directions and Regulations.

piers and Persons having the Care and ordering thereof, for the Removal of Nuisances, for the speedy Interment of the Dead, and generally for preventing or mitigating such epidemic, endemic, or contagious Diseases, in such Manner as to the said Board or last-mentioned Commissioners (as the Case may be,) may seem expedient; and the said Board or last-mentioned Commissioners may by any such Directions and Regulations authorize and require the Guardians of the Poor in *England* and *Ireland*, and the Parochial Boards for the Management of the Poor in *Scotland*, by themselves or their Officers, or any Persons employed by them in the Administration of the Laws for the Relief of the Poor, or by Officers specially appointed in this Behalf to superintend and see to the Execution of any such Directions and Regulations, and (where it shall appear that there may be Default or Delay in the Execution thereof, by Want or Neglect of such Surveyors, Trustees, or others intrusted as aforesaid, or by reason of Poverty of Occupiers, or otherwise,) to execute or aid in executing the same within their respective Unions and Parishes and Combinations, and in any extra-parochial Places adjoining to or surrounded by the same in which the Directions and Regulations of the said Board or last-mentioned Commissioners shall not be executed by the Inhabitants, and to provide for the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid as may be required, and to do and provide all such Acts, Matters, and Things as may be necessary for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require; and the Directions and Regulations to be issued as aforesaid shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of epidemic, endemic, or contagious Diseases shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations shall be expressly confined to some of such Parts or Places, and then to such Parts or Places as in such Directions and Regulations shall be specified, and (subject to the Power of Revocation and Alteration herein contained) shall continue in force so long as the said Provisions of this Act shall be in force, under such Orders, in the Parts or Places to which such Directions and Regulations shall under this Provision extend: Provided always, that if at any Time in *Ireland* there shall not be any Commissioners of Health, the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by his or their Warrants, may appoint so many Persons as he or they may think fit, not being more in Number than Five, to act as Commissioners of Health in *Ireland*, without Salary, Fee, or Reward, and may from Time to Time remove any of such Commissioners, and appoint any other Person in his Stead; and such Commissioners shall for all Purposes be Commissioners of Health in *Ireland* within the Meaning and for the Purposes of this Act.

One Medical Member of General Board of Health may be appointed.

Treasury to pay Allowances appointed by Parliament.

XI. And be it enacted, That Her Majesty may from Time to Time, during the Continuance of any Order of Her Majesty's Privy Council or of any Members thereof as aforesaid, by Warrant under the Royal Sign Manual, appoint, in addition to the Members for the Time being of the General Board of Health, One fit Person to be a Medical Member of such Board for the Purposes of this Act, and Her Majesty may, at Her Pleasure, remove any Person so appointed; and there shall be paid to the Person or Persons so appointed such Allowance or Allowances as shall be appointed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be appointed by Parliament for that Purpose.

Poor Law Commissioners, &c. may compel Guardians, &c. to execute Regulations and Directions of the General Board of Health, &c.

XII. And be it enacted, That the Commissioners for administering the Laws for the Relief of the Poor in *England* and *Ireland* respectively, and the Board of Supervision established under the said Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*, may require the Officers and Persons acting under them to inquire into, superintend, and report on the Execution of the Directions and Regulations of the General Board of Health, or Commissioners of Health, as the Case may be, under this Act, and shall have the same Powers for enforcing and directing the Execution of such Directions and Regulations by the said Guardians and Parochial Boards respectively as they now or may hereafter have in relation to any Matter concerning the Administration of the Laws for the Relief of the Poor.

Power of Entry for the Purpose of enforcing Regulations of the General Board of Health, &c.

XIII. And be it enacted, That the said Guardians and Parochial Boards acting in the Execution of any such Directions or Regulations as aforesaid, or the Officers or Persons by them in this Behalf authorized, at reasonable Times in the Daytime, may and they are hereby empowered to enter and inspect any Dwelling or Place, if there be Ground for believing that any Person may have recently died of any such epidemic, endemic, or contagious Disease in any such Dwelling or Place, or that there is any Filth or other Matter dangerous to Health therein or thereupon, or that Necessity may otherwise exist for executing, in relation to the Premises, all or any of such Directions and Regulations as aforesaid.

Expenses of Guardians, &c. to be paid out of Poor Rate, &c.

XIV. And be it enacted, That the said Guardians and Parochial Boards may appoint or employ, for the Superintendence and Execution of the said Directions and Regulations, Officers or Persons in aid of the Officers or Persons employed in the Administration of the Laws for the Relief of the Poor; and such Guardians and Parochial Boards respectively shall defray the Expenses incurred by them respectively in the Superintendence and Execution of such Directions and Regulations out of the Funds of their respective Unions, Parishes, or Combinations; and if any such Expenses shall have been incurred on account or in respect of any extra-parochial Place in *England* or *Ireland*, the same shall, upon an Order in Writing specifying the Sum to be paid, under the Hands and Seals of Two Justices, who are hereby empowered to make such Order, upon proper Application in this Behalf, be paid or defrayed out of any public Rates or Funds raised therein or applicable thereto under the Authority of Parliament, or in case there be no such Rates or Funds as last aforesaid, then out of the Funds of the Union or Parish for which the Guardians by whom the Expenses have been incurred act; and in case any such Expenses shall have been incurred on account or in respect

respect of any Parish in *Scotland* in which it shall happen that there is not at the Time an Assessment for the Relief of the Poor imposed or levied, then the same shall be paid or defrayed out of an Assessment to be imposed and levied for that Purpose, and to the Extent necessary, under and in the Manner provided by the said Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in *Scotland*. 8 & 9 Vict. c. 83.

Orders, Directions, and Regulations to be laid before Parliament, and to be gazetted, &c.

XV. And be it enacted, That every Order of Her Majesty's Privy Council, or of the Lord Lieutenant and Privy Council of *Ireland*, and every Direction and Regulation of the said General Board of Health or Commissioners of Health under this Act, shall, forthwith upon the issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament; and every such Order of Her Majesty's Privy Council, or any Members thereof, as aforesaid, shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *London Gazette*, and every such Order of the Lord Lieutenant and Privy Council of *Ireland* shall be certified under the Hand of One of the Clerks of the Privy Council of *Ireland*, and shall be published in the *Dublin Gazette;* and every such Direction and Regulation as aforesaid when issued in *Great Britain* shall be published in the *London Gazette* and in the *Edinburgh Gazette*, and when issued in *Ireland* in the *Dublin Gazette*, and such Publication of any such Order, Direction, or Regulation shall be conclusive Evidence of the Order, Direction, or Regulation so published, to all Intents and Purposes.

Penalties for obstructing Execution of this Act.

XVI. And be it enacted, That whosoever shall wilfully obstruct any Person acting under the Authority or employed in the Execution of this Act, or who shall wilfully violate any Direction or Regulation issued by the General Board of Health, or such Commissioners of Health as aforesaid, under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; and if the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice, or in *Scotland* the Sheriff or any Justice, to whom Application is made in this Behalf, shall by Order in Writing (which may be according to the Form contained in the Schedule (D.) to this Act annexed, or to the like Effect,) require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Recovery of Penalties in England or Ireland,

XVII. And be it enacted, That Penalties imposed by this Act for Offences committed in *England* or *Ireland* may be recovered by any Person before any Two Justices, and may be levied by Distress and Sale of the Goods and Chattels of the Offender, together with the Costs of such Distress and Sale, by Warrant under the Hands and Seals of the Justices before whom the same shall be recovered, or any other Two Justices; and in case it shall appear to the Satisfaction of such Justices, before or after the issuing of such Warrant, either by the Confession of the Offender or otherwise, that he hath not Goods and Chattels within their Jurisdiction sufficient to satisfy the Amount, they may commit him to any Gaol or House of Correction for any Time not exceeding Fourteen Days, unless the Amount be sooner paid, in the same Manner as if a Warrant of Distress had issued and a Return of Nulla bona been made thereon; and Penalties imposed by this Act for Offences in *Scotland* may be recovered by the Procurator Fiscal of the Court, or by any other Person, before the Sheriff or Two Justices, who may proceed in a summary Way, and grant Warrant for bringing the Parties complained upon immediately before him or them, and on Proof on Oath by One or more credible Witness or Witnesses, or other legal Evidence, he or they may forthwith determine and give Judgment, without any written Pleadings or Record of Evidence, and grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period, at the Discretion of the Sheriff or Justices, not exceeding Fourteen Days; and all Penalties whatsoever recovered under this Act shall be paid to or (as the Case may require) be retained by the Guardians of the Poor, or, in *Scotland*, the Parochial Board for the Management of the Poor, and shall be by them applied in aid of the Rates or Funds for the Relief of the Poor of the Parish, Electoral Division, or Place in which the Penalties may have been incurred.

and in Scotland.

Application of Penalties.

One of several joint Owners or Occupiers may be proceeded against alone.

XVIII. And be it enacted, That in case of any Demand or Complaint under this Act to which Two or more Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them, without in any Manner proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

Unnecessary to describe Owner or Occupier by Name.

XIX. And be it enacted, That wherever in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises without Name or further Description.

Proceedings not to be quashed for Want of Form.

XX. And be it enacted, That no Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari, or by Suspension or Advocation, or other Writ or Process whatsoever, into any of the Superior Courts.

Proceedings commenced under 9 & 10 Vict. c. 96. may be enforced.

XXI. And be it enacted, That all Proceedings whatsoever commenced or taken or to be commenced or taken under the said first-recited Act of the Tenth Year of Her Majesty's Reign, and which shall not have been completed and enforced whilst the last-mentioned Act continues in force, may be proceeded with

with and enforced under the Provisions of that Act, although such Provisions be no longer in force, in the same Manner in all respects and to all Intents and Purposes as if the same continued to be in force, and as if the said last-mentioned Act had not expired.

Interpretation of Terms.

XXII. And be it enacted, That in this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Words "Justice" and "Justices" shall mean a Justice or Justices of the Peace acting for the Place where the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice" or "Justices" arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together, or One Stipendiary or Police Magistrate acting in any Police Court for the Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises; the Word "Sheriff" shall mean the Sheriff of any County or Place in *Scotland* where the Matter requiring the Cognizance of the "Sheriff" arises, and shall include the Sheriff Substitute; the Word "Magistrates" shall mean the Magistrates of any Royal Burgh in *Scotland* where the Matter requiring Cognizance arises; the Words "Guardians of the Poor" and the Words "Parochial Board" shall mean the Guardians, Directors, Wardens, Governors, Parochial Board, or other like Officers having the Management of the Poor for any Union, Parish, Combination, or Place where the Matter requiring the Cognizance of any such Officers arises; the Word "Street" shall include every Highway, Road, Square, Row, Lane, Mews, Court, Alley, and Passage, whether a Thoroughfare or not; the Word "Owner" shall mean any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property, on his own Account, or as Trustee or Agent for any other Person, or who would receive the same if such Property were let to a Tenant; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; and Words and Expressions importing the Singular Number shall include the Plural Number, and Words importing the Masculine Gender shall include Females.

Mode of citing this Act.

XXIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Act, 1848."

Act may be amended, &c

XXIV. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Notice by Householders.

To the Town Council of the Borough of [*or* Guardians of the Poor of the Union *or* of the Parish of in the County of *or as the Case may be*; *or, in Scotland,* to the Procurator Fiscal of the County of *or* to the Procurator Fiscal *or* Dean of Guild of the Burgh of *or* to the Procurator Fiscal of the Justices of the County of *or* to the Inspector of the Poor of the Parish of *or as the Case may be*].

We, the undersigned Inhabitants [*or, in Scotland,* Householders] of [*insert the Parish or Place*], and residing at in [*insert the Parish or Place before mentioned*] aforesaid, do hereby give you Notice, that to the best of our Knowledge and Belief a Dwelling House [*or* Building] situate at No. in Street in aforesaid [*or such other Description as may be sufficient to identify the Premises*] is in such a filthy and unwholesome Condition as to be a Nuisance to [*or* injurious to the Health of] *A.B.*, *or as the Case may be*, [*or* that upon certain Premises situate at [*inserting such a Description as may be sufficient to identify the Premises*] there is a foul and offensive Drain, Ditch, Gutter, Privy, Cesspool, *or* Ashpit, *or* a Drain, *&c.*, kept *or* constructed so as to be a Nuisance to us, *or* to the Occupiers of the Premises adjoining the Premises aforesaid, *or as the Case may be*, *or* that upon certain Premises situate at, *&c.*, Swine, *or* an Accumulation of Dung, Manure, Offal, Filth, Refuse, *or* Matter, *or, as the Case may be*, are *or* is kept so as to be injurious to our Health, *or* to the Health of *A.B.*, *or* of the Occupiers of the Premises adjoining the Premises aforesaid, *or* of Persons living in the Neighbourhood, *or* of the Persons living in the Premises aforesaid, *as the Case may be*, *or* that upon certain Premises, *&c.*, Swine, *&c.* are kept so as to be a Nuisance to us, *&c. as the Case may be*]. And we hereby required that you will cause such Proceedings to be taken as are directed in this Behalf by the "Nuisances Removal and Diseases Prevention Act, 1848."

Dated this Day of One thousand eight hundred and

A.B.
C.D.

SCHE-

SCHEDULE (B.)

Summons to appear.

To the Owner [*or* Occupier] of a Dwelling House [*or* Building, *or* of certain Premises,] situate at [*insert such a Description as may be sufficient to identify the Premises*].

County of [*or* Borough, *&c.* of *or* Metropolitan Police District, *or as the Case may be*] to wit.

WHEREAS Complaint hath been made to the undersigned, One of Her Majesty's Justices of the Peace acting in and for the said County of [*or* Borough, *&c.* of], *or* One of the Magistrates of the Police Courts of the Metropolis holden at [*or as the Case may be*], by the Town Council of the Borough of [*or as the Case may be*], that a certain Dwelling House [*or* Building] situate at No. in the Parish of [*or as the Case may be*] in the County of [*or such other Description as may be sufficient to identify the Premises*] is in such a filthy and unwholesome Condition as to be a Nuisance to *or* injurious to the Health of *A.B.*, *or as the Case may be*, [*or* that upon certain Premises situate at [*inserting such a Description as may be sufficient to identify the Premises*] there is a foul and offensive Drain, [Ditch, Gutter, Privy, Cesspool, *or* Ashpit, *or* a Drain, *&c.*, kept or constructed so as to be a Nuisance to *A.B.*, *&c.*, [*as the Case may be*], *or* that Swine [*or* an Accumulation of Dung, Manure, Offal, Filth, Refuse, *or* Matter, *or as the Case may be*,] are [*or* is] kept so as to be injurious to the Health of *A.B.*, *or* of the Occupiers of the Premises adjoining the Premises aforesaid, *or* of Persons living in the Neighbourhood of the Premises aforesaid, *or* of Persons living in the Premises aforesaid, *or* a Nuisance to *A.B.*, *&c.*, *as the Case may be*]. These are therefore to require you to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, at the Court holden at] on the Day of next, at the Hour of to answer the Matter of the said Complaint.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

J.K. (L.S.)

SCHEDULE (C.)

Order for Removal of Nuisances, &c.

To the Owner [*or* Occupier] of the Dwelling House [*or* Building *or* Premises] situate at No. in Street in the Parish of in the County of [*or such other Description as may be sufficient to identify the Premises*], and to the Town Council of the Borough of [*or* to the Guardians of the Poor of the Union, *or* of the Parish of in the County of *or, in Scotland*, the Procurator Fiscal of the County of *or* the Procurator Fiscal *or* Dean of Guild of the Burgh of *or* the Procurator Fiscal of the Justices of the Peace of the County of *or* the Inspector of the Poor of the Parish of *as the Case may be*], and to their Servants or Agents, and to all whom it may concern.

County of [*or* Borough, *&c.* of *or* Metropolitan Police District, *or as the Case may be*] to wit.

WHEREAS on the Day of last Complaint was made before the undersigned [*or* before *J.K.* Esquire, One of Her Majesty's Justices of the Peace acting in and for the County of [*or* before the undersigned, *or J.K.* Esquire, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*], by the Town Council of the Borough of [*or* by the Guardians of the Poor of the Union, *or* of the Parish of in the County of ; *or, in Scotland*, by the Procurator Fiscal of the County of *or* by the Procurator Fiscal *or* Dean of Guild of the Burgh of *or* by the Procurator Fiscal of the Justices of the Peace of the County of *or* by the Inspector of the Poor of the Parish of *as the Case may be*], that a Dwelling House [*or* Building] situate at No. in Street in [*the Parish or Place before mentioned* aforesaid, [*or such other Description as may be sufficient to identify the Premises,*] then was in such a filthy and unwholesome Condition as to be a Nuisance [*or* injurious to the Health of] *A.B.*, *or as the Case may be*, [*or* that upon certain Premises situate at [*inserting such a Description as may be sufficient to identify the Premises*] there then was a foul and offensive Drain, [Ditch, Gutter, Privy, Cesspool, *or* Ashpit, *or* a Drain, *&c.* kept or constructed so as to be a Nuisance to *A.B.*, *&c.*, *as the Case may be*], *or* that upon certain Premises, situate, *&c.*, Swine, *or* an Accumulation of Dung, Manure, Offal, Filth, *or* Refuse, *or as the Case may be*, are *or* is kept so as to be injurious to the Health of *A.B.*, *or* of the Occupiers of the Premises adjoining the Premises first aforesaid, *or* of Persons living in the Neighbourhood of the Premises first aforesaid, *or* of Persons living in the Premises first aforesaid, *or* so as to be a Nuisance to *A.B.*, *&c.*: And whereas the Owner [*or* Occupier] of the said Dwelling House, Building, or Premises having this Day appeared before us, Two of Her Majesty's Justices of the Peace acting in and for the County [*or* Borough] of [*or* before me, One of the Magistrates of the Police Courts of the Metropolis, *or, in Scotland*, before the Sheriff *or* Magistrates *or* Two Justices of the Peace, *as the Case may be*], to answer the Matter of the said Complaint [*or in case the Party charged do not appear:* And whereas it hath this Day been proved to our [*or* my] Satisfaction, that a true Copy of a Summons requiring the Owner [*or* Occupier] of the said Dwelling House [*or* Building or Premises] to appear this Day before us [*or* me] has been duly served according to the Statute in such Case made and provided], and it having been proved [*or* also proved, *as the Case may require,*] that the said Dwelling House [*or* Building] is in such

such a filthy and unwholesome Condition as aforesaid [*or* that upon the Premises aforesaid [*or* first aforesaid] there is a foul and offensive Drain [Privy, Cesspool, *or* Ashpit, *or* a Drain, *&c.* kept or constructed so as to be Nuisance to *A.B.*, *&c. as the Case may be*], *or* that upon the Premises aforesaid, *or* first aforesaid, an Accumulation of Dung, Manure, Offal, Filth, *or* Refuse, *or as the Case may be*, is kept, *or* a Pigsty exists, so as to be injurious to Health as aforesaid, *or* so as to be a Nuisance to *A.B.*, *&c.*, *as the Case may be*] : We [*or* I] do hereby, in pursuance of the Statute in such Case made and provided, order the said Owner [*or* Occupier] of the said Dwelling House [*or* Building, *or* Premises, *or* first-mentioned Premises, within Hours from the Service of this Order [*or* a true Copy thereof], according to the Statute in such Case made and provided, to cleanse [whitewash *or* purify] the said Dwelling House [*or* to cleanse, cover, *or* fill up, *or as the Case may require*, the said Drain, [Ditch, Gutter, Privy, Cesspool, *or* Ashpit, *or otherwise as the Case may require*], *or* remove the said Pigsty *or* Accumulation of Dung, Offal, Filth, Refuse, *or* Matter, *as the Case may be*, so that the same shall not be injurious to Health, *or* a Nuisance, as aforesaid] ; and if this Order be not complied with, then we [*or* I] authorize and require you the said Town Council [*or* Guardians of the Poor, *or*, *in Scotland*, the Procurator Fiscal of the County of *or* the Procurator Fiscal or Dean of Guild of the Burgh of *or* the Procurator of the Justices of the Peace of the County of *or* the Inspector of the Poor of the Parish of *as the Case may be*] to enter upon the said Dwelling House, [*or* Building, *or* Premises, *or* first-mentioned Premises,] and to do all such Works, Matters, and Things as may be necessary for carrying this Order into effect, according to the Statute in such Case made and provided.

And for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals [*or* my Hand and Seal, *or*, *in Scotland*, our Hands, *or* my Hand], this Day of One thousand eight hundred and .

Signatures. (L.S.)* (L.S.)*

*[*In Scotland without Seals.*]

SCHEDULE (D.)

Order to permit Execution of Works by Owners.

County of [*or* Borough, *or* Burgh, *or* Metropolitan Police District, *or as the Case may be*] to wit.

WHEREAS Complaint hath been made to me, *E.F.* Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*or* One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*, *or*, *in Scotland*, to me, *G.H.*, Sheriff, *or* One of Her Majesty's Justices of the Peace, *as the Case may be*, of the County of], by *A.B.*, Owner within the Meaning of the "Nuisances Removal and Diseases Prevention Act, 1848," of certain Premises, to wit, a Dwelling House [*or* Building, *or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the Works generally according to the Circumstances; for instance, thus:* cleansing *or* whitewashing *or* purifying the said Dwelling House, [*or* Building,] *or* cleansing a foul and offensive Drain [Ditch, Gutter, Privy, Cesspool, *or* Ashpit] which exists upon the said Premises, *or as the Case may require*] : And whereas the said *C.D.* having been summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal [*or*, *in Scotland*, under my Hand] this Day of in the Year of our Lord One thousand eight hundred and .

E.F. (L.S.)*

* [*In Scotland without Seal.*]

CAP. CXXIV.

An Act to amend an Act of the last Session, for varying the Priorities of the Charges made on "The *London Bridge* Approaches Fund," and to facilitate the Completion of certain Improvements in the City of *Westminster*. [4th *September* 1848.]

4 & 5 Vict. c. 12.

'WHEREAS by an Act of Parliament passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from* Coventry Street, Piccadilly, *to* Long Acre, *and for other Improvements in the Metropolis*, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings (herein-after designated "The Commissioners of Her Majesty's Woods") were empowered, with the Consent and Approbation of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, as the said Commissioners should think proper, to apply out of a certain Sum of Two hundred and fourteen thousand Pounds which the said Commissioners of Her Majesty's Woods were thereby authorized to charge on certain Funds therein specified (commonly and herein-after called The *London Bridge* Approaches Fund), in case they, the said last-mentioned

'mentioned Commissioners, should be empowered by any Act of Parliament to form a Communication 'between the Neighbourhood of the Houses of Parliament and that of *Buckingham Palace*, or in case 'any Trustees or Persons should by any such Act or Acts as aforesaid be authorized to form such Com- 'munication, then to advance and pay to such Trustees or Persons, any Sum or Sums, not exceeding 'Thirty-nine thousand Pounds, towards the Expense of forming such Communication: And whereas by 'an Act of Parliament passed in the Session held in the Fifth and Sixth Years of Her present Majesty, 'intituled *An Act for regulating the Priorities of Monies authorized to be charged on a Fund called The* 5 & 6 Vict. c. 64. 'London Bridge *Approaches Fund*, the said Sum of Two hundred and fourteen thousand Pounds, which 'the said Commissioners of Her Majesty's Woods were so as aforesaid authorized to charge, was reduced 'to the Sum of One hundred and eighty-nine thousand Pounds, out of which last-mentioned Sum the 'aforesaid Sum of Thirty-nine thousand Pounds continued payable: And whereas the said last-mentioned 'Commissioners have, in pursuance of Directions in that Behalf in the last-recited Act contained, by an 'Instrument in Writing under their Common Seal, dated the Thirtieth Day of *July* One thousand eight 'hundred and forty-four, charged the aforesaid Funds, commonly called The *London Bridge* Approaches 'Fund, with the Payment to them of the Three annual Sums of Two hundred thousand Pounds, One 'hundred thousand Pounds, and One hundred and eighty-nine thousand Pounds, with Interest thereon 'at the Rate of Five *per Centum per Annum* from the Days therein respectively mentioned: And 8 & 9 Vict. 'whereas by the *Westminster* Improvement Act, 1845, certain Persons thereby incorporated, under the c. clxxviii. 'Name and Style of the *Westminster* Improvement Commissioners, were authorized, as therein mentioned, 'to make and complete a new Street and Communication between the Neighbourhood of the Houses of 'Parliament and that of *Buckingham Palace* (being with certain Modifications the Street now in course 'of Formation, and intended to be called *Victoria Street*); and it was by the Act now in recital 'enacted, that the aforesaid Sum of Thirty-nine thousand Pounds, which by the said first-recited Act 'the said Commissioners of Her Majesty's Woods, with such Consent as aforesaid, were empowered to 'appropriate and apply towards the Expenses of forming a Communication between the Neighbourhood 'of the Houses of Parliament and *Buckingham Palace*, should be appropriated and applied towards the 'Expenses of making, forming, and completing the new Street and Communication by the Act now in 'recital authorized to be made, provided such new Street and Communication were made and fully 'completed according to the Plan modified and approved by Her Majesty's Commissioners of Metropolitan 'Improvements within Five Years after the passing of the Act now in recital; and that it should be 'lawful for the said Commissioners of Her Majesty's Woods, and they were thereby empowered, with 'the Consent of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any 'Three or more of them, to pay to the Commissioners acting under the Act now in recital the said 'Sum of Thirty-nine thousand Pounds, or the proportionate Part thereof, from Time to Time, with 'Interest thereon at Five Pounds *per Centum per Annum* from the said Tenth Day of *May* One thousand 'eight hundred and forty-one, by and out of the before-mentioned Sum of One hundred and eighty-nine 'thousand Pounds, and the Interest thereof so charged by them, the said Commissioners of Her Majesty's 'Woods, pursuant to the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign as 'aforesaid, as and when the said Commissioners should receive the said Sum of One hundred and eighty- 'nine thousand Pounds, and the Interest thereof or any Part thereof, or by and out of any Monies 'which might be from Time to Time borrowed or raised by them, the said last-mentioned Commissioners, 'in anticipation and on the Credit of the said Sum of One hundred and eighty-nine thousand Pounds, 'and the Interest thereof or any Part thereof: Provided always, that the Monies to be paid to the 'Commissioners under the Act now in recital in respect of the said Sum of Thirty-nine thousand Pounds 'and Interest should not exceed in the whole the Sum of Fifty thousand Pounds, with Interest at 'the Rate aforesaid upon the Sum of Fifty thousand Pounds, or on so much thereof as should from Time 'to Time remain unpaid, to be calculated from the Time of the Completion of the new Street and 'Communication thereby authorized to be made (such Completion to be certified as therein-after men- 'tioned) to the Time when the said Sum of Fifty thousand Pounds should be fully paid: Provided also, 'that the said Sum of Thirty-nine thousand Pounds, and the Interest thereof, should not be raised and 'paid in priority to any other Sums authorized to be appropriated and applied out of the said Sum of 'One hundred and eighty-nine thousand Pounds, and the Interest thereof, but all the Sums authorized 'to be appropriated and applied out of the said Sum of One hundred and eighty-nine thousand Pounds, 'and the Interest thereof, should be raised and paid in equal Degree and in rateable Proportions: Pro- 'vided also, that no Part of the said Sum of Thirty-nine thousand Pounds, or the Interest thereof, should 'be paid to the Commissioners under the Act now in recital until the new Street and Communication 'thereby authorized to be made should have been actually made and completed to the Satisfaction of 'the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, to be 'certified by Warrant under their Hands, or the Hands of any Three of them: And whereas by the 10 & 11 Vict. '*Westminster* Improvement Act, 1847, certain Alterations and Modifications were made in the Plans of c. cxxxi. 'the said intended new Street as by the said *Westminster* Improvement Act, 1845, authorized to be 'made; and it was also by the Act now in recital enacted, that the Proviso in the said last-recited Act 'contained, that no Part of the said Sum of Thirty-nine thousand Pounds, or the Interest thereof, should 'be paid to the Commissioners under the said Act until the new Street and Communication thereby 'authorized to be made should have been actually made and completed to the Satisfaction of the Lord 'High Treasurer or the Commissioners for the Time being of Her Majesty's Treasury, should be repealed: 'Provided always, that no Part of the said Sum of Thirty-nine thousand Pounds, or the Interest thereof,

'should be paid to the said last-mentioned Commissioners before and until they should have expended 'the full Sum of Seventy-five thousand Pounds solely and exclusively in making and forming the new 'Street intended to be called *Victoria Street*, and in purchasing the Lands and Hereditaments within 'the Area of the Line of the said Street (and as little beyond such Area as the Boundaries of the 'respective Properties would allow) necessary or convenient for that Purpose, and in Payment of 'Expenses strictly and exclusively contingent upon such Purchases, not exceeding Twelve Pounds *per* '*Centum* on the Sums expended, and should have produced Evidence of the due Expenditure of the 'said Sum of Seventy-five thousand Pounds to the Satisfaction of the Commissioners of Her Majesty's 'Woods, to be certified in Writing under the Hands of any Two of them, and should have also deposited 'and left with the said last-mentioned Commissioners the Deeds of Conveyance and Muniments of Title 'relating to the Lands and Hereditaments purchased with the said Sum of Seventy-five thousand Pounds 'or any Part thereof, such Deeds and Muniments of Title to be held and retained by the said last-'mentioned Commissioners until the said Street intended to be called *Victoria Street* should have been 'wholly completed and opened to the Public to the Satisfaction of Her Majesty's said Commissioners 'in the Manner mentioned or provided in and by the said *Westminster* Improvement Act, 1845, of and 'concerning the Street thereby authorized to be made: And whereas by an Act of Parliament passed
10 & 11 Vict. c. 115. 'in the Session held in the Tenth and Eleventh Years of Her present Majesty, intituled *An Act to vary* '*the Priorities of the Charges made on the* London Bridge *Approaches Fund*, it was amongst other 'things enacted, that the Commissioners of Her Majesty's Woods should, by and out of any Monies 'which should be raised by them on the Credit of all or any of the Charges so made by them as aforesaid 'on the said Fund, commonly called The *London Bridge* Approaches Fund, or out of any Monies which 'should from Time to Time be received by them out of or in respect of the same Fund, pay to the '*Westminster* Improvement Commissioners the said Sum of Thirty-nine thousand Pounds, and Interest, 'not exceeding in the whole the Sum of Fifty thousand Pounds, and in preference to any other Objects 'to which such Monies were applicable under the Provisions of the Acts authorizing such Charges, 'and other Acts therein referred to, and notwithstanding anything in the same Acts or any of 'them contained; provided nevertheless, that it should not be lawful for the said Commissioners of 'Her Majesty's Woods to make any such Payment unless and until they should be satisfied, by the 'Production of such Vouchers, or otherwise as they should require, that the *Westminster* Improvement 'Commissioners had expended the Sum of Seventy-five thousand Pounds at the least towards the opening 'of the new Thoroughfare, to be called *Victoria Street*, and so as such Expenditure were shown to have 'been made in respect of the procuring the Land for the Area of the Street, or as near thereto as in 'the Opinion of the said Commissioners of Her Majesty's Woods the Boundaries of the Properties to 'be purchased would allow, and of the Payment of Expenses relating to such Purchases, not exceeding 'Twelve Pounds *per Centum* on the Amount of the Purchase Monies, and so as such Expenditure 'were shown to have been made out of Monies belonging to the said *Westminster* Improvement Com-'missioners, or Monies raised by a Charge on the surplus Profits to arise on the Completion of the said 'Undertaking, or otherwise on the Credit of the Bonds or Debentures of the said last-named Commis-'sioners, and so as no Part thereof should consist of Monies raised by means of any Charge on the said 'Sum of Thirty-nine thousand Pounds and Interest so to be advanced to the said *Westminster* Improve-'ment Commissioners as aforesaid, or on the Monies by the said *Westminster* Improvement Act, 1847, 'authorized to be paid to the said Improvement Commissioners out of or in respect of certain increased 'Rates therein mentioned; and it was by the Act now in recital further enacted, that before any Part 'of the said Sum of Fifty thousand Pounds should be paid to the *Westminster* Improvement Commis-'sioners the said *Westminster* Improvement Commissioners should deposit with the Commissioners of 'Her Majesty's Woods for the Time being the Conveyances of all the Lands and Hereditaments which 'should have been purchased by the said *Westminster* Improvement Commissioners, under the Provi-'sions of the said Acts, with the before-mentioned Sum of Seventy-five thousand Pounds, and all the 'Title Deeds relating thereto which should be in their Possession, and also should be bound from Time 'to Time, until the said Street should have been formed and paved or macadamized throughout, and 'opened as a public Thoroughfare, and the necessary Vaults and Sewers completed to the Satisfaction 'of Her Majesty's said Commissioners, to deposit in like Manner the Conveyances of any other Lands 'or Hereditaments which should be acquired by them under the Powers or in the Execution of the said '*Westminster* Improvement Act, 1845, and the *Westminster* Improvement Act, 1847, and all the Title 'Deeds relating thereto which should be in their Possession, such Deeds to remain with the said Com-'missioners of Her Majesty's Woods for the Time being until the said Street, Vaults, and Sewers 'should have been completed and opened as aforesaid, and as a Security for the Completion and opening 'thereof within Four Years from the passing of the Act now in recital; and that on the Completion 'and opening of the said Street, and Completion of the Vaults and Sewers within such Period as afore-'said, the same should be delivered up to the said *Westminster* Improvement Commissioners, freed and 'discharged from such Security; but in case the said Street, Vaults, and Sewers should not have been 'so opened and completed as aforesaid within such Time as aforesaid, then it was thereby enacted, 'that it should be lawful for the said Commissioners of Her Majesty's Woods for the Time being, at 'any Time thereafter, at their sole Discretion, to levy and raise the Sum of Fifty thousand Pounds, or 'so much thereof as should have been advanced by them as aforesaid to the *Westminster* Improvement 'Commissioners, together with Interest on the Amount of the Monies advanced, after the Rate of Five 'Pounds *per Centum per Annum* from the Time of advancing the same, by Sale or Mortgage of all or

'any

'any Part of the Lands and Hereditaments which should have been purchased by the said *Westminster* 'Improvement Commissioners, and the Conveyances whereof should have been so deposited as aforesaid; 'and that for the Purpose of such Security the said Commissioners of Her Majesty's Woods for the 'Time being should be taken to have the first Charge on the Lands and Hereditaments so conveyed to 'the *Westminster* Improvement Commissioners, and the Title Deeds relating to which should have been 'deposited as aforesaid, and should hold the same freed from all Estate or Interest or Claim of the '*Westminster* Improvement Commissioners, and all Persons claiming under them; and that, subject to 'the making and paying the said Monies so advanced as aforesaid, and such Interest as aforesaid, and 'to the Payment of the Costs and Expenses relating to raising the same, the said Lands and Heredita-'ments, or the unsold Part thereof, should (subject nevertheless to any Mortgage which might have been 'made under the aforesaid Power) be freed and discharged from such Charge or Lien as aforesaid in all 'respects as if such Deposit had not been made; and any Surplus to arise on any Sale, after answering 'the Purposes aforesaid, should be paid to the said *Westminster* Improvement Commissioners; and it 'was by the Act now in recital further enacted, that if and when the Commissioners of Her Majesty's 'Woods should have been satisfied that the full Sum of Seventy-five thousand Pounds had been expended 'as aforesaid, towards purchasing the Area of and forming the said Street and Works, the said last-'named Commissioners should not have at their Disposal Monies sufficient to pay to the said *West-'minster* Improvement Commissioners the said Sum of Fifty thousand Pounds so by the Act now in 'recital authorized to be paid to them as aforesaid, then and thenceforth Interest, after the Rate of Five 'Pounds *per Centum per Annum*, should be paid by the said Commissioners of Her Majesty's Woods 'to the *Westminster* Improvement Commissioners on the said Sum of Fifty thousand Pounds, or on so 'much as should remain unpaid, from the Time at which the said Commissioners of Her Majesty's 'Woods should be satisfied that the said Sum of Seventy-five thousand Pounds had been expended as 'aforesaid up to the Time at which the said Sum of Fifty thousand Pounds, or the unpaid Part thereof, 'should be paid, and that such Interest should be raised and paid in all respects as the said Sum of 'Fifty thousand Pounds was authorized to be raised and paid by the Act now in recital; but in case the 'said *Westminster* Improvement Commissioners should borrow the Sum of Fifty thousand Pounds, or 'any Part thereof, on the Security or Credit of the said Sum of Fifty thousand Pounds thereby directed 'to be paid to them, and should pay for the Monies borrowed a Rate of Interest lower than the Rate of 'Five Pounds *per Centum per Annum*, then only the Rate of Interest which should be paid by the '*Westminster* Improvement Commissioners in respect of the Principal Monies so borrowed should be 'paid by the Commissioners of Her Majesty's Woods in respect of the said Sum of Fifty thousand 'Pounds, or so much thereof as should remain unpaid: And whereas previously to the passing of the 'said *Westminster* Improvement Act, 1847, the said Commissioners of Her Majesty's Woods caused an 'Estimate to be made of the probable Expense of purchasing the Area of and of opening the said Street, 'to be called *Victoria Street*, and it was then estimated that the Purchase Money for the whole Area 'would amount to the Sum of One hundred and twenty thousand Pounds, the Expenses of the Purchase 'to the Sum of Fifteen thousand Pounds, and the Cost of opening the Street as a public Thoroughfare 'to the Sum of Twelve thousand Pounds: And whereas since the Time when the said Estimate was 'made the *Westminster* Improvement Commissioners have either actually purchased, or entered into 'Agreements for the Purchase of, more than Half the Property required for the aforesaid Area, and 'have deposited at the Office of the said Commissioners of Her Majesty's Woods a Plan and detailed 'Description of all the Properties lying within the Area of the said proposed Street, and the Purchase 'of which is necessary for the opening of the same Street or public Thoroughfare (and which Properties 'formed the Basis of the aforesaid Estimate), and also a Statement of the Prices paid or payable, or 'now estimated to be payable, in respect of the whole of such Properties, from which it appears that 'the total Purchase Money required for the same will probably be about One hundred and ten thousand 'Pounds: And whereas, in order to facilitate the Completion of the said new Street, to be called '*Victoria Street*, as a public Thoroughfare, it is expedient that such further Provisions and Enactments 'should be made as are herein-after contained:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so soon as the *Westminster* Improvement Commissioners shall have satisfied the Commissioners for the Time being of Her Majesty's Woods that they the said *West-minster* Improvement Commissioners have actually expended the Sum of Seventy-five thousand Pounds towards the opening of the said new Thoroughfare, to be called *Victoria Street*, and so as such Expen-diture be shown to have been made in respect of the procuring the Land for the Area of the Street, and as little beyond such Area as the Boundaries of the respective Proprietors will allow, as shown in the said Plan and Description so deposited as aforesaid, and at Prices not exceeding those mentioned in the aforesaid Statement, so also deposited as aforesaid, and of the Payment of Expenses relating to such Purchases, not exceeding Twelve Pounds *per Centum* on the Amount of the Purchase Monies, and so as such Expenditure be shown to have been made out of Monies belonging to the said *Westminster* Improve-ment Commissioners, or Monies raised by a Charge on the surplus Profits to arise on the Completion of the said Undertaking, or otherwise on the Credit of the Bonds or Debentures of the said last-named Commissioners, and so as no Part thereof shall consist of Monies raised by means of any Charge on the said Sum of Thirty-nine thousand Pounds, and Interest, so to be advanced to the said *Westminster* Improvement Commissioners as aforesaid, or on the Monies by the said *Westminster* Improvement Act, 1847,

Commissioners of Woods to pay to the Westminster Improvement Commissioners 50,000*l.* out of the first Monies they receive from the London Bridge Approaches Fund, when 75,000*l.* shall have been expended in purchasing Area of new Street.

1847, authorized to be paid to the said Improvement Commissioners out of or in respect of the increased Rates therein mentioned; and when the said *Westminster* Improvement Commissioners shall have deposited at the Office of the Commissioners of Her Majesty's Woods all the Conveyances of and Title Deeds, Agreements, and other Documents in their Possession relating to the Property and Hereditaments purchased with the said Sum of Seventy-five thousand Pounds, then and thereupon the Commissioners for the Time being of Her Majesty's Woods shall and they are hereby required to pay to the *Westminster* Improvement Commissioners, or their Assigns, out of the First Monies which shall come to their Hands by virtue of any Charge or Charges made or to be made by them on the said *London Bridge* Approaches Fund, or upon the several Funds, Duties, annual Sums and Revenues constituting the same, and which by the said or any other Acts they were authorized to charge as aforesaid, the full Sum of Fifty thousand Pounds, in satisfaction of the said Sum of Thirty-nine thousand Pounds, and Interest, so authorized to be paid to them by the said Commissioners of Her Majesty's Woods, together with Interest on the said Sum of Fifty thousand Pounds, after the Rate of Five Pounds *per Centum per Annum*, to be calculated from the Day on which the Expenditure of the said Sum of Seventy-five thousand Pounds shall have been proved to the Satisfaction of the said Commissioners of Her Majesty's Woods, and certified by them or any Two of them, anything in the said recited Acts or any of them, or in any other Act or Acts of Parliament, to the contrary in anywise notwithstanding; and further, that from and after such Sum of Fifty thousand Pounds shall have become payable under the Provisions lastly herein-before contained, if the said Commissioners of Her Majesty's Woods shall not have Monies in their Hands applicable to the Payment of the said Sum of Fifty thousand Pounds, and Interest, then the said Commissioners last aforesaid shall and they are hereby required to give to the said *Westminster* Improvement Commissioners a Certificate under their Hands, or the Hands of any Two of them, certifying that they have been satisfied of the due Expenditure of the said Sum of Seventy-five thousand Pounds, and that such Deeds and Documents have been deposited as aforesaid, and thereupon the said *Westminster* Improvement Commissioners, or their Assigns, shall become absolutely entitled to the said Sum of Fifty thousand Pounds, and Interest, and to be paid when and as there shall be any Monies applicable to the Payment thereof, and in the meanwhile to raise Money by the Assignment or upon the Credit thereof: Provided nevertheless, that unless the said Sum of Seventy-five thousand Pounds shall have been so expended within Six Calendar Months from the passing of this Act, then and thereupon the Provisions in this Act contained shall not take effect, and then and in that Case nothing herein contained shall alter or vary any of the Provisions in the said recited Acts or any other Act or Acts contained.

5 & 6 Vict. c. ci.

II. 'And whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present 'Majesty, intituled *An Act for further extending the Approaches to* London Bridge *and the Avenues 'adjoining to the* Royal Exchange *in the City of* London, *and for amending the Acts relating thereto 'respectively; and for raising a Sum of Money towards opening a Street to* Clerkenwell Green *in the 'County of* Middlesex *in continuation of the new Street from* Farringdon Street *in the City of* London, 'the Charges upon the Estates and Revenues of the Mayor and Commonalty and Citizens of the City 'of *London* were continued until the Charges on the *London Bridge* Approaches Fund, then made or 'authorized to be made, were fully paid and satisfied: And whereas the said Mayor and Commonalty 'and Citizens, with the view of affording Facilities for the Completion of the *Westminster* Improvements, 'have consented to the varying of the Priorities as authorized by this Act:' Be it enacted, That if at the Time when such Completion of such Expenditure of the said Sum of Seventy-five thousand Pounds shall have been certified as aforesaid the Commissioners of Her Majesty's Woods shall not have Monies in their Hands applicable or sufficient for Payment of Interest on the said Sum of Fifty thousand Pounds, then out of the Fund commonly called "The *London Bridge* Approaches Fund," but subject to the Payment of any Interest or Annuities payable in respect of any Principal Sums charged on the said Fund under any Act or Acts of Parliament now in force prior to any Sums charged or to be charged on the said Fund by or in favour of the Commissioners of Her Majesty's Woods, Interest after the Rate aforesaid on the said Sum of Fifty thousand Pounds, or on so much thereof as shall from Time to Time remain unpaid, shall be paid from Time to Time to the said *Westminster* Improvement Commissioners, their Successors and Assigns, by Two even and equal half-yearly Payments in every Year, before any Part of the surplus Monies arising from or in respect of the said Fund shall be applied in redemption of any Annuities or Payment of any Principal Monies already charged on the said Fund; and a proportionate Part of One of such half-yearly Payments shall be paid up to the Fifth Day of *April* or to the Tenth Day of *October* which shall next ensue after the Day on which such Expenditure of the said Sum of Seventy-five thousand Pounds shall have been so certified to have been completed as aforesaid, and the subsequent half-yearly Payments on every succeeding Fifth Day of *April* and Tenth Day of *October* until the whole of the said Principal Sum of Fifty thousand Pounds shall have been fully paid and satisfied; and, subject as aforesaid, the Residue of such surplus Monies as last aforesaid shall from Time to Time be applied in such Manner and for such Purposes in all respects as the same would have been applicable in or for if this present Provision for securing Payment of Interest on the said Sum of Fifty thousand Pounds had not been in this Act contained: Provided also, that the Interest as aforesaid shall be paid at the Chamber of *London*, and that the Receipt or Receipts in Writing of the said *Westminster* Improvement Commissioners, sealed with their Common Seal, or of their Assigns, shall be a sufficient Discharge or sufficient Discharges to the Chamber of *London* for Payment of the same.

How Interest on 50,000*l.* shall be paid if Commissioners of Woods have no Monies in hand after Expenditure of the 75,000*l.*

III. Provided also, and be it enacted, That in case the said *Westminster* Improvement Commissioners shall borrow the Sum of Fifty thousand Pounds, or any Part thereof, on the Security or Credit of the said

Interest on the 50,000*l.* to be paid at the same

said Sum of Fifty thousand Pounds, and Interest, hereby directed to be paid to them, and shall pay for the Monies borrowed a Rate of Interest lower than the Rate of Five Pounds *per Centum per Annum*, then only the Rate of Interest which shall be paid by the *Westminster* Improvement Commissioners in respect of the Principal Monies so borrowed shall be paid in respect of the said Sum of Fifty thousand Pounds, or so much thereof as shall remain unpaid.

Rate (not exceeding 5*l.* per Cent.) at which Monies may be borrowed on the Credit thereof.

IV. And be it enacted, That, as between the Commissioners of Her Majesty's Woods and all Persons or Parties whomsoever other than the said *Westminster* Improvement Commissioners themselves, such Certificate shall be sufficient and conclusive Evidence that all the Conditions by this Act prescribed have been complied with, and that the said Commissioners of Her Majesty's Woods are satisfied on the Points on which their Satisfaction is hereby required; and that the Receipt or Receipts in Writing of the said *Westminster* Improvement Commissioners, sealed with their Common Seal, or signed by their Clerk, with the Privity of Her Majesty's Commissioners of Woods, or any Two of them, testified in Writing under their Hands, shall be full and sufficient Discharges to all Persons or Bodies Corporate whomsoever advancing or paying any Monies to the said *Westminster* Improvement Commissioners on the Security or for the Purchase of, or otherwise in respect of, the said Sum of Fifty thousand Pounds, and Interest, or any Part thereof, for the Monies therein expressed to be received, and that no such Person or Body Corporate shall be in anywise required to see to the Application of the Monies so advanced or paid by them.

Certificate of Commissioners of Woods to be Evidence of Compliance with Conditions, and Receipts of Westminster Improvement Commissioners to be good Discharges.

V. Provided always, and be it enacted, That, as between the said *Westminster* Improvement Commissioners and the Commissioners of Her Majesty's Woods, all the Monies which shall be borrowed or raised by the said *Westminster* Improvement Commissioners on the Security of or by the Sale of the said Sum of Fifty thousand Pounds, and Interest, or any Part thereof, or the said Sum of Fifty thousand Pounds, and Interest, when payable, (subject to any Sale or Mortgage or other Disposition thereof, and to the Payment thereout of all Monies raised or borrowed on the Security of an Assignment thereof,) or such Part of the said Monies as the said Commissioners of Her Majesty's Woods shall think fit, shall be deposited or invested by the said *Westminster* Improvement Commissioners in the Names of Three Trustees, to be approved of by the Commissioners for the Time being of Her Majesty's Woods, and such Trustees shall hold such Monies in trust to lay out the same in or towards procuring for the said *Westminster* Improvement Commissioners the Residue not previously purchased of the Land for the Area of the said Street, and as little beyond such Area as the Boundaries of the respective Properties will allow, as shown in the said Plan or Description so deposited as aforesaid, at Prices not exceeding those mentioned in the said Description, and in Payment of Expenses relating to such Purchases, not exceeding the Rate of Twelve *per Centum* on the Amount of the Purchase Money, and in Payment of the Costs of building and making Vaults and Sewers and paving or otherwise preparing the said Street for a public Thoroughfare; and, subject as aforesaid, the said Monies so deposited shall be in trust for the *Westminster* Improvement Commissioners; but the Interest from Time to Time arising from such Monies so to be deposited as aforesaid, or the Securities on which the same may be invested, shall be paid to the said *Westminster* Improvement Commissioners, to be by them applied towards the Completion and opening of the said Thoroughfare.

The 50,000*l.*, or Monies borrowed on the Credit thereof, to be invested in the Names of Trustees for completing the Purchase of the Area of the new Street, and opening the same as a public Thoroughfare.

VI. Provided always, and be it enacted, That if any Trustee or Trustees to be approved by the said Commissioners of Her Majesty's Woods, as by this Act is provided, shall die, or refuse or become incapable to act in the Trust hereby created, before the same shall be fully performed, it shall be lawful for the *Westminster* Improvement Commissioners from Time to Time, by any Writing sealed with their Common Seal, to nominate and appoint any other Person or Persons (to be approved by the Commissioners of Her Majesty's Woods) to be a Trustee or Trustees of the said Monies in the Place of such Trustee or Trustees so dying, or refusing or becoming incapable to act, as aforesaid, and thereupon the said Monies, or such Part thereof as shall remain unapplied, shall be transferred into the Names of the surviving or continuing Trustee or Trustees and of the said new Trustee or Trustees, to be held by them upon the Trusts before mentioned respecting the same.

As to Appointment of new Trustees in case of Death, &c.

VII. Provided always, and be it enacted, That the said Trustees shall not nor shall any or either of them be responsible for the Failure of any Banker in whose Hands such Monies shall be deposited for safe Custody or placed at Interest, nor for any Loss whatsoever, unless the same shall arise from their or his gross or wilful Neglect or Default.

Trustees not to be liable for involuntary Losses.

VIII. And be it enacted, That as regards so much of the Area of the said intended Street as has been already purchased, the same shall be and be taken to be Part of the Area as shown in the aforesaid Plan of the said intended Street, and for ever hereafter devoted as a public Thoroughfare, when and as the same shall have been completed and opened; and when and as any other Part of the said Area shall after the passing of this Act have been purchased the same shall be and be taken to be Part of the Area of the said intended Street, and shall not be subject to any Charges, Estates, Debts, or Incumbrances made or to be made by the said *Westminster* Improvement Commissioners; and after the said Commissioners of Her Majesty's Woods shall have caused a Notice to be inserted in the *London Gazette* that the said new Street is open as a public Thoroughfare, the said Area shall become and be and for ever thereafter remain a public Thoroughfare to all Intents and Purposes whatsoever.

Area, when purchased, to be devoted to the Public, free from all Charges.

IX. Provided always, and be it enacted, That it shall be lawful for the said *Westminster* Improvement Commissioners, their Successors and Assigns, to set apart, appropriate, and enclose such Portion of the said Area as is marked out in the said Plan for Areas to the Houses fronting upon the said Street, and to make Vaults to or for such Houses within the Limits also marked out on the said Plan, and such Areas

Improvement Commissioners may enclose Areas to Houses, and

construct Vaults appurtenant to the same.

Areas and Vaults as lastly aforesaid shall for ever thereafter be appurtenant to, and held, used, and enjoyed with such Houses respectively; and also that it shall be lawful for the said last-mentioned Commissioners, their Successors and Assigns, while any House or Houses fronting on the said Street shall be in the course of Erection or Completion, from Time to Time, at their Discretion, but in the usual and proper Manner, and for a reasonable Period only, to enclose and keep enclosed a Portion or Portions of the said Street fronting such House or Houses, and not exceeding Twenty Feet in Depth, and use the Space so enclosed in erecting and completing such House or Houses, and carrying on the necessary Works for that Purpose.

Plan deposited to remain, and to be open to Inspection.

X. And be it enacted, That the said Plan so deposited as aforesaid shall remain at the Office of the Commissioners of Her Majesty's Woods, and all Persons shall be at liberty, at seasonable Times, to inspect the same, at their Will and Pleasure, on paying the Sum of One Shilling for every such Inspection.

Noncompletion of Street within prescribed Period not to affect Rights of Mortgagees.

XI. Provided always, and be it enacted, That the Noncompletion of the said new Street within the Period prescribed by the said Act of the Tenth and Eleventh Years of the Reign of Her Majesty shall not in anywise prejudice or affect the Right or Title of any Mortgagee or Assignee of the said *Westminster* Improvement Commissioners to receive the whole or any Part of the aforesaid Sum of Fifty thousand Pounds, and Interest.

Title Deeds to be delivered up to the Improvement Commissioners when they have expended 75,000*l.* towards Purchase of Area, and have invested the 50,000*l.* in Names of Trustees.

XII. Provided always, and be it enacted, That when and so soon as the said *Westminster* Improvement Commissioners shall have applied the Sum of Seventy-five thousand Pounds towards the Purchase of such Area as aforesaid, and shall have deposited or invested in such Names as aforesaid the said Sum of Fifty thousand Pounds, or so much thereof as Her Majesty's Commissioners of Woods shall require for the Purpose of being applied in the purchasing the said Area and the Completion of the said Street as aforesaid, then, and notwithstanding anything in this Act or the said recited Acts, or any of them, or any Act of Parliament contained, the said Commissioners of Her Majesty's Woods shall and they are hereby required to deliver up to the said *Westminster* Improvement Commissioners all the Conveyances, Title Deeds, and Documents which shall have been so deposited with them as aforesaid, freed and discharged from all Lien or Charge, Powers, Estates, or Interests of the said Commissioners of Her Majesty's Woods, under any of the Provisions of the said recited Acts, or any of them, or any other Act whatsoever; and thenceforwards it shall not be incumbent on the said Trustees or either of them, or the said *Westminster* Improvement Commissioners, to cause any Conveyances, Title Deeds, or Documents of or relating to any Land paid or to be paid for by such Trustees or Commissioners as aforesaid to be deposited with the Commissioners of Her Majesty's Woods, but the same shall be given up to the said *Westminster* Improvement Commissioners, their Successors or Assigns.

Improvement Commissioners to have Access to Documents deposited at Office of Woods.

XIII. Provided always, and be it enacted, That during such Time as any of the Conveyances, Title Deeds, and Documents deposited or so to be deposited as aforesaid shall remain in the Custody of the Commissioners of Her Majesty's Woods, the said Improvement Commissioners and their Appointees shall, at all reasonable Hours in the Daytime, have free Access to and be at liberty to inspect, examine, and make Extracts from or Abstracts and Copies of such Conveyances, Title Deeds, and Documents, or any of them.

Bond to the Treasury to remain in force.

XIV. Provided always, and be it enacted, That nothing herein contained shall invalidate or in any Manner prejudice or bar the Enforcement of a certain Bond or Obligation in Writing bearing Date the Thirtieth Day of *January* One thousand eight hundred and forty-six, taken by Direction of the Commissioners of Her Majesty's Treasury, under the Provisions of the *Westminster* Improvement Act, 1845, by way of Security for the Formation and Completion of the new Street, by the same Act authorized to be made, and by the *Westminster* Improvement Act, 1847, continued in force, and extended to the Formation and Completion of the new Street to be called *Victoria Street*, by the last-mentioned Act authorized to be made, but such Bond or Obligation shall remain in full Force, and the Condition thereof shall not be deemed to have been performed until the Roadway or Communication described in and laid down on the Plan in the last-mentioned Act referred to shall have been constructed and fully completed to the Satisfaction of the Commissioners of Her Majesty's Woods (such Satisfaction to be expressed by a Certificate under the Hands of any Two of the last-mentioned Commissioners), and the said Roadway or Communication shall be opened to and fit to be used by the Public, or until the Obligees in the said Bond named shall have paid within the Time therein limited the full Sum which they have thereby bound themselves to pay in case of Default.

Commissioners of Woods to continue incorporated.

XV. And be it enacted, That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall continue incorporated for the Purposes of this Act, in such Manner as by the said first-recited Act or any other Act is provided for the Purposes of such Acts.

Repeal of Provision in Westminster Improvement Acts as to Conveyances by way of Sale or Exchange.

XVI. 'And whereas in and by the *Westminster* Improvement Act, 1845, it was amongst other things 'enacted, that as and when Conveyances by way of Sale or Exchange or Leases should be executed 'pursuant to such last-mentioned Act, the respective Persons and Corporations to whom the Lands 'described in such Conveyances and Leases respectively should be conveyed or leased should be entitled 'to hold the same discharged from all Mortgages or other Charges previously made by the said Improve-'ment Commissioners, without the Mortgagees or Persons entitled to such Charges concurring in the 'Conveyance or Lease: And whereas the said lastly-recited Enactment has by the *Westminster* Improve-'ment Act, 1847, been extended to the Property comprised in and authorized to be purchased by such 'last-mentioned Act: And whereas it is expedient that such Enactment should be modified or altered in 'manner herein-after mentioned:' Now be it enacted, That, notwithstanding anything in the said *Westminster* Improvement Acts or either of them contained, no Lands or Hereditaments to be comprised

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in any Conveyance by way of Sale or Exchange, or any Lease to be made by the said Improvement Commissioners, shall be held so discharged as aforesaid from any Mortgage or Charge affecting the same, without the Mortgagee or Mortgagees or other Person or Persons entitled to such Mortgage or Charge concurring in such Conveyance or Lease, in any Case where in the Deed or Deeds creating such Mortgage or Charge it shall have been expressly agreed that the Lands and Hereditaments therein comprised shall not be discharged from such Mortgage or Charge without the Concurrence of the Person or Persons entitled thereto.

XVII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such. Public Act.

CAP. CXXV.

An Act for raising the Sum of Two Millions by Exchequer Bills, or by the Creation of Annuities, for the Service of the Year One thousand eight hundred and forty-eight.

[5th *September* 1848.]

CAP. CXXVI.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-eight; and to appropriate the Supplies granted in this Session of Parliament. [5th *September* 1848.]

§ I. There shall be applied, for the Service of the Year 1848, £10,584,871 19*s.* 10*d.* out of the Consolidated Fund.

II. The Treasury may cause £10,584,871 19*s.* 10*d.* of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of *England* may advance £10,584,871 19*s.* 10*d.* on the Credit of this Act, notwithstanding 5 & 6 *W.* & *M. c.* 20.

VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. The Treasury to issue £41,786 19*s.* 9*d.*, Surplus of Ways and Means, and £500,000 now in the Exchequer, to complete the Aids granted for 1846 and 1847.

X. Monies coming into the Exchequer by 11 & 12 *Vict. c.* 4.—£17,946,500 by Exchequer Bills, 11 & 12 *Vict. c.* 16.—Monies coming in by 11 & 12 *Vict. c.* 33., and by 11 & 12 *Vict. c.* 125. —and £10,584,871 19*s.* 10*d.*, £41,786 19*s.* 9*d.*, and £500,000 by this Act, applied as hereafter expressed.

XI. There shall be issued,

	£245,410	19	7	For Excess of Naval Expenditure over Grants of 1846.
XII.	7,518,610	0	0	For Naval Services, *viz.*
	1,393,506	0	0	For Wages to 43,000 Seamen and Marines, &c.
	610,930	0	0	For Victuals, &c. in the Navy.
	500,288	0	0	For Military Pensions.
	1,357,213	0	0	For Naval Stores, &c.
	719,740	0	0	For Naval Half Pay.
	811,346	0	0	For Wages of Artificers, &c. at home.
	626,601	0	0	For new Works in Naval Establishments.
	136,303	0	0	For Salaries, &c. of the Admiralty Office.
	9,701	0	0	For Registry Office of Seamen, &c.
	77,261	0	0	For the Navy Scientific Departments.
	139,350	0	0	For Naval Establishments at home.
	25,839	0	0	For Naval Establishments abroad.
	39,280	0	0	For Wages of Artificers, &c. abroad.
	25,075	0	0	For Medicines, &c.
	66,573	0	0	For Naval Miscellaneous Services.
	181,322	0	0	For Freight of Ships, &c. for Army and Ordnance Services.
	43,602	0	0	To defray the Charge of Convicts, Home Department.
	152,018	0	0	For Civil Pensions.
	602,662	0	0	For Mail Packet Service.
XIII.	7,037,795	0	0	For Army Services from 1st *April* 1848 to 31st *March* 1849, *viz.*
	3,836,880	0	0	For Forces in United Kingdom and Stations abroad (except the *East Indies.*)
	1,223,810	0	0	For Out-Pensioners of *Chelsea* Hospital, &c.
	76,000	0	0	For certain General Officers.
	406,000	0	0	For Half Pay for Retired Officers.
	129,531	0	0	For Pensions to Widows.
	98,000	0	0	For Compassionate List, &c.
	528,345	0	0	For Commissariat Department.

	£ 42,964	0	0	For Half Pay of Commissariat Department.	
	168,237	0	0	For General Staff Officers, &c.	
	96,591	0	0	For Allowances to Officers, &c. of Public Military Departments.	
	19,161	0	0	For Royal Military Asylum, &c.	
	80,309	0	0	For Volunteer Corps.	
	15,507	0	0	For Rewards for distinguished Military Services.	
	57,000	0	0	For Full Pay for Retired Officers.	
	47,386	0	0	For Half Pay, &c. to Officers of disbanded Foreign Corps, &c.	
	26,774	0	0	For *Chelsea* and *Kilmainham* Hospitals.	
	37,500	0	0	For Superannuations in Military Public Departments.	
	122,800	0	0	For Disembodied Militia.	
	25,000	0	0	For Pensioners on Duty.	
§ XIV.	2,801,760	0	0	For Ordnance Services to 31st *March* 1849, *viz.*	
	716,254	0	0	For Ordnance Military Corps.	
	316,031	0	0	For Commissariat and Barrack Supplies, &c.	
	91,136	0	0	For Ordnance Office.	
	235,646	0	0	For Establishments in United Kingdom and Colonies.	
	158,567	0	0	For Wages of Artificers, &c.	
	463,743	0	0	For Ordnance Stores for Land and Sea Service.	
	584,155	0	0	For Ordnance and Barrack Works.	
	68,787	0	0	For Scientific Branch.	
	167,441	0	0	For Non-effective Ordnance Services.	
XV.	1,100,000	0	0	For Army and Ordnance Services occasioned by the *Kaffir* War.	
XVI.	17,946,500	0	0	To pay off Exchequer Bills of 1848.	
	500,000	0	0	To discharge Supplies granted for 1847, &c.	
XVII.	262,545	0	0	To make good the Deficiency in Sums for Relief of Distress, *Ireland* and *Scotland*, &c. to 30th *June* 1848.	
	130,965	0	0	For Expenses for Relief of *Irish* Emigrants in *British North American* Provinces in 1847.	
XVIII.	120,000	0	0	For New Houses of Parliament	To 31st *March* 1849.
	100,000	0	0	For Civil Contingencies	
	120,923	0	0	For Repairs of Public Buildings, Furniture of Public Offices, &c.	
	30,000	0	0	For enlarging *Buckingham Palace* in 1848.	
	8,410	0	0	For a Palm House, &c. in the Royal Botanic Gardens at *Kew*	To 31st *March* 1849.
	4,234	0	0	For temporary Accommodation for Houses of Parliament, &c.	
	4,050	0	0	For Works in the *Isle of Man*	
	12,792	0	0	For *Holyhead* Harbour, &c.	
	131,000	0	0	For Harbours of Refuge in 1848.	
	23,167	0	0	For Public Buildings, &c., *Ireland*	To 31st *March* 1849.
	8,100	0	0	For *Kingstown* Harbour	
XIX.	302,362	0	0	For Stationery, &c. for Public Departments	
	57,700	0	0	For the Treasury	
	18,700	0	0	For the Home Department	
	72,500	0	0	For the Foreign Department, &c.	
	27,461	0	0	For the Colonial Department	
	39,000	0	0	For the Privy Council and Board of Trade	
	2,000	0	0	For Lord Privy Seal	
	25,000	0	0	For Office of Paymaster General, &c.	
	3,540	0	0	For Ecclesiastical Commissioners for *England*	
	11,300	0	0	For Comptroller General of Exchequer, &c.	
	14,023	0	0	For Public Records, &c.	
	50,268	0	0	For the Mint	
	5,546	0	0	For Paymaster of Civil Services, *Ireland*	
	40,800	0	0	For Board of Public Works, *Ireland*	
	39,000	0	0	For Foreign and Secret Services	
	30,000	0	0	For Salaries, &c. for both Houses of Parliament	
	2,680	0	0	For State Paper Office	
	236,000	0	0	For Administration of Poor Laws	
	10,670	0	0	For Commissioners of Railways	
	12,514	0	0	For Salaries, &c. of Inspectors of Factories, &c.	
	1,755	0	0	For Salaries of Officers, *Scotland*, &c.	
	6,464	0	0	For Officers, &c. of Lord Lieutenant of *Ireland*	
	22,658	0	0	For Offices of Chief Secretary, &c., *Ireland*	
XX.	9,600	0	0	For Prosecutions under Laws relating to Coin	

	£ 16,000	0	0	For Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c.	To 31st *March* 1849.
	13,155	0	0	For *Parkhurst* Prison	
	17,204	0	0	For *Pentonville* Prison	
	45,334	0	0	For *Millbank* Prison	
	8,707	0	0	For *Perth* Prison	
	63,475	0	0	For Law Expenses, *Scotland*	
	71,991	0	0	For Law Expenses, *Ireland*	
	36,500	0	0	For the Police of *Dublin*	
	9,000	0	0	For Law Charges, &c. in the Office of Solicitor to the Treasury	
	10,630	0	0	For Insolvent Debtors Court	
	348,000	0	0	For Charges formerly paid out of County Rates, in 1848.	
	679	0	0	For Convict Depôts in *Dublin*, &c.	To 31st *March* 1849.
	4,202	0	0	For Criminal Lunatics	
	10,250	0	0	Inspectors of Prisons, &c.	
	151,000	0	0	For Convicts at home, &c.	
	217,000	0	0	For Convicts at *New South Wales*, &c.	
	10,000	0	0	For Maintenance of Convicts, *Ireland*	
§ XXI.	120,000	0	0	For Education, *Ireland*	
	10,000	0	0	For School of Design, &c.	
	6,000	0	0	For Royal *Dublin* Society	
	10,798	0	0	For Geological Survey, &c.	
	48,445	0	0	For *British* Museum, to 25th *March* 1849.	
	125,000	0	0	For Public Education in 1848.	
	2,006	0	0	For certain Professors at *Oxford* and *Cambridge*	To 31st *March* 1849.
	4,178	0	0	For *London* University	
	7,480	0	0	For Grants to *Scottish* Universities	
	300	0	0	For Royal *Irish* Academy	
	300	0	0	For Royal *Hibernian* Academy	
	3,442	0	0	For *Belfast* Academical Institution	
	42,038	0	0	For Buildings at *British* Museum	
	8,766	0	0	For Antiquities, &c. for *British* Museum.	
	1,500	0	0	For National Gallery in 1848.	
	5,267	0	0	For Observatories at *Toronto*, &c., to 31st *March* 1849.	
	2,000	0	0	For completing Monument to Lord *Nelson* in 1848-49.	
XXII.	123,190	0	0	For Consular Establishment	To 31st *March* 1849.
	20,000	0	0	For Missions abroad	
	3,410	0	0	For Civil Establishment of the *Bahama Islands*	
	4,049	0	0	For ditto of the *Bermudas*	
	3,070	0	0	For ditto of *Prince Edward's Island*	
	400	0	0	For *Sable Island*, &c.	
	13,680	0	0	For Civil Establishments on the Western Coast of *Africa*	
	11,500	0	0	For *St. Helena*	
	7,538	0	0	For *Western Australia*	
	2,725	0	0	For *Port Essington*	
	5,040	0	0	For the *Falkland Islands*	
	20,000	0	0	For *New Zealand*	
	9,827	0	0	For *Labuan*	
	1,023	0	0	For *Heligoland*	
	18,028	0	0	For *West India* Colonies	
	11,578	0	0	For Ecclesiastical Establishment of *British North American* Colonies	
	14,308	0	0	For *Indian* Department in *Canada*	
	13,451	0	0	For Colonial Land and Emigration Board, &c.	
	41,150	0	0	For Justices in *West Indies*, &c.	
	30,000	0	0	For Support of captured Negroes, &c.	
	23,000	0	0	For Commissions for suppressing the Slave Trade	
	49,400	0	0	For *British* Settlement at *Hong Kong*, &c.	
XXIII.	77,200	0	0	For Superannuations, &c. to Public Officers	
	36,837	0	0	For Protestant Dissenting Ministers, *Ireland*	
	14,975	0	0	For House of Industry, *Dublin*	
	7,177	0	0	For Charitable Allowances, *Ireland*	
	4,400	0	0	For *Toulonese* and *Corsican* Emigrants, &c.	
	2,000	0	0	For National Vaccine Institution in 1848.	
	3,000	0	0	For Refuge for Destitute in 1848.	

	£ 10,700	0	0	For *Polish* Refugees, &c. - - - -	To 31st *March* 1849.
	6,669	0	0	To pay Allowances formerly paid from Civil List, &c.	
	3,000	0	0	For Foundling Hospital, *Dublin* - - -	
	1,000	0	0	For Female Orphan House, *Dublin* - - -	
	2,500	0	0	For *Westmoreland* Lock Hospital - - -	
	1,000	0	0	For Lying-in Hospital, *Dublin* - - -	
	1,500	0	0	For Dr. *Stevens'* Hospital - - -	
	3,800	0	0	For House of Recovery, &c., *Dublin* - - -	
	500	0	0	For Hospital for Incurables, *Dublin* - -	
§ XXIV.	50,000	0	0	For Steam Communication to *India* - -	
	3,400	0	0	For Criminal Law Commission, for One Year.	
	2,500	0	0	For Metropolitan Sanitary Commission.	
	32,000	0	0	For certain Navigation Works, *Ireland*, to 31st March 1849.	
	1,184	0	0	For *British* Ambassador's House at *Paris*, to 1848-49.	
	3,000	0	0	For *British* Ambassador's House at *Madrid*, to 1848-49.	
	16,000	0	0	For Militia, *Canada*, to 1848-49.	
	2,000	0	0	For a Lighthouse at *Barbadoes*, 1848.	
	22,500	0	0	For Medals for Army and Navy Services from 1793 to 1814.	
	1,500	0	0	For Remuneration to Lieutenant *Waghorn*, R.N.	
	12,000	0	0	For rebuilding *British* Ambassador's House at *Constantinople*, to 31st March 1849.	

XXV. Supplies to be applied only for the Purposes aforesaid.

XXVI. Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted.

Treasury may, on Application, alter the proportionate Amounts for such separate Services provided the total Grant to each Department be not exceeded.

XXVII. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXVIII. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXIX. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified. 10 & 11 *Vict.* c. 107.

XXX. Half Pay allowed to the Officers of the *Manx* Fencibles.

XXXI. Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.

XXXII. By 10 & 11 *Vict.* c. 107. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

XXXIII. Widows and Persons claiming Pensions shall make the required Declaration.

XXXIV. Declarations to be made as specified in 5 & 6 *W.* 4. c. 62.

CAP. CXXVII.

An Act to reduce the Duties on Copper and Lead. [5th *September* 1848.]

'WHEREAS it is expedient to reduce the Duty now payable upon the Importation of Copper and Lead into the United Kingdom:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in lieu and instead of the Duties of Customs now payable upon the Articles mentioned in the Table to this Act annexed, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon the said Articles imported into the United Kingdom only, the several Duties of Customs respectively inserted, described, and set forth in Figures in the Table to this Act annexed.

After passing of this Act Duties mentioned in Table annexed to be substituted for those now payable.

II. And be it enacted, That all such Goods as are enumerated in the said Table as shall have been warehoused without Payment of Duty upon the first Importation thereof, and which shall be in the Warehouse at the Commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties.

Certain Goods warehoused without Payment of Duty to be liable.

III. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied, or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

Duties by this Act imposed to be under Management of the Customs.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

TABLE

TABLE referred to in this Act.

	£	s.	d.
Copper, Ore of, per Ton	0	1	0
——— Regulus of, per Ton	0	1	0
——— Old, fit only to be manufactured, per Ton	0	2	6
——— Unwrought; viz. in Bricks or Pigs, Rose Copper, and all cast Copper, per Ton	0	2	6
——— Part wrought; viz. Bars, Rods, or Ingots, hammered or raised, per Ton	0	2	6
——— in Plates and Copper Coin, per Ton	0	2	6
Lead, Pig and Sheet, per Ton	0	2	6

CAP. CXXVIII.

An Act for carrying into effect the Agreement between Her Majesty and the Imaum of *Muscat* for the more effectual Suppression of the Slave Trade. [5th *September* 1848.]

'WHEREAS on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-five an Agreement was concluded and signed at *Zanzibar* between Captain *Atkins Hamerton* of Her Majesty's Royal Navy, on behalf of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and his Highness *Seid Saeed Bin Sultan*, the Imaum of *Muscat*, whereby it was agreed as follows:

'ARTICLE I.—His Highness the Sultan of *Muscat* hereby engages to prohibit, under the severest Penalties, the Export of Slaves from his *African* Dominions, and to issue Orders to his Officers to prevent and suppress such Trade.

'ARTICLE II.—His Highness the Sultan of *Muscat* further engages to prohibit, under the severest Penalties, the Importation of Slaves from any Part of *Africa* into his Possessions in *Asia*, and to use his utmost Influence with all the Chiefs of *Arabia*, the *Red Sea*, and the *Persian Gulf*, in like Manner to prevent the Introduction of Slaves from *Africa* into their respective Territories.

'ARTICLE III.—His Highness the Sultan of *Muscat* grants to the Ships of Her Majesty's Navy, as well as those of the *East India* Company, Permission to seize and confiscate any Vessels the Property of his Highness or of his Subjects carrying on Slave Trade, excepting such only as are engaged in the Transport of Slaves from one Port to another of his own Dominions in *Africa*, between the Port of *Lamoo* to the North, and its Dependencies, the Northern Limit of which is the North Point of *Kuyhoo* Island, in 1° 57′ South Latitude, and the Port of *Keelwa* to the South, and its Dependencies, the Southern Limit of which is the *Songa Manara* or *Pagoda Point*, in 9° 2′ South Latitude, including the Islands of *Zanzibar*, *Pemba*, and *Monfea*.

'ARTICLE IV.—This Agreement to commence and have effect from the First Day of *January* One thousand eight hundred and forty-seven of the Year of *Christ*, and the Fifteenth Day of the Month of *Mohunum* One thousand two hundred and sixty-three of the *Hejira*.

'Done at *Zanzibar*, this Second Day of *October* One thousand eight hundred and forty-five of the Year of *Christ*, and Twenty-ninth Day of *Ramzan* One thousand two hundred and sixty-one of the *Hejira*.

'(Signed) *Seid Saeed Bin Sultan*,
'Imaum of *Muscat*.

'(Signed) *Atkins Hamerton*, Captain,
'On behalf of Her Majesty the Queen of *Great Britain*
'and *Ireland*, Her Heirs and Successors.

'And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Agreement:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commander and other Officers of Her Majesty's Ships of War or of the *East India* Company to visit and detain in any Seas, except within the Limits exempted by the Terms of the Third Article of the said Agreement, any Merchant Vessel belonging to the Subjects of the Imaum of *Muscat* which shall upon reasonable Grounds be suspected of being engaged in the Export of Slaves from the *African* Dominions of the Imaum of *Muscat*, or the Importation of Slaves from any Part of *Africa* into his Possessions in *Asia*, excepting such only as are engaged in the Transport of Slaves from one Port to another of his own Dominions in *Africa*, between the Port of *Lamoo* to the North, and its Dependencies, the Northern Limit of which is the North Point of *Kuyhoo* Island, in 1° 57′ South Latitude, and the Port of *Keelwa* to the South, and its Dependencies, the Southern Limit of which is the *Songa Manara* or *Pagoda Point*, in 9° 2′ South Latitude, including the Islands of *Zanzibar*, *Pemba*, and *Monfea*, or any Vessel fitted out for that Purpose, and to send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication as herein-after mentioned.

Power to Commanders of Ships of War and of the East India Company to visit Vessels belonging to Subjects of the Imaum of Muscat, within certain Limits, suspected of being engaged in the Slave Trade.

II. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, including those Courts of Vice Admiralty within the Territories under the Government of the *East India* Company, to take cognizance of and try any such Vessel which shall be detained or captured for the Violation of the said Agreement, and to condemn any such Vessel to Her Majesty, and adjudge as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of

As to the Trial of Vessels engaged in the Slave Trade.

Parliament in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Persons giving false Evidence deemed guilty of Perjury.

III. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under the said Agreement or under this Act, shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England;* and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IV. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Agreement, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in bar, or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage or for any Injury sustained thereby or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done under or in pursuance of the Provisions of the said Agreement.

Vessels condemned to be sold for Her Majesty's Service, or broken up.

V. And be it enacted, That any Ship or Vessel which shall be condemned as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or if not so taken shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captains of Vessels to be paid the Proceeds belonging to Her Majesty.

VI. And be it enacted, That where any Ship or Vessel employed or engaged in such illicit Traffic in Slaves, in violation of the said Agreement, shall be seized by any Ship or Vessel belonging to Her Majesty or the *East India* Company, and afterwards condemned, there shall be paid to the Captors the net Proceeds to which Her Majesty is entitled, the same to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

VII. And be it enacted, That there shall be paid to the Commander, Officers, and Crews of Her Majesty's Ships, or the Commander, Officers, and Crews of the Ships of the *East India* Company, a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board any Ship or Vessel taken and condemned in pursuance of the Provisions of the said Agreement and of this Act; such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council, made or to be made, or by any Proclamation for that Purpose.

A Bounty to be paid on Tonnage of Slave Ships captured and demolished.

VIII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Agreement shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts, as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, in addition to the Amount of the Proceeds of such Sale, as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid on Tonnage.

IX. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Agreement, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships, or those of the *East India* Company, an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board, in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships, or of those of the *East India* Company, making the Seizure, may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of the Consolidated Fund.

X. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships, and of the Ships of the *East India* Company, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

XI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Captors entitled to Bounty to give Proof of Tonnage.

XII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

XIII. Pro-

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury, by producing a Copy duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, military or civil, who may be appointed to receive such Slaves. Copy of Sentence of Condemnation to be produced to the Treasury.

XIV. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any Ship or Vessel taken and condemned in pursuance of the said Agreement and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over. In certain Cases Treasury may order One Moiety of the Bounty to be paid.

XV. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any Vessel confiscated in pursuance of the Provisions of the aforesaid Agreement, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure. Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon, to *Greenwich* Hospital, shall be extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships and Vessels of War. Regulations, &c. to which Prize Agents are liable extended to Bounties, &c. under this Act.

XVII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to Subjects of the Imaum of *Muscat* shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland*, or of those of the *East India* Company, and the said Ship shall be restored by Sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon either by the Parties interested therein or by Order of the said Commissioners of Her Majesty's Treasury. Treasury may order Payment of Costs awarded for Vessels detained, but not condemned.

XVIII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant, signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof. Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

CAP. CXXIX.

An Act for amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts.

[5th *September* 1848.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts*: And whereas it is expedient to repeal the said Act, and to enact other Provisions in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, but so that such Repeal shall not affect the Liability of any Promoters or others to the Payment of any Costs, Charges, Expenses, or other Sums made payable by the said Act, and now remaining unpaid, or any Right or Remedy under any Security given for the Payment of such Costs, Charges, Expenses, or other Sums, or the Certificate of any Surveying Officer, or the Authority which any Surveying Officer would have had to certify the Amount of Expenses incurred in any local Examination under the said recited Act in case this Act had not been passed. 9 & 10 Vict. c. 106. 9 & 10 Vict. c. 106. repealed, but not to affect certain Acts done under it.

II. And be it enacted, That in any Case where it is intended to make an Application to Parliament for an Act for the Establishment of any Waterworks, or for draining, paving, cleansing, lighting, or otherwise improving any Town, District, or Place, or for making, maintaining, or altering any Burial Ground or Cemetery, or for continuing, altering, or enlarging any of the Powers or Provisions contained in any Act or Acts relating to any of the Purposes aforesaid, a Statement in Duplicate of the intended Objects and Provisions of the proposed Act shall, on or before the last Day of the Month of *November* next before the Session of Parliament in which such Application is intended to be made, or in case such Day shall fall on a *Sunday* then on or before the Day preceding, be sent or delivered to or at the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and such Statement shall be signed by the Promoter or by any Two or more of the Promoters of the proposed Act, Statement of Objects, &c. of proposed Act, accompanied by Plans, &c., to be given to the Commissioners of Woods, &c.

Act, or by some Person duly authorized on his or their Behalf; and in such Statement shall also be described and specified:

First. The public Benefit proposed by such Act:

Secondly. The Amount of Funds required for carrying the Act into effect, and the proposed Application of the same:

Thirdly. The Mode in which it is proposed to raise such Funds:

Fourthly. If it is proposed to raise such Funds by Loan, the Mode whereby, and the Period within which, such Loan is to be repaid:

And with such Statement shall be sent or delivered as aforesaid a Copy of such Plans, Sections, and Books of Reference or other Documents, if any, as may be required by the Standing Orders of either House of Parliament for the Time being to be deposited at any public Office.

Power to Commissioners of Woods, &c. to appoint competent Persons to be Inspectors to make preliminary Examinations, &c.

III. And be it enacted, That it shall be lawful for the said Commissioners, if they shall consider the same necessary or expedient, but not otherwise, and on being satisfied with the Security for Payment of the Expenses as herein-after provided, to appoint, by Writing under their Hands, One or more competent Person or Persons, as they shall think necessary, to be an Inspector or Inspectors for the Purpose of making such preliminary Examination, Survey, and Inquiries as herein-after mentioned with reference to any such proposed Act; and the said Inspector or Inspectors shall proceed to the Town, District, or Place to which the proposed Act may relate, and shall make such Examination and Survey of the same, and such Inquiries in relation to the Objects and Provisions of the proposed Act, and shall conduct his or their Proceedings in such Manner as may be directed by any Orders or Resolutions of either House of Parliament, and in such Manner as the said Commissioners shall direct, in case there shall be no such Orders or Resolutions, and so far as such Orders or Resolutions for the Time being shall not extend or be applicable; but so that there be a public Hearing by the said Inspector or Inspectors, at which the Promoters, Opposers, and others may be heard in relation to the proposed Act; and after such Examination, Survey, and Inquiries as aforesaid the said Inspector or Inspectors shall report the Result thereof to the said Commissioners; and every such Report, together with such other Documents as the said Commissioners shall deem necessary, shall be laid before both Houses of Parliament within Six Weeks after the Time at which Security for Payment of Expenses shall have been given to the Satisfaction of the Commissioners as herein provided, if Parliament be then sitting, and if Parliament be not then sitting, then within Fourteen Days after the next Meeting of Parliament: Provided always, that if by reason of any special Circumstances it shall in any Case be found impracticable to lay any such Report before both Houses of Parliament within the Time herein-before specified, the said Commissioners shall with such Report present a Statement of the special Circumstances which may have occasioned the Delay.

Inspectors to report to Commissioners of Woods, &c., who shall lay the same before Parliament, after Security for Payment of Expenses shall be given.

Commissioners of Woods, &c. to give Notice of Inquiry.

IV. And be it enacted, That the said Commissioners shall give Fourteen Days public Notice of the Time and Place which shall have been fixed for the Purpose of the public Hearing, or first public Hearing, for the Purposes of such Examination as aforesaid, by Advertisement in One or more of the public Papers usually circulated in the Town, District, or Place, and in such other Manner as shall appear to them necessary and sufficient.

Promoters of proposed Act and Opponents to appear before Inspectors, and produce Surveys, &c.

V. And be it enacted, That at the Time and Place which shall have been so notified as aforesaid the Promoter or Promoters of the proposed Act, or some Person on his or their Behalf, shall appear before the said Inspector or Inspectors, and produce all such Surveys, Plans, Sections, and Estimates, or other Documents connected with the Matter of Inquiry, and give such Evidence in relation to the proposed Act as such Promoter, Promoters, or Person aforesaid shall think fit, and shall give such further Evidence, and produce such other Documents, as the said Inspector or Inspectors shall deem necessary; and all Persons whose Rights or Interests may be affected by any such proposed Act, and who may be desirous of being heard in opposition to the same, may also appear before the said Inspector or Inspectors, and state their Grounds of Opposition thereto, and may support the same by Evidence, and by such Plans, Sections, or other Documents as may be in their Custody or Power; and the said Inspector or Inspectors may by Summons under his or their Hand or Hands summon before him or them any Overseer or other Person having the Custody of any Map or Survey made in pursuance of the Provisions of any Act of Parliament, or of any Book containing any Rate made for the Relief of the Poor in any Parish, or for any Purpose or Place wholly or in part within the District over which such Examination shall extend, to produce such Map, Survey, or Book for his or their Inspection; and the said Inspector or Inspectors may summon in manner aforesaid any other Person whose Evidence shall, in the Judgment of the said Inspector or Inspectors, be material to his or their Inquiries, and pay or allow to every such Overseer or other Person so summoned by him or them the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises, and all Persons so examined shall be required to answer upon Oath all such Questions as may be put to them by the Inspector or Inspectors.

Power to Inspectors to summon Persons having Custody of Maps, &c.; also Persons to give Evidence.

Power to Inspectors to administer Oaths.

Penalty on Persons wilfully refusing to attend or give Evidence.

VI. And be it enacted, That any Person being summoned by such Inspector or Inspectors who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Plans, Sections, Maps, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath such Questions as may be put to him by such Inspector or Inspectors under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within such Town, District, or Place; and on

Conviction

Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under their Hands and Seals, and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place, in aid of the County Rate; provided that no Person other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from his usual Place of Abode.

Expenses of Inquiry to be paid by the Promoters, the Amount of which shall be certified by Commissioners.

VII. And be it enacted, That all Costs, Charges, and Expenses which shall be incurred by the said Commissioners or by the said Inspector or Inspectors in respect of the said local Examination, Survey, and Inquiries, or otherwise under the Provisions of this Act, in relation to the Application for any such Act as aforesaid, including such Sums as the said Commissioners shall fix for the Remuneration of the said Inspector or Inspectors, shall be paid by the Promoters of the proposed Act to the said Commissioners; and the Amount of such Costs, Charges, and Expenses shall in all Cases be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of such Costs, Charges, and Expenses by the Person or Persons liable to pay the same, or some Person duly authorized on his or their Behalf; and it shall be lawful for the said Commissioners, previous to the Commencement of such Examination, to require the said Promoters to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expenses as to the said Commissioners shall seem fit; and the Certificate of the said Commissioners, certifying the Amount of the Costs, Charges, and Expenses so incurred as aforesaid, shall be taken as Proof in all Proceedings at Law and in Equity of the Amount of such respective Costs, Charges, and Expenses: Provided always, that it shall not be lawful to include in such Certificate any Charge for the Attendance of any Persons who may voluntarily present themselves before such Inspector or Inspectors for Examination by him or them under the Provisions herein-before contained: Provided also, that it shall be lawful for the said Inspector or Inspectors, where he or they shall be of opinion that the Inquiries under this Act have been prolonged by frivolous or vexatious Opposition of any Person or Persons, to direct by a Certificate under the Hand or Hands of such Inspector or Inspectors, that a Sum of Money, in such Certificate to be mentioned, be paid by such Person or Persons to the Promoters of the proposed Act, in respect of the increased Costs, Charges, and Expenses under this Act occasioned by such frivolous or vexatious Opposition; and in such Case the Promoters, or such of them as shall have paid the whole of such Costs, Charges, and Expenses to the said Commissioners, shall be entitled to sue for and recover the Sum mentioned in such last-mentioned Certificate, as Money paid to the Use and at the Request of the Person or Persons by such Certificate directed to pay the same.

Promoters to make a Deposit.

Certificate of Commissioners to be taken as Proof in Proceedings at Law.

Inspectors may charge a Portion of the Expenses on Opponents.

Commissioners may charge Opponents to proposed Act with a Proportion of Costs of Inquiries, &c.

VIII. And be it enacted, That it shall be lawful for the said Commissioners (whenever they may think it necessary or proper so to do) to charge any Person or Persons, Joint Stock Company, Municipal Corporation, or other Body appearing as Opponents to any proposed Act, with such Proportion of the Costs, Charges, and Expenses incurred in respect of such local Examination, Survey, or Inquiries, or otherwise, as aforesaid, as the said Commissioners may think fit, and likewise to require such Person or Persons, Joint Stock Company, Corporation, or other Body to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expenses, as to the said Commissioners shall seem fit.

Notice to be given to the Admiralty where Applications relate to Ports or navigable Rivers.

IX. And be it enacted, That where it is intended to make Application to Parliament for an Act relating to any Port or Harbour, or to any tidal Water, or to any navigable River, or in any Manner directly or indirectly affecting the Navigation of such Port, Harbour, tidal Water, or navigable River, a Statement in Duplicate, with such Copy of Plans, Sections, Books of Reference, or other Documents as aforesaid, shall be sent or delivered to the Lord High Admiral, or to the Lords Commissioners for executing the Office of Lord High Admiral, in the Manner herein-before directed for sending or delivering such Statement and Documents to the Office of the first-mentioned Commissioners, in the Case of the Intention to make Application to Parliament for the other Acts above specified; and the Lord High Admiral or the said Lords Commissioners may, where he or they shall deem it necessary or expedient, cause the like Examination, Survey, and Inquiries to be made by an Inspector or Inspectors, and shall have the same Powers with respect to such Examination, Survey, and Inquiries in relation to the proposed Acts to which the Statement to be sent or delivered to him or them shall relate, as herein-before enacted, in regard to the said first-mentioned Commissioners, with respect to the Acts in relation to which a Statement is to be sent or delivered to them; and the Inspector or Inspectors who may be appointed by such Lord High Admiral or Lords Commissioners shall, in relation to the Purposes of their Appointment, have the same Powers and Authorities as the Inspector or Inspectors appointed by such first-mentioned Commissioners, in relation to the Purposes of their Appointment, as if all the Provisions herein-before enacted in regard to the first-mentioned Commissioners and the Inspector or Inspectors by them appointed, with respect to the Cases in which they respectively are authorized to act, had been repeated in regard to such Lord High Admiral or Lords Commissioners as aforesaid, and the Inspector or Inspectors appointed by him or them, with respect to the Cases in which he or they respectively are authorized to act as aforesaid: Provided nevertheless, that such Lord High Admiral or Lords Commissioners shall not be required to lay the Reports of the said Inspectors before the Houses of Parliament unless such Reports be specially called for by either House, but such Lord High Admiral or Lords Commissioners shall report to Parliament, under the Hand of his or their Secretary for the Time being, on every such Act touching the Jurisdiction or Authority of the Lord High Admiral.

X. And

Inquiry may be made after Time limited by Permission of either House of Parliament.

X. And be it enacted, That in case either House of Parliament shall order that an Examination, Survey, and Inquiries be made in reference to any such Application to Parliament as herein-before mentioned by an Inspector or Inspectors, the first-mentioned Commissioners, or the said Lord High Admiral or Lords Commissioners, as the Case may be, shall thereupon appoint an Inspector or Inspectors, and such Inspector or Inspectors shall make the like Examination, Survey, Inquiries, and Report, in the same Manner, and shall have the same Powers and Authorities in relation thereto, as if he or they had been appointed as herein-before provided; and the Report of such Inspector or Inspectors, or the Report of the Lord High Admiral or Lords Commissioners, shall be laid before or made to both Houses of Parliament within such Time as by such Order shall be directed; and all the Provisions herein-before contained with reference to Surveys, Examinations, and Inquiries, and Costs, Charges, and Expenses, shall be applicable to the Examination, Survey, and Inquiries directed by every such Order as aforesaid, and the Costs, Charges, and Expenses thereof.

Interpretation of Act.

XI. And be it enacted, That in this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females; and any Act directed or authorized to be done by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works, and Buildings may be done either by the Chief Commissioner or by any Two of the said Commissioners; and the Persons whose Names shall be subscribed to any Statement which may be sent or delivered to or at the Office of the said Commissioners, or to the said Lord High Admiral or Lords Commissioners, shall be deemed to be Promoters of the proposed Act thereby referred to for all the Purposes of this Act, notwithstanding the Persons subscribing such Statement shall have signed for and on behalf of any other Party.

Persons signing Statements to be deemed Promoters.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXXX.

An Act for guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the *British* Colonies on the Continent of *South America*, in the *West Indies* and the *Mauritius*, for certain Purposes. [5th *September* 1848.]

'WHEREAS it is expedient that Her Majesty should be enabled to guarantee the Interest, at a Rate 'not exceeding Four Pounds *per Centum per Annum*, on any Loan or Loans, not exceeding in the 'whole the Sum of Five hundred thousand Pounds, which the Legislatures or other proper Legislative 'Authority of Her Majesty's Colonies and Possessions on the Continent of *South America*, in the *West* 'Indies, and the Island of *Mauritius*, may raise and charge on the respective Revenues of such Colonies 'and Possessions, for the Purpose of promoting the Introduction of Free Labourers, or the Formation 'of Roads, Railways, Works of Drainage or Irrigation, or other public Undertakings of a similar 'Character:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to guarantee the Payment of the Interest, not exceeding the yearly Rate of Four Pounds in the Hundred, on any Principal Sum or Sums of Money, not exceeding the Sum of Five hundred thousand Pounds in the whole, which, in conformity with the Provisions herein contained, shall be raised for all or any of the Purposes aforesaid, by Loan, Debenture, or otherwise, and the Repayment of which, with Interest not exceeding the Rate aforesaid, within a Term to be approved by the Lord High Treasurer or Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, shall be provided for by a sinking Fund or otherwise, and secured and charged on the Revenues of any of the Colonies and Possessions of Her Majesty in the *West Indies*, on the Continent of *South America*, and the Island of *Mauritius*, in which such Taxes or other Sources of Revenue of sufficient Duration shall be by Law established, as in the Judgment of the said Lord High Treasurer or Commissioners of Her Majesty's Treasury shall be sufficient to provide for the Discharge of such Principal Sum or Sums and Interest within such Term, after satisfying any prior Charges to which under existing Laws such Revenues may for the Time be liable by any Acts or Act, Ordinances or Ordinance, to be passed or made by the Legislatures or proper Legislative Authority of such respective Colonies and Possessions, and assented to by Her Majesty; and that for giving Effect to every such Guarantee, it shall be lawful for the said Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, to direct and cause to be issued and paid out of the Growing Produce of the Consolidated Fund of the said United Kingdom, such Sums as shall be required to make good any Deficiency which shall happen in the regular Payment on the Part of the said Colonies and Possessions respectively of the Interest accruing due upon any such Loans or Loan to be raised as aforesaid.

Her Majesty may guarantee Interest, not exceeding Four per Cent., on Loans raised for the Purposes herein mentioned, not exceeding 500,000*l.*

Treasury may determine Amounts to be raised, &c.

II. Provided always, and be it enacted, That it shall be lawful for the Lord High Treasurer or the said Commissioners of Her Majesty's Treasury, or any Three of them, from Time to Time to determine the Amounts or Amount to be so raised by the said several Colonies and Possessions, or any of them; and the Sums or Sum so to be raised, and the Interest thereof respectively, shall be charged on the Revenues of such Colonies and Possessions by such respective Acts and Ordinances as aforesaid, in such Form and Manner as the said Lord High Treasurer or Commissioners shall approve.

Advances out of Consolidated Fund of United

III. And be it enacted, That all the Sums which shall be so issued and paid out of the Consolidated Fund of the said United Kingdom in respect of the Interest of any such Loans or Loan, with Interest upon

upon the Sums so issued, after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from the several Times of issuing the same, shall be charged upon the Revenues of the respective Colonies and Possessions for which such Issues shall have been made. Kingdom to be charged on Revenues of Colonies.

IV. And be it enacted, That the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three of them, shall from Time to Time certify to One of Her Majesty's Principal Secretaries of State the Amount so paid from Time to Time on account of the Interest of any such Loan; and such Certificate shall be communicated to the Governor or Person administering the Government of the Colony or Possession for which such Loan shall have been raised, and shall be by him communicated to the Council and Assembly or other Legislative Bodies or Body of such Colony or Possession; and such Certificate shall be conclusive Evidence of the Amount so paid out of the Consolidated Fund of the said United Kingdom, and of the Time when the same was paid on account of the Interest of the said Loan. Certificate of Amount paid out of Consolidated Fund to be sent to Colonies.

V. And be it enacted, That the Lord High Treasurer or Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament, within Fourteen Days next after the beginning of every Session, an Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom by virtue of this Act towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from the said Colonies or Possessions, or any of them, by reason of such Advance, with the Interest paid or recovered thereon. Accounts to be laid before Parliament.

CAP. CXXXI.

An Act to amend, and continue until the First Day of *November* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to make Provision for the Treatment of poor Persons afflicted with Fever in *Ireland*. [5th *September* 1848.]

'WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to make Provision until the First Day of* September *One thousand eight hundred and forty-seven for the Treatment of poor Persons afflicted with Fever in* Ireland: And whereas by another Act passed in the Tenth Year of the Reign of Her said Majesty the said first-recited Act was continued, subject to certain Amendments, until the First Day of *November* One thousand eight hundred and forty-seven, and from thence until the End of the then next Session of Parliament: And whereas it is expedient to amend and further continue the said first-recited Act as amended by the said secondly-recited Act, subject to further Amendments herein-after provided:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Ninth Year of the Reign of Her present Majesty shall, as amended by the said secondly-recited Act, and subject nevertheless to the Amendments herein-after contained, be continued until the First Day of *November* One thousand eight hundred and forty-nine, and from thence until the End of the then next Session of Parliament, save and except so much of the said recited Acts or either of them as relates to the Appointment by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* of a Medical Officer or Officers for each and every Union for the Relief of the destitute Poor, and to the Salaries of such Medical Officers, and save and except so much of the said secondly-recited Act as relates to the Powers of the Relief Commissioners and Finance Committees therein mentioned, or the Management by Relief Committees of any Hospital or Dispensary established under either of the said Acts. 9 & 10 Vict. c. 6. 10 & 11 Vict. c. 22. 9 & 10 Vict. c. 6. continued till 1st November 1849, and to End of next Session of Parliament.

II. And be it enacted, That the Provisions of the said recited Acts and of this Act shall extend and be taken and construed to extend to all contagious or epidemic Diseases. Acts extended to all contagious Diseases.

III. And be it enacted, That immediately after the passing of this Act the said Commissioners of Health or any Two of them shall certify to the Lord Lieutenant, under their Hands, the Hospitals or Dispensaries heretofore established under the said recited Acts or either of them which they shall deem necessary to be upheld and maintained, subject to the Approval of the Lord Lieutenant, by Writing under his Hand; and when such Approval shall have been so signified the Care and Management of every such Hospital and Dispensary shall devolve upon the Board of Guardians of the Union in which the same shall be situate; and such Board of Guardians shall have the like Powers and Authorities for such Purpose, and for all Purposes relating to any such Hospital or Dispensary, as any Relief Committee could or would have had under the said secondly-recited Act; and the Provisions and Powers of the said Act shall extend and apply to the Board of Guardians, and to the Punishment of any Person resisting or opposing the Execution of their Orders, and to any Action brought against them or any of them, or any Person employed by them, in like Manner and as fully and effectually as to any Relief Committee having the Management of any such Hospital or Dispensary. The Board of Health to certify the existing Hospitals required to be upheld, the Management of which shall thereupon be in the Board of Guardians.

IV. And be it enacted, That if after the passing of this Act the Commissioners of Health or any Two of them shall certify to the Lord Lieutenant their Opinion that the Appointment of a Medical Officer or Medical Officers for any Electoral Division or Divisions or other District of any Union is expedient and necessary, on account of the Existence therein of any Fever or other contagious or epidemic Disease, and if the Lord Lieutenant shall, under his Hand, approve of the making of such Appointment, it shall be lawful for the said Commissioners of Health or any Two of them to require the Guardians of the Poor of such Union to appoint such Medical Officer or Officers, and to fix his or their Salary or Salaries, subject Medical Officers may be appointed for any Districts on a Certificate of the Board of Health.

subject to Approval by the said Commissioners of the Persons so appointed and of the Salaries so fixed; and upon the Neglect or Default of the said Guardians to make any such Appointment or to fix any such Salary so to be approved as aforesaid, it shall be lawful for the Lord Lieutenant to appoint any such Medical Officer at such reasonable Salary as he shall think fit; and the said Guardians shall and are hereby required, out of the Poor Rates, to pay to every such Medical Officer as aforesaid the Amount of his Salary from Time to Time, as well as to pay all other Expenses incurred in carrying out the Provisions of the said Acts and this Act in such Union and to charge the same to the Union at large; and the Appointment of every such Medical Officer shall cease so soon as the said Commissioners of Health shall certify to the Lord Lieutenant, or the Lord Lieutenant shall deem, that the Continuance of such is unnecessary or otherwise inexpedient.

Board of Guardians may appoint Committees of Management of such Hospitals, or of Hospitals hereafter established.

V. And be it enacted, That in any Case in which the Guardians of any Union shall have been or shall hereafter be required by the said Commissioners of Health to uphold and maintain or to establish any Hospital or Dispensary under the Provisions of the said recited Acts or either of them, or this Act, it shall be lawful for the said Guardians, if they shall see fit, to appoint a Committee to superintend, under the Direction and Control of the said Board of Guardians, the Management of such Hospital or Dispensary, such Committee not to exceed Seven in Number, and to be chosen by the Board of Guardians from among the *ex-officio* or other Members of such Board and the resident Rate-payers of the Union; and such Committee shall from Time to Time report their Proceedings to the Board of Guardians, for their Confirmation and Approval, from Time to Time, as the Board of Guardians shall direct; and the Board of Guardians shall at all Times have Power to dissolve such Committees, or alter the Constitution thereof, as to them shall seem fitting and expedient; and any such Committee shall (subject to the Control of such Board) have like Powers and Authorities relating to such Hospital or Dispensary as any Relief Committee as aforesaid; and the Provisions of the said secondly-recited Act shall (subject to such Control as aforesaid) extend and apply to any such Committee appointed under this Act, as fully and effectually as to any such Relief Committee.

Commissioners of Health may require Guardians to submit Estimates and Accounts;

VI. And be it enacted, That it shall be lawful for the said Commissioners of Health to require any Board of Guardians having the Management of any Hospital or Dispensary to be appointed under the said recited Acts or either of them, or this Act, to submit to them, when and as often as they may judge the same to be necessary, Estimates of the probable Expenditure for any such Hospital or Dispensary, and to regulate and control such Expenditure; and the Accounts of such Expenditure shall be audited as in other Cases under the Acts for the Relief of the destitute Poor in *Ireland*.

and may make Orders for Regulation of Hospitals, &c.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Health to make Orders for the Regulation and Management of Hospitals or Dispensaries under the said recited Acts or this Act.

When contagious or epidemic Disease expected, Poor Law Commissioners may require Guardians to appoint a Committee to take Precautions, which shall have same Powers as a Relief Committee.

VIII. And be it enacted, That whenever in any Union in *Ireland* the Approach or Occurrence of any Fever or contagious or epidemic Disease shall be reasonably apprehended or expected, it shall be lawful for the Commissioners for administering the Laws for the Relief of the destitute Poor in *Ireland*, upon the Receipt of a Certificate of the Commissioners of Health of the Expediency or Necessity thereof, to require the Board of Guardians of such Union to appoint a Committee or Committees for the whole or any Part of such Union, for the Purpose of taking Precautions against such expected or apprehended Disease; and the said Board of Guardians shall thereupon forthwith proceed to appoint such Committee or Committees who shall be under their Control; and, subject thereto, the several Enactments in the said recited Acts or either of them contained with respect to the Powers of any Relief Committee, or the Committee having the Management of any Hospital or Dispensary, and to the Punishment of any Person resisting or opposing the Execution of the Orders of any such Committee, and to any Action brought against such Committee or any Member thereof, or Person employed by the same, shall extend and be applied to every Committee appointed as lastly herein-before provided on the Requisition of the Commissioners for administering the Laws for Relief of the Poor in *Ireland*.

Poor Law Commissioners may dissolve such Committee.

IX. And be it enacted, That it shall be lawful for the said Commissioners for administering the Laws for Relief of the destitute Poor at any Time to order that any such Committee appointed as lastly herein-before provided shall be dissolved, and thenceforth all the Powers of such Committee shall cease.

Guardians, Officers, and Members of Committees, &c. not to be concerned in Contracts while in Office.

X. And be it enacted, That no Guardian, paid Officer, Member of any Committee under the said recited Acts or either of them or this Act, or other Person in whose Hands the providing for, ordering, Management, Control, or Direction of any Hospital or Dispensary or of Medical Relief under the Provisions of this Act, shall or may be placed, shall, either in his own Name or the Name of any other Person, provide, furnish, or supply, for his own Profit, any Materials, Goods, or Provisions for the Use of any such Hospital or Dispensary, or for affording such Medical Relief during the Time for which he or they shall retain such Appointment, nor shall be concerned, for his own Profit, directly or indirectly, in furnishing or supplying the same, or in any Contract relating thereto, under pain of forfeiting the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

58 G. 3. c. 47. and the Powers therein given, as to the Advance of Money, extended to

XI. 'And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King 'George the Third, intituled *An Act to establish Fever Hospitals and to make other Regulations for the* 'Relief of the suffering Poor, and for preventing the Increase of infectious Fevers in Ireland, Provision 'is amongst other things made, that whenever in any City, Town, or District any Fever or contagious 'Distemper shall appear or be known to exist among the poor Inhabitants, it shall be lawful for the Lord

'Lieutenant

'Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, upon Application to be made in manner therein provided, to appoint a Board of Health to act within such City, Town, or District in the Manner therein provided, and Authority is by the said Act given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order any Sum or Sums of Money to be from Time to Time advanced out of the growing Produce of the Consolidated Fund in *Ireland* for the Payment of the actual Expenses incurred by or under the said Board in the Execution of the Powers by the said Act vested in it, and that such Sums so to be advanced should be repaid and raised as in the said Act provided, and it is expedient to extend such Provisions to all epidemic Diseases:' Be it therefore enacted, That all Enactments of the said Act relating to the Prevention or Mitigation of Fever or contagious Disease, and all Powers and Provisions therein contained as aforesaid relating to the Advance of Money out of the growing Produce of the Consolidated Fund, and relating to the Presentment, raising, and Repayment of such Monies, shall be deemed and taken to extend and apply to and shall comprehend any and every epidemic as well as contagious Disease, as fully to all Intents and Purposes as if epidemic Diseases had been specially mentioned in such Enactments and Provisions: Provided always, that any Member or Members of any such Board of Health so appointed as last aforesaid shall, in addition to the Powers given to them by the said last-mentioned Act, have and enjoy all the Powers and Authorities given to any Officer or Officers of Health under an Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to establish Regulations for preventing contagious Diseases in* Ireland. 59 G. 3. c. 41.

Cases of epidemic Disease in Ireland.

XII. And be it enacted, That this Act shall continue and be in force until the First Day of *November* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, and no longer. Term of Act.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. CXXXII.

An Act for the Appointment of additional Taxing Masters for the High Court of Chancery in *Ireland*, and to regulate the Appointment of the Principal Assistants to the Masters in the Superior Courts of Law in *Ireland*. [5th *September* 1848.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Appointment of a Taxing Master of the High Court of Chancery in* Ireland, it was amongst other things enacted, that from and after the First Day of *November* One thousand eight hundred and forty-five, the taxing of Costs in the High Court of Chancery in *Ireland* should be conducted by an Officer to be denominated "The Taxing Master," who should discharge his Duties in Person, except where otherwise provided by said Act: And whereas *John O'Dwyer* Esquire, Barrister at Law, was appointed Taxing Master under the said Act, and *Edward Tandy*, Solicitor, was appointed his Principal Assistant or Clerk: And whereas it has been found that One Taxing Master is insufficient for the due Performance of the Business of the said Office, and that in consequence thereof a large Arrear of Business has accumulated therein: And whereas it is expedient that Two additional Taxing Masters should be appointed, and the Office of Principal Assistant be abolished:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the taxing of Costs in the High Court of Chancery in *Ireland* shall be conducted by Officers to be denominated "The Taxing Masters," each of whom shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, and may be removed from his Office by the Lord Chancellor of *Ireland* for Misconduct; and the Business to be transacted by each such Taxing Master shall be the taxing of Costs as aforesaid, and also such other Business (if any) connected with the Court of Chancery in *Ireland* as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls in *Ireland* for the Time being, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall from Time to Time by any Order direct. 8 & 9 Vict. c. 115.

Taxation of Costs in Court of Chancery, Ireland, to be conducted by Taxing Masters, who shall discharge the Duties in Person.

II. And be it enacted, That, in addition to *John O'Dwyer* Esquire, the Taxing Master appointed under the said recited Act, his present Principal Assistant, *Edward Tandy* Esquire, shall be one of such additional Taxing Masters, and that the Lord Chancellor of *Ireland* shall have Power to appoint some fit and competent Person to be another additional Taxing Master, being a Solicitor who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as any Taxing Master appointed under the said recited Act or this Act, or to be appointed, or any of his or their Successors, shall die or resign, or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed: Provided always, that no such Appointment as last aforesaid shall be made while there shall be One Taxing Master continuing in Office, unless the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall have given their Consent to the making of such Appointment. In addition to the present Taxing Master, Two new ones to be appointed.

III. And be it enacted, That each such Two additional Taxing Masters under this Act, and any Successor to be appointed in the Room of either of them, or of the said *John O'Dwyer* Esquire, shall be entitled to receive such annual Salary, not exceeding Eight hundred Pounds, as the Commissioners of Salaries of additional Taxing Masters.

Power to appoint additional Clerks in Taxing Masters Office.

of Her Majesty's Treasury shall direct; and that the Three Taxing Masters shall have, in addition to the Clerk now employed in the said Taxing Office, One or more Clerks, as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct and appoint; and the Lord Chancellor may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury.

Salaries, &c. to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund.

Expenses, &c. of Offices to be paid out of Consolidated Fund.

IV. And be it enacted, That all Salaries under the said recited Act or this Act shall grow due from Day to Day, but shall be payable on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and the Tenth Day of *October* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Expense necessarily incurred for hiring suitable Offices for the Business of such Taxing Masters, and also for the necessary Books, Stationery, and binding of Books of Costs, and other incidental Expenses of the said Offices, including such Expenses of the Nature aforesaid as have heretofore been incurred in the Office of the Taxing Master, but were not provided for by the said recited Act, shall likewise be paid out of the said Consolidated Fund.

Power to Treasury to order retiring Allowances to be paid to Taxing Masters, under Provisions of 4 & 5 W. 4. c. 24.

V. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct to be paid out of the said Consolidated Fund to any Person executing the Office of a Taxing Master under the said recited Act or this Act, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, a Superannuation or annual Allowance not exceeding the Proportions with reference to the Amount of his Salary and Period of his Service specified in and subject to the Provisions of the Act of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service.*

Powers and Provisions of 8 & 9 Vict. c. 115. to apply to Taxing Masters and Clerks appointed under this Act.

VI. And be it enacted, That any such additional Taxing Master appointed or to be appointed under this Act, and any succeeding Taxing Master, shall have and perform the like Duties and have and exercise the like Powers and Authorities as any Taxing Master appointed under the said recited Act; and, subject to the Enactments herein-before contained, and so far as may be consistent with the same, the several Provisions of the said recited Act shall extend and be applied to any Taxing Master and to any Clerk or Clerks respectively appointed or to be appointed under this Act, as fully and effectually as if such Taxing Master or Clerk or Clerks were appointed by or under the said recited Act.

Taxing Masters to present to Lord Chancellor annually a Return of Bills taxed, and of untaxed Bills lodged with them for Taxation, &c.

VII. And be it enacted, That each of the said Taxing Masters shall make out and present to the Lord Chancellor an annual Return, made up to the Thirty-first Day of *December* preceding, containing a Statement of the Number of untaxed Bills of Costs lodged with him for Taxation during the Year next preceding, and of the aggregate Amount of the Sums included in such Bills of Costs, also a Statement of the Number of Bills of Costs taxed by him during such preceding Year, and of the aggregate Amount of the Sums included in such Bills of Costs, and also a Statement of the Number of Bills of Costs so lodged with him and remaining untaxed at the End of such Year, and of the aggregate Amount of the Sums included in such last-mentioned Bills of Costs, together with such further Information as to the Business of the said Office as the Lord Chancellor may from Time to Time require.

On Vacancy of Office of Principal Assistant, Taxing Masters to select a Clerk from their Office to fill up the Vacancy, who, when approved by the Treasury, shall perform the Duties as prescribed by 7 & 8 Vict. c. 107.

VIII. 'And whereas by an Act passed in the Seventh and Eighth Years of the Reign of Her present 'Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior 'Courts of Law at* Dublin *payable out of the Consolidated Fund*, it is amongst other things enacted, 'that when and so often as any Vacancy shall occur, by Death, Resignation, or otherwise, of any of the 'Assistants or Clerks thereby created, such Vacancy shall be filled by the Assistant or Clerk next in 'Seniority in the Department; and it is expedient to make more particular Provision in that Behalf, in 'order to ensure the Selection of the most competent Persons in the Department to fill the Office of Prin-'cipal Assistant to the Master:' Be it therefore enacted, That when and so often as a Vacancy shall occur as aforesaid in the Office of Principal Assistant to the Masters of the said Courts, it shall be lawful for the Master of each such Courts to select and appoint from amongst the Assistants and Clerks then employed in the Office under his Superintendence such Person as he may deem best fitted to be the Principal Assistant to the Master, and so soon as the Commissioners of Her Majesty's Treasury for the Time being shall have signified in Writing their Approval of the Selection and Appointment made by the Master, and not before, the Person so selected and appointed shall be the Principal Assistant to the Master, as created and described in the said recited Act and the Schedules thereunto annexed.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CXXXIII.

An Act to amend the Laws relating to Savings Banks in *Ireland*. [5th *September* 1848.]

'WHEREAS it is expedient to amend the Laws relating to Saving Banks in *Ireland*, and to make other and additional Provisions respecting such Savings Banks:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks*, as relates to limiting the Responsibility of Trustees and Managers of Savings Banks in *Ireland*, shall be and the same are hereby, from and after the Twentieth Day of *November* One thousand eight hundred and forty-eight, repealed, except as to any Liability incurred or to be incurred before such Twentieth Day of *November*.

So much of 7 & 8 Vict. c. 83. as relates to limiting Responsibility of Trustees of Savings Banks in Ireland repealed.

II. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-eight any Trustee or Manager of a Savings Bank in *Ireland* who has declared or shall declare, in Writing under his Hand deposited with the Commissioners for the Reduction of the National Debt, that he is willing to be answerable for a specific Amount only, such Amount being in no Case less than One hundred Pounds, shall not be liable to make good any Deficiency which may thereafter arise in the Funds of such Savings Bank beyond the Amount specified in such Writing: Provided always, that the Trustee and Manager of every Savings Bank in *Ireland* shall be personally liable for all Monies actually received by him on account of or to and for the Use of such Institution, and not paid over and disposed of in the Manner directed by the Rules of the Institution; and an Extract of this Provision shall be enrolled as one of the Rules of every such Savings Bank, and printed and affixed in every Office or Place where Deposits are received, with the Names and Places of Residence of the Trustees and Managers for the Time being, and the Amount, if any, to which they have collectively or individually limited their Responsibility.

Power to Trustees and Managers to limit their Responsibility.

III. And be it enacted, That the Trustees of each Savings Bank in *Ireland* shall, as soon as conveniently may be after the passing of this Act, and from Time to Time in case of a Vacancy, appoint an Auditor or Auditors to audit the Accounts of the said Institution, as well as to examine and inspect the Books of the several Depositors; and the said Trustees shall, immediately after such Appointment, transmit the Signature, Name, and Address of the said Auditor or Auditors to the Commissioners for the Reduction of the National Debt; and the Trustees of every Savings Bank shall cause the annual and other Statements required to be transmitted under the Acts relating to Savings Banks to be certified and verified by the Auditor or Auditors appointed by the said Trustees, in addition to the Attestation by Trustees and Managers now required by the said Acts; and shall also cause a Certificate from the said Auditor or Auditors as to the Result of his or their Examination of such of the Depositors Books as may have been produced to him or them for Examination, to be transmitted with the said annual Statement to the said Commissioners: Provided always, that it shall be lawful for the Trustees of any such Savings Bank to agree with the Trustees of any other Savings Bank or Banks as to the Appointment of a common Auditor or Auditors; and the Auditor or Auditors so appointed for all the said Banks shall be deemed and taken, as soon as the Signature, Name, and Address shall have been transmitted by each such Bank to the said Commissioners, to be the Auditor or Auditors of each such Bank.

Appointment of Auditors.

IV. And be it enacted, That every Depositor in every Savings Bank in *Ireland* on his first Deposit shall be furnished with a Deposit Book, in which shall be printed at Length a Copy of the certified Rules of the Savings Bank in which he shall make such Deposit, and that a Duplicate Copy of the certified Rules, and of every Alteration and Amendment thereof, and a Duplicate Copy of every annual Statement or Account required by and furnished to the said Commissioners, signed by Two Trustees or Managers of any such Savings Bank, shall be from Time to Time exhibited in the Office of such Savings Bank, and shall be open to the Inspection of every Depositor or Person intending to be such.

Depositor's Book to contain Copy of Rules.

Duplicate Copy of certified Rules, &c. to be exhibited in Office.

V. And be it enacted, That the Rules of every Savings Bank in *Ireland* shall specify a Number of Days, not less than Two in every Year ending on the Twentieth of *November*, on which the Book of each Depositor shall be produced at the Office of the said Savings Bank for the Purpose of being inspected, examined, and verified with the Books of the Institution, by the Auditor or Auditors; and in case the said Book shall not be produced on or before the last of the Days mentioned in any One Year ending as aforesaid, the said Account shall be closed, and all Interest shall cease to accrue on the Sums deposited from the last Day of the Year in which the said Book should have been so produced, in the Case of every Depositor who shall have received Notice to produce his said Book, and of every Depositor in a Savings Bank the Rules of which provide for the Production of Deposit Book once in each Year: Provided nevertheless, that the Trustees or Managers shall have the Power to re-open the said Account, but only to allow Interest thereon from the Time when the same shall have been re-opened, unless the Trustees shall be satisfied that such Depositor has been prevented by some sufficient Cause from producing the Deposit Book at the Time so specified; and an Extract of this Provision shall be enrolled as one of the Rules of every Savings Bank.

Rules to provide for Production and Inspection of Books.

VI. And be it enacted, That no Fee shall be payable to the Barrister for certifying the Rules of Savings Banks in any Case where his Certificate is required only in consequence of the Insertion of this Provision in the Rules of any Savings Bank.

No Fee to Barrister in certain Cases.

VII. And

Commissioners may close Accounts with Savings Banks in certain Cases.

VII. And be it enacted, That if it shall appear to the Satisfaction of the said Commissioners that the Clauses of the said recited Act and this Act, or the Orders, Directions, and Regulations of the said Commissioners, signified by the Comptroller General to the Trustees of any Savings Bank in *Ireland*, have not been complied with by the Trustees or Managers of any Savings Bank in *Ireland*, it shall and may be lawful for the said Commissioners, if they shall so think fit, to close the Account of the said Savings Bank, and to discontinue the keeping any further Account with the Trustees thereof, and to direct that no further Sum shall be received at the Bank of *Ireland* from the Trustees of such Savings Bank to the Account of the Commissioners until such Time as such Commissioners shall think proper: Provided always, that the said Commissioners may re-open and allow the growing Interest of such Accounts during the Time of such Discontinuance, and authorize the Receipt of Money at the Bank of *Ireland* whenever the said Commissioners shall think fit so to do, upon such Trustees complying with the Directions of such Commissioners; and the said Commissioners shall forthwith publish a Notification of such Account being closed, or of the same being re-opened, in the *Dublin Gazette*, and also in some Newspaper published in the County in which the said Savings Bank shall be established.

and re-open them if they think fit.

Term of Act.

VIII. And be it enacted, That this Act shall continue and be in force until the First Day of *January* One thousand eight hundred and fifty, and until the End of the then next Session of Parliament.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall "be judicially noticed as such."

Cap. i.

An Act for better assessing and collecting the Poor Rates, Lighting, Watching, and Highway Rates, in the Parish of *Kettering* in the County of *Northampton.* [22d *April* 1848.]

Cap. ii.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* to establish a General Cemetery for such Borough. [5th *May* 1848.]

Cap. iii.

An Act for the Consecration of a Portion of the *Manchester* General Cemetery. [9th *June* 1848.]

Cap. iv.

An Act for extending the Time for building a Bridge over the River *Avon* from *Clifton* to the opposite Side of the River in the County of *Somerset.* [9th *June* 1848.]

Cap. v.

An Act to authorize the Company of Proprietors of the *Leicester* Navigation to abandon the Railways or Stone Roads and Water Levels commonly known as "The Forest Line," and to enable them to sell the Lands over which the same passes, and the Reservoir and other Works connected therewith. [9th *June* 1848.]

Cap. vi.

An Act for supplying the Parish and Township or Borough of *Folkestone* with Water. [9th *June* 1848.]

Cap. vii.

An Act to enable the Company of Proprietors of *Lambeth* Waterworks to construct additional Works, and for better supplying the Inhabitants of the Parish of *Lambeth* in the County of *Surrey* and other Parishes and Places with Water. [9th *June* 1848.]

Cap. viii.

An Act for the better supplying with Water the Royal Burgh of *Stirling* and Suburbs thereof. [9th *June* 1848.]

Cap. ix.

An Act to enable the *Birkenhead* Dock Company to sell or lease their Land. [9th *June* 1848.]

Cap. x.

An Act to authorize the Trustees of the *Liverpool* Docks to build Warehouses, to construct additional Wet Docks and other Works, and for other Purposes. [9th *June* 1848.]

Cap. xi.

An Act for constructing and maintaining a Pier, Jetty, or Stage, with necessary Approaches thereto, at *Dover* in the County of *Kent.* [9th *June* 1848.]

Cap. xii.

An Act for lighting with Gas the Township of *Morley* in the Parish of *Batley* in the West Riding of the County of *York*. [9th *June* 1848.]

Cap. xiii.

An Act for amending "The *Bristol and Clifton* Gaslight Act, 1847." [9th *June* 1848.]

Cap. xiv.

An Act for incorporating the *Southampton* Gaslight Company, and for supplying at a limited Price the Town and Neighbourhood of *Southampton* with Gas. [9th *June* 1848.]

Cap. xv.

An Act to amend and enlarge the Provisions of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for better supplying with Gas the City of* Worcester, *and the Suburbs thereof*, and to enable the *Worcester* New Gaslight Company incorporated by the said Act to raise a further Sum of Money. [9th *June* 1848.]

Cap. xvi.

An Act for providing a Market for the Sale of Cattle and other Animals in the Borough of *Shrewsbury* in the County of *Salop*. [9th *June* 1848.]

Cap. xvii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Third, for establishing and governing the *Magdalen* Hospital. [9th *June* 1848.]

Cap. xviii.

An Act for the Regulation of certain public Sufferance Wharves in the Port of *London*. [9th *June* 1848.]

Cap. xix.

An Act to effect an Agreement between the Visitors of the Lunatic Asylum for the County of *Leicester* and the Corporation of the Borough of *Leicester*, for the Admission of Lunatic Paupers from the said Borough into the said Asylum. [9th *June* 1848.]

Cap. xx.

An Act for the Incorporation, Establishment, and Regulation of "*Price*'s Patent Candle Company," and for enabling the said Company to purchase and work Letters Patent. [9th *June* 1848.]

Cap. xxi.

An Act to authorize certain Alterations in the *Hitchin, Northampton, and Huntingdon* Extension of the *Midland* Railways; and for other Purposes. [30th *June* 1848.]

Cap. xxii.

An Act for enabling the *North-western* Railway Company to make certain Alterations and Diversions in the Main Line of their Railway at *Skipton, Casterton*, and *Sedbergh*, and in the *Lancaster* Branch of their Railway at *Bulk*. [30th *June* 1848.]

Cap. xxiii.

An Act to authorize the leasing of the *Aberdare* Railway, with the Branch Railway and Works connected therewith, to the *Taff Vale* Railway Company. [30th *June* 1848.]

Cap. xxiv.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to improve their Main Line of Railway, and to make certain Branches in the County of *Durham;* and for other Purposes. [30th *June* 1848.]

Cap. xxv.

An Act to empower the *North British* Railway Company to raise additional Capital for certain Purposes. [30th *June* 1848.]

Cap. xxvi.

An Act to enable the *Kendal and Windermere* Railway Company to raise a further Sum of Money, and to amend the Act relating to such Railway. [30th *June* 1848.]

Cap. xxvii.

An Act for enabling the *South Wales* Railway Company to hold Shares in the Undertaking of the *Vale of Neath* Railway Company; and for other Purposes. [30th *June* 1848.]

Cap. xxviii.

An Act for enabling the *Bristol and Exeter* Railway Company to purchase the *Glastonbury* Navigation and Canal; and for amending the Acts relating to such Railway and Canal. [30th *June* 1848.]

Cap. xxix.

An Act to amend the Acts relating to the *Waterford, Wexford, Wicklow, and Dublin* Railway, and to enable the *South Wales* Railway Company to subscribe thereto. [30th *June* 1848.]

Cap. xxx.

An Act to enable the *Norfolk* Railway Company to raise a further Sum of Money, and for other Purposes. [30th *June* 1848.]

[*The Railway Company enabled to raise* 250,000*l.*]

Cap. xxxi.

An Act for abolishing the Duties now payable under the Act of 7 *George* I., commonly called *Saint George's* Chapel Act, and for otherwise varying the Provisions thereof, and enacting other Duties and Provisions in lieu thereof. [30th *June* 1848.]

[*Act not to interfere with the Rights of the Corporation of Yarmouth*, § 5.]

Cap. xxxii.

An Act to raise a further Sum of Money* for the Court House and Offices at *Hamilton*, and to alter the Mode of assessing and levying certain Rates and Assessments in the County of *Lanark*. [30th *June* 1848.]

[* £2,500.

Cap. xxxiii.

An Act for removing and regulating the Markets and Fairs held in the Borough and Liberties of *Oswestry*, and for completing and providing convenient Market Places and Places for Fairs, with proper Approaches thereto. [30th *June* 1848.]

Cap. xxxiv.

An Act for maintaining and improving the Harbour of *Looe* in the County of *Cornwall*, and for taking down the present Bridge between *East* and *West Looe* across the said Harbour, and erecting a new Bridge instead thereof. [30th *June* 1848.]

Cap. xxxv.

An Act for maintaining, regulating, and improving the Harbour of *Barrow* in the County Palatine of *Lancaster*. [30th *June* 1848.]

Cap. xxxvi.

An Act for better supplying with Water the Borough of *Derby*, and certain Parishes and Places adjacent thereto, in the County of *Derby*. [30th *June* 1848.]

Cap. xxxvii.

An Act to amend Three Acts of His Majesty King *George* the Third, and another Act of His late Majesty King *William* the Fourth, for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement;* and for other Purposes. [30th *June* 1848.]

Cap. xxxviii.

An Act to amalgamate the *Liverpool* Gaslight Company and the *Liverpool* New Gas and Coke Company. [30th *June* 1848.]

Cap. xxxix.

An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, and of an Act passed in the Sixth Year of the Reign of Her present Majesty, for supplying the Towns of *Old* and *New Brentford* in the County of *Middlesex*, and other Places therein mentioned, with Gas. [30th *June* 1848.]

Cap. xl.

An Act to repeal the Provisions of Two several Acts for lighting with Gas the Town of *Brighthelmstone* in the County of *Sussex*, and for making other Provisions in lieu thereof. [30th *June* 1848.]

Cap. xli.

An Act to authorize the Company of Proprietors of the *Forth and Clyde* Navigation and the *Airdrie and Coatbridge* Water Company to enter into Agreements for certain Purposes. [30th *June* 1848.]

Cap. xlii.

An Act to enable the *Herculaneum* Dock Company to sell or lease Lands at *Toxteth Park* in the County of *Lancaster*. [30th *June* 1848.]

Cap. xliii.

An Act for facilitating the Transfer of the *Bristol* Docks to the Mayor, Aldermen, and Burgesses of the City of *Bristol*, and for other Purposes. [30th *June* 1848.]

Cap. xliv.

An Act for the further Extension and Improvement of the Ferry, Harbours, Piers, and other Works at *Queensferry* on the *Frith of Forth*; and for certain other Purposes connected therewith. [30th *June* 1848.]

Cap. xlv.

An Act for establishing direct Steam Communications across the River *Tyne* between the Towns of *North* and *South Shields*, and between other Places in the Counties of *Durham* and *Northumberland*. [30th *June* 1848.]

Cap. xlvi.

An Act for incorporating the *North of Scotland* Fire and Life Assurance Company, under the Name of "The *Northern* Assurance Company;" for enabling the said Company to sue and be sued, and to take, hold, and transfer Property; for confirming the Rules and Regulations of the said Company; and for other Purposes relating thereto. [30th *June* 1848.]

Cap. xlvii.

An Act for enabling "The Patent Galvanized Iron Company" to purchase and work certain Letters Patent. [30th *June* 1848.]

Cap. xlviii.

An Act for repealing an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, for making a Road from *Battle Bridge* to *Holloway* in the County of *Middlesex*. [30th *June* 1848.]

Cap. xlix.

An Act for repairing the Road from *Nantwich* to *Wheelock Wharf* in the County Palatine of *Chester*, and to repeal an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third; and to continue and extend the Trust. [30th *June* 1848.]

[*Only One Toll to be paid on the Roads*, § 20. *Persons having paid Toll, to return free on same Day*, § 21. *Extra Weight to pay double Toll between* 1*st November and* 1*st April*, § 24. *Trustees may reduce Tolls for Lime or Chalk for Manure*, § 25. *No Money to be laid out in Towns*, § 33. *Term of Act, Twenty-one Years from* 21*st of August after the passing*, § 34.]

Cap. l.

An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and maintaining the Roads from the Town of* Dundalk *in the County of* Louth *to the Towns of* Castle Blayney *and* Carrickmacross *in the County of* Monaghan. [30th *June* 1848.]

[*Term of Act, Thirteen Years from the passing*, § 12.]

Cap. li.

An Act for repealing an Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making, repairing, and improving certain Roads leading to and from* Truro *in the County of* Cornwall, and for making other Provisions in lieu thereof; for forming, vesting, and improving certain Roads; and for continuing and extending the *Truro* Turnpike Trust. [22d *July* 1848.]

[9 *G.* 4. *c.* iii. *repealed*, § 1. *Only One Toll to be taken for a less Distance than Ten Miles*, § 55. *Persons having paid Toll to return free on same Day*, § 56. *Between* 1*st November and* 1*st April extra Weight to pay double*, § 59. *Tolls taken on Roads not to be laid out in Towns*, § 63. *No more Money to be laid out on any Road than is taken thereon*, § 64. *Saving the Rights of the Crown*, § 66. *Term of Act, Twenty-one Years from* 21*st August* 1848, § 67.]

Cap. lii.

An Act to enable the *Dundee and Perth* Railway Company to make a Junction Line of Railway into the Royal Burgh of *Dundee*. [22d *July* 1848.]

Cap. liii.

An Act to continue and amend the Act relating to the *Drumpeller* Railway. [22d *July* 1848.]

Cap. liv.

An Act to enable the *Arbroath and Forfar* Railway Company to raise a further Sum of Money. [22d *July* 1848.]

Cap. lv.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to deviate or alter Part of their *Thirsk and Malton* Branch Railway, and to abandon Part of the same; and for other Purposes. [22d *July* 1848.]

Cap. lvi.

An Act for enabling the *Leeds and Thirsk* Railway Company to make a Railway from *Melmerby* to *Northallerton*, and to form a Junction with the *York and Newcastle* Railway. [22d *July* 1848.]

Cap. lvii.

An Act for enabling the *Leeds and Thirsk* Railway Company to alter the Levels of certain Portions of the *Leeds and Hartlepool* Railway, and to alter the proposed Junctions with the *Stockton and Darlington* Railway in *Eaglescliffe*; and for other Purposes. [22d *July* 1848.]

Cap. lviii.

An Act for enabling the *Manchester South Junction and Altrincham* Railway Company to provide additional Station Accommodation in *Manchester*; and for other Purposes. [22d *July* 1848.]

Cap. lix.

An Act to authorize the *Oxford, Worcester, and Wolverhampton* Railway Company to raise a further Sum of Money*; and for other Purposes. [22d *July* 1848.]

*£750,000.

Cap. lx.

An Act to enable the *Chester and Holyhead* Railway Company to purchase, hire, and use Steam Boats; and for other Purposes. [22d *July* 1848.]

Cap. lxi.

An Act to enable the *Waterford and Kilkenny* Railway Company to make certain Deviations in the authorized Line of the said Railway; and to amend the Act relating thereto. [22d *July* 1848.]

Cap. lxii.

An Act to alter the Line of the *Great Grimsby* Branch of the *East Lincolnshire* Railway, and to amend and enlarge the Provisions of the Acts relating to the *East Lincolnshire* Railway. [22d *July* 1848.]

Cap. lxiii.

An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make a Railway to *Barnsley*, with Branches therefrom, all in the West Riding of the County of *York*. [22d *July* 1848.]

Cap. lxiv.

An Act for enabling the *Manchester, Sheffield, and Lincolnshire* Railway Company to make improved Communications to their Station in *Manchester*. [22d *July* 1848.]

Cap. lxv.

An Act to authorize the *South Yorkshire, Doncaster, and Goole* Railway Company to construct a Branch Railway to the *Great Northern* Railway at *Doncaster*. [22d *July* 1848.]

Cap. lxvi.

An Act to authorize certain Alterations of the *North Staffordshire* Railway. [22d *July* 1848.]

Cap. lxvii.

An Act to enable the *Aberdeen* Railway Company to raise a further Sum of Money.* [22d *July* 1848.]

*£276,666 13 4.

Cap. lxviii.

An Act for enabling the *Leeds and Thirsk* Railway Company to make a Railway by *Harrogate* to *Pateley*; and for other Purposes. [22d *July* 1848.]

Cap. lxix.

An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to carry the Line of their Railway across *Sheffield Street* in *Manchester*, to increase their Station Accommodation at *Manchester* and *Stalybridge*, and for other Purposes. [22d *July* 1848.]

Cap. lxx.

An Act to enable the *Edinburgh and Glasgow* Railway Company to make certain Branches, and to alter the Tunnel at *Glasgow*; and for other Purposes. [22d *July* 1848.]

Cap. lxxi.

An Act for making a Railway Station on the North Side of the River *Aire* in *Leeds* in the West Riding of the County of *York*, to be called "The *Leeds* Central Railway Station." [22d *July* 1848.]

Cap. lxxii.

An Act to enable the *Scottish Midland Junction* Railway Company to make Branch Railways to *Birnam* and to the *Dunkeld* Branch of the *Scottish Midland Junction* Railway, and also to abandon Portion of the original Line of the said *Dunkeld* Branch. [22d *July* 1848.]

Cap. lxxiii.

An Act to enable the *Caledonian* Railway Company to improve the *Glasgow, Garnkirk, and Coatbridge* and the *Clydesdale Junction* Railways. [22d *July* 1848.]

Cap. lxxiv.

An Act for making a Railway from the *Berks and Hants* Railway at *Hungerford* to join the Line of the *Wilts, Somerset, and Weymouth* Railway at *Westbury* and *Devizes*. [22d *July* 1848.]

Cap. lxxv.

An Act for authorizing certain Deviations in the Line of the *Windsor, Staines, and South-western* Railway. [22d *July* 1848.]

Cap. lxxvi.

An Act to make a Deviation in the authorized Line of the *Midland Great Western* Railway of *Ireland*, and to amend the Acts relating to the Company. [22d *July* 1848.]

Cap. lxxvii.

An Act to enable the *Bristol and Exeter* Railway Company to make a Branch Railway from the *Bristol and Exeter* Railway in the Parish of *Bleadon* to the City of *Wells*, the Town of *Glastonbury*, and the Parish of *Street*, all in the County of *Somerset*. [22d *July* 1848.]

Cap. lxxviii.

An Act to enable the *Glasgow, Paisley, and Greenock* Railway Company to make a certain Branch Railway; and to amend the Acts relating to the said Railway. [22d *July* 1848.]

Cap. lxxix.

An Act to authorize the Abandonment of a Portion of the *Londonderry and Enniskillen* Railway, and the Enlargement of the intended Station at *Londonderry*; and for other Purposes. [22d *July* 1848.]

Cap. lxxx.

An Act to enable the *Whitehaven Junction* Railway Company to extend their Railway from the present Terminus thereof at *Whitehaven* to the Patent Slip Yard in *Whitehaven*, to make Branches to *Whitehaven* Harbour, to deviate the Line at *Parton*, and to alter, enlarge, and extend the Company's Stations, Railways, and Works; and for other Purposes. [22d *July* 1848.]

Cap. lxxxi.

An Act for enabling the *Hartlepool* Dock and Railway Company and the *Great North of England, Clarence, and Hartlepool Junction* Railway Company to lease their respective Railways and Works to the *York, Newcastle, and Berwick* Railway Company. [22d *July* 1848.]

Cap. lxxxii.

An Act to enable the *Bristol and Exeter* Railway Company to make a Branch Railway from the Parish of *Lyng*, near the Town of *Taunton*, to join the *Wilts, Somerset, and Weymouth* Railway near *Castle Cary* in the County of *Somerset*. [22d *July* 1848.]

Cap. lxxxiii.

An Act for making a Branch Railway from the *Churnet Valley* Line of the *North Staffordshire* Railway in the Parish of *Rocester* in the County of *Stafford* to *Ashbourne* in the County of *Derby*. [22d *July* 1848.]

Cap. lxxxiv.

An Act to regulate the Charges for the Conveyance of Traffic on the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and for other Purposes. [22d *July* 1848.]

Cap. lxxxv.

An Act for making a Railway from *Exeter* to *Yeovil*, with Branches and an Extension therefrom, to be called "The *Exeter, Yeovil, and Dorchester* Railway." [22d *July* 1848.]

Cap. lxxxvi.

An Act for vesting in the *Manchester, Sheffield, and Lincolnshire* Railway Company the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*. [22d *July* 1848.]

Cap. lxxxvii.

An Act to enable the *London and South-western* Railway Company to make a Railway from *Salisbury* to *Yeovil*, with Branches to *Shaftesbury*, and to the *Exeter, Yeovil, and Dorchester* and *Wilts, Somerset, and Weymouth* Railways. [22d *July* 1848.]

Cap. lxxxviii.

An Act to enable the *Midland* Railway Company to make certain Branches from and Enlargements of their Railway; and for other Purposes. [22d *July* 1848.]

Cap. lxxxix.

An Act for amalgamating the *Southampton and Dorchester* Railway Company with the *London and South-western* Railway Company. [22d *July* 1848.]

Cap. xc.

An Act to amend the Acts relating to the *London and Blackwall* Railway, and to authorize the Company to alter the Gauge of their Railway, and to make certain Improvements in the Approaches to the said Railway, and to make Branches to the *London and Saint Katherine's* Docks. [22d *July* 1848.]

[*Gauge, if altered, to be Four Feet Eight and a Half Inches*, § 3. *Company enabled to raise* 10,000*l. additional Capital*, § 10.]

Cap. xci.

An Act to enable the *Whitehaven Junction* Railway Company to raise a further Sum of Money *; and to amend the Act relating to the said Railway. [22d *July* 1848.]

* £33,000.

Cap. xcii.

An Act for improving the Steam Communication across the River *Humber* belonging to the *Manchester, Sheffield, and Lincolnshire* Railway Company; for erecting a Pier at *Kingston-upon-Hull*, and enlarging the Works at *New Holland;* for making a connecting Line near *Habrough* in the County of *Lincoln;* for regulating the Pilotage of the Port of *Great Grimsby;* and for amending the Acts relating to the *Manchester, Sheffield, and Lincolnshire* Railway Company. [22d *July* 1848.]

Cap. xciii.

An Act to enable the *Manchester, Sheffield, and Lincolnshire* Railway Company to construct an additional or enlarged Station at *Sheffield*, and to make a Branch Railway to the *Sheffield* Canal. [22d *July* 1848.]

Cap. xciv.

An Act for vesting in the *Manchester, Sheffield, and Lincolnshire* Railway Company the *Sheffield* Canal. [22d *July* 1848.]

Cap. xcv.

An Act to enable the *Plymouth Great Western* Dock Company to raise further Capital; and to authorize the *Great Western*, the *Bristol and Exeter*, and *South Devon* Railway Companies to subscribe to the *Plymouth Great Western* Docks; and for other Purposes. [22d *July* 1848.]

Cap. xcvi.

An Act to amend the Acts relating to the *Newry* Navigation. [22d *July* 1848.]

[*Saving the Rights of the Newry, Warrenpoint, and Rostrevor Railway Company*, § 2.]

Cap. xcvii.

An Act to enable the Warden and Assistants of the Harbour of *Dovor* in the County of *Kent* to raise a further Sum of Money.* [22d *July* 1848.]

* £40,000.

Cap. xcviii.

An Act to improve the Harbour of *Burntisland* in the County of *Fife*. [22d *July* 1848.]

[*Saving the Rights of the Ferry between Burntisland and Leith*, § 29, *and of Magistrates and Council of Burntisland*, § 31, *and of the Crown*, § 33.]

Cap. xcix.

An Act for constructing a Harbour at *Leck Robie*, and for maintaining the Harbour of *Little Ferry*, both in the County of *Sutherland*. [22d *July* 1848.]

[*Vessels not taking Pilots to pay Pilotage*, § 17. *Saving the Rights of the Crown*, § 24.]

Cap. c.

An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Saint Mary on the Hill* in the City of *Chester*. [22d *July* 1848.]

Cap. ci.

An Act to alter, amend, and enlarge the Powers and Provisions of "The *Manchester* Corporation Waterworks Act, 1847." [22d *July* 1848.]

Cap. cii.

An Act to amend, extend, and enlarge the Powers of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for better lighting, cleansing, sewering, and improving the Borough of* Leeds *in the County of* York; and to give to the Mayor, Aldermen, and Burgesses of the said Borough further and more effectual Powers for draining and sewering the said Borough. [22d *July* 1848.]

Cap. ciii.

An Act for dissolving and facilitating the Winding-up of the Affairs of "The Patent Galvanized Iron Company," trading under the Firm or Style of *Malins* and *Rawlinsons*. [22d *July* 1848.]

Cap. civ.

An Act to amend the Acts for improving the Drainage and Navigation of the *Middle Level* of the Fens, and for other Purposes connected therewith. [22d *July* 1848.]

Cap. cv.

An Act to enable *Low*'s Patent Copper Company to work certain Letters Patent. [22d *July* 1848.]

Cap. cvi.

An Act for incorporating the *Scottish* Provident Institution, for confirming the Laws and Regulations thereof, for enabling the said Society to sue and be sued, to take and to hold Property, and for other Purposes relating to said Society. [22d *July* 1848.]

Cap. cvii.

An Act to amend and continue the Term of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to continue the Term of an Act passed in the Parliament of* Ireland *in the Thirty-fifth Year of His present Majesty, for improving and repairing the Turnpike Road leading from* Dublin *to* Mullingar, *and for repealing the several Laws heretofore made relating to the said Road.* [22d *July* 1848.]

Cap. cviii.

An Act for authorizing the Trustees of the *Tadcaster and Halton Dial* Turnpike Road to make a Diversion or Alteration of such Part of the Line of the *Tadcaster and Halton Dial* Turnpike Road as lies in the Parish of *Tadcaster* in the West Riding of the County of *York*. [22d *July* 1848.]

Cap. cix.

An Act to enable the President, Vice Presidents, Treasurer, and Members of the Philanthropic Society to sell and grant Leases of the Lands belonging to them, and to purchase other Lands; and for other Purposes relating to the said Society. [22d *July* 1848.]

Cap. cx.

An Act to incorporate the Members of the Institution called "The Orphan Working School," now established at *Haverstock Hill, Hampstead Road,* in the County of *Middlesex,* and to enable them the better to carry on their charitable Designs. [22d *July* 1848.]

Cap. cxi.

An Act to alter and amend some of the Provisions of the Acts relating to the *London and Blackwall* Railway Company. [25th *July* 1848.]

Cap. cxii.

An Act to enable the *Edinburgh and Northern* Railway Company to make Branch Railways to *Roscobie, Keltyhead,* and *Glencraig;* and for certain other Purposes. [25th *July* 1848.]

Cap. cxiii.

An Act for more effectually watching, cleansing, and lighting the Streets of the City of *Edinburgh* and adjoining Districts, for regulating the Police thereof, and for other Purposes relating thereto. [14th *August* 1848.]

Cap. cxiv.

An Act to amend the Acts relating to the *Great Northern* Railway Company; and to enable the Company to make an Extension of their Railway from the Parish of *Saundby* in *Nottinghamshire* to the *Askern* Branch of the *Wakefield, Pontefract, and Goole* Railway in the Parish of *Owston* in the West Riding of *Yorkshire,* with a Branch to rejoin the *Great Northern* Railway in the Parish of *Snaith* in the said West Riding. [14th *August* 1848.]

Cap. cxv.

An Act for enabling the *Lancashire and Yorkshire* Railway Company to make certain Modifications of their Share Capital; and for other Purposes. [14th *August* 1848.]

Cap. cxvi.

An Act to enable the *Edinburgh and Bathgate* Railway Company to extend their *Whitburn* Branch, and to alter or deviate their *Uphall and Binnie* Branch. [14th *August* 1848.]

Cap. cxvii.

An Act to authorize a Deviation in the Line of the *Londonderry and Coleraine* Railway, and to amend the Act relating thereto. [14th *August* 1848.]

Cap. cxviii.

An Act to facilitate the Construction of the *Cowlairs* Branch of the *Glasgow, Airdrie, and Monklands Junction* Railway by the *Edinburgh and Glasgow* Railway Company, and to grant further Powers to that Company. [14th *August* 1848.]

Cap. cxix.

An Act to enable the *Royston and Hitchin* Railway Company to extend their Line of Railway from *Royston* to *Shepresh*, and to make a Deviation of the authorized Line at *Hitchin*. [14th *August* 1848.]

Cap. cxx.

An Act to amend the Provisions of the *Newport and Pontypool* Railway Act, 1845. [14th *August* 1848.]

Cap. cxxi.

An Act to enable the *Caledonian* Railway Company to extend their Railway across the River *Clyde* at *Glasgow*, and to form a Station in that City. [14th *August* 1848.]

Cap. cxxii.

An Act for the Amendment and Continuation of the Burgh Customs, and Water, Shore, and Harbour Rates of the Burgh of *Dunbar*, and for other Purposes connected with the said Burgh, and the Supply of Water to the same and the Harbour thereof. [14th *August* 1848.]

Cap. cxxiii.

An Act to provide for the Municipal and Police Government of the Burgh of *Leith*, and for other Purposes relating thereto. [14th *August* 1848.]

Cap. cxxiv.

An Act for the better carrying on the Affairs of the Grand Canal Company. [14th *August* 1848.]

Cap. cxxv.

An Act for enabling the *London and South-western* Railway Company to effect certain Extensions and Deviations at *Godalming, Cosham, London Bridge, Southampton*, and *Poole*, and certain Arrangements respecting Steam Packets; and for other Purposes. [14th *August* 1848.]

[*Vessels in the Service of the Queen and Royal Family, Trinity House, Commissioners of Northern Lights, Customs and Excise, and other Public Offices, exempted from Rates*, § 36.]

Cap. cxxvi.

An Act to enable the *Furness* Railway Company to raise a further Sum of Money*, and to purchase Steam Vessels; and for the Amendment of the Acts relating to the said Company. [14th *August* 1848.]

*£100,000.

Cap. cxxvii.

An Act to authorize certain Deviations in the Main Line of the *Stirling and Dunfermline* Railway, and for other Purposes. [14th *August* 1848.]

Cap. cxxviii.

An Act to enable the *Whitehaven and Furness Junction* Railway Company to deviate or extend their Line of Railway from *Silecroft* to *Foxfield*, and to abandon a Portion of their Line between *Silecroft* and *Ireleth*, to make Branches to *Whitehaven* Harbour, and for other Purposes. [14th *August* 1848.]

Cap. cxxix.

An Act to enable the *Dundee and Arbroath* Railway Company to make a Junction Line of Railway into the Royal Burgh of *Dundee*. [14th *August* 1848.]

Cap. cxxx.

An Act for enabling the *London and North-western* Railway Company to make a Branch Railway from the *Coventry and Nuneaton* Line in the Parish of *Exhall* to the *Craven* Colliery, and another Branch Railway

Railway from the same *Coventry and Nuneaton* Line at *Bedworth* to the *Mount Pleasant* Colliery, to construct a new Approach Road to the Station of the *London and North-western* Railway at *Tamworth*, and to enlarge the *Rugby* Station of the last-mentioned Railway, all in the County of *Warwick*; and for other Purposes. [14th *August* 1848.]

Cap. cxxxi.

An Act to enable the *Midland* Railway Company to construct a Railway from *Gloucester* to *Stonehouse*, and for other Purposes connected with the *Bristol and Gloucester* Line of the *Midland* Railway. [14th *August* 1848.]

Cap. cxxxii.

An Act to alter and amend the Acts relating to the *Newry and Enniskillen* Railway Company, and to enable them to make Arrangements with other Railway Companies. [14th *August* 1848.]

Cap. cxxxiii.

An Act to authorize an Alteration of the Line of the *Oxford, Worcester, and Wolverhampton* Railway, and for other Purposes. [14th *August* 1848.]

Cap. cxxxiv.

An Act to amalgamate the *Monkland and Kirkintilloch, Ballochney,* and *Slamannan* Railways. [14th *August* 1848.]

Cap. cxxxv.

An Act for making a Railway from the *Great Western* Railway near *Slough* to the Town of *New Windsor* in the County of *Berks*. [14th *August* 1848.]

Cap. cxxxvi.

An Act for making an Alteration in the *New Cross* Station; and for amending the Powers and Provisions of the several Acts relating to the *London, Brighton, and South Coast* Railway. [14th *August* 1848.]

Cap. cxxxvii.

An Act to enable the Trustees of the *Worcester* Turnpike Road to make certain new Roads, and to improve and more effectually maintain the several Roads leading into and from the City of *Worcester*. [14th *August* 1848.]

[*Tolls to be paid but once a Day at the same Gate,* § 23. *A Toll of Two-pence to be paid for every Dog drawing a Carriage,* § 27. *Regulations as to them, and Penalties for Nonobservance,* § 28. *Tolls not to be applied in Repairs of any Road unless taken thereon,* § 33. *Act to commence on* 31*st December* 1848, *and to continue for Eighteen Years,* § 40.]

Cap. cxxxviii.

An Act for establishing a Market and Fair in the Borough of *Avon* otherwise *Aberavon* in the County of *Glamorgan*. [14th *August* 1848.]

Cap. cxxxix.

An Act for the better regulating and improving the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*. [14th *August* 1848.]

[*Rights of Lords of Manors saved,* § 34.]

Cap. cxl.

An Act for better paving, lighting, watching, sewering, draining, cleansing, and otherwise improving the Town and Neighbourhood of *Huddersfield* in the West Riding of the County of *York*, for maintaining an efficient Police, and removing and preventing Nuisances and Annoyances therein. [14th *August* 1848.]

[*Rights of Lord of Manor of Huddersfield saved,* § 54. *Powers of Persons acting under the Ramsden Estate Act* (7 & 8 *Vict. c.* xxi.) *not to be affected by this Act,* § 55.]

Cap. cxli.

An Act for the Improvement of the Borough of *Londonderry*. [14th *August* 1848.]

[*Saving the Rights of Ballast Corporation Office,* § 79.; *and of the Irish Society,* § 80.]

Cap. cxlii.

An Act for incorporating "The *West of England* and *South Wales* Land Draining Company;" and for enabling Owners of limited Interests in Land to charge the same for the Purposes of Drainage, Irrigation, Warping, Embankment, Reclamation, Inclosure, and Improvement. [14th *August* 1848.]

Cap. cxliii.

An Act to improve the River *Nene* and *Wisbech* River, and the Drainage of Lands discharging their Waters into the same. [14th *August* 1848.]

[*Saving the Rights of the Bedford Level Corporation,* § 95; *and from Charge of Works,* § 96. *Saving the Rights of the Corporation of Wisbech, the Commissioners of Sewers of the Hundred of Wisbech, of Drainage Commissioners, and of the Proprietors of Cross Keys Bridge,* § 97.]

Cap. cxliv.

An Act to alter and amend the several Acts relating to the *Birkenhead* Commissioners Docks, and to transfer the several Powers of the said Commissioners to a Corporate Body to be entitled "The "Trustees of the *Birkenhead* Docks;" and for other Purposes. [14th *August* 1848.]

[*Saving the Rights of the Corporation of Liverpool, and of the Trustees of Docks,* § 50; *and of the Birkenhead, &c. Railway Company,* § 51; *and of the Crown,* § 52.]

Cap. cxlv.

An Act for continuing the Term of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Hulme, *across the River* Irwell, *through* Salford, *to* Eccles, *in the County Palatine of* Lancaster, *and a Branch of Road communicating therewith,* so far as relates to the Road from *Hulme* to *Eccles,* for the Purpose of enabling the Trustees to pay off the Debt now due on the said Roads. [14th *August* 1848.]

[*Three full Tolls only to be taken for passing and repassing once in same Day through all the Gates, except with the same Horses, &c.* § 18. *Act to commence on the First Friday after the passing, and to continue for Twenty-one Years,* § 27.]

Cap. cxlvi.

An Act for altering and amending an Act passed for maintaining the Road from *Crossford Bridge* to *Manchester,* and a Branch connected therewith. [14th *August* 1848.]

[*No more Money to be expended on a Road than is collected thereon,* § 5. *No Money to be laid out on Roads in Towns,* § 7. *Act to commence on the Third Monday after the passing, and to continue in force for the Remainder of the Term granted by* 1 *W.* 4. *c.* vii., § 11.]

Cap. cxlvii.

An Act for more effectually repairing and maintaining the Road from *Richmond* to *Reeth* in the County of *York.* [14th *August* 1848.]

[*Tolls to be paid but once a Day at the same Gate,* § 10. *Tolls not to be laid out in repairing Roads in Towns,* § 13. *Act to commence on the Second Saturday after the passing, and to continue in force for Twenty-one Years,* § 17.]

Cap. cxlviii.

An Act to enable the *Wishaw and Coltness* Railway Company to divert and improve certain Portions of their Line. [14th *August* 1848.]

Cap. cxlix.

An Act to enable "The Timber Preserving Company" to purchase and work certain Letters Patent, and for confirming the same. [14th *August* 1848.]

Cap. cl.

An Act for draining, warping, and otherwise improving *Thorne Moor* in the West Riding of *Yorkshire.* [14th *August* 1848.]

Cap. cli.

An Act to authorize the Endowment and Consecration of a new Chapel at *Marlborough,* and the Annexation of the same to *Marlborough* College. [14th *August* 1848.]

Cap. clii.

An Act to amend the Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof. [31st *August* 1848.]

Cap. cliii.

An Act for the Establishment of the Farmers Estate Society *Ireland.* [31st *August* 1848.]

Cap. cliv.

An Act to enable the *Dundee and Perth* Railway Company to take a Lease of the Undertaking of the *Dundee and Arbroath* Railway Company, and to amend the Acts relating to such Companies respectively. [31st *August* 1848.]

Cap. clv.

An Act for making a Railway from *Paisley* to *Barrhead,* with certain Branch Railways therewith connected, to be called "The *Paisley, Barrhead, and Hurlet* Railway." [31st *August* 1848.]

Cap. clvi.

An Act to make a Deviation in the authorized Line of the *Manchester, Buxton, Matlock, and Midlands Junction* Railway, together with a Branch to *Bakewell.* [31st *August* 1848.]

Cap. clvii.

An Act to amend the Acts relating to the *Exeter and Exmouth* Railway Company. [31st *August* 1848.]

Cap. clviii.

An Act to enable the *Great Western* Railway Company to construct a Loop Line from the *Birmingham and Oxford Junction* Railway through the Town of *Leamington;* and for other Purposes. [31st *August* 1848.]

Cap. clix.

An Act to confer additional Powers on the *Great Western* Railway Company with reference to an Agreement of the Twelfth of *November* 1846, for the Purchase by them of the *Birmingham and Oxford Junction* and *Birmingham, Wolverhampton, and Dudley* Railways. [31st *August* 1848.]

[*Power to lay down the Broad as well as the Narrow Gauge on the Birmingham and Oxford Junction and Birmingham, Wolverhampton, and Dudley Railways,* § 15. *Railways to be kept open with both Gauges,* § 16. *If Communication between Birmingham and Oxford Junction and London and North-western Railways by the Narrow Gauge is not completed within a certain Period, the Broad Gauge not to be used until the same is completed,* § 17.]

Cap. clx.

An Act to enable the *Edinburgh and Glasgow* Railway Company to hold Shares in the *Edinburgh and Bathgate* Railway Company; and for other Purposes. [31st *August* 1848.]

Cap. clxi.

An Act for the more effectually paving, lighting, watching, draining, cleansing, and otherwise improving the Town and Neighbourhood of *Walsall* in the County of *Stafford,* for improving the Markets, and for the better assessing the Poor's Rates, Highway Rates, Church Rates, and other Local Rates within the Parish of *Walsall* in the said County. [31st *August* 1848.]

[*Saving the Rights of the Lord of the Manor,* § 66.]

Cap. clxii.

An Act for granting further Powers to the *Clerkenwell* Improvement Commissioners for the Purpose of enabling them to complete the new Street and the Improvements connected therewith. [31st *August* 1848.]

Cap. clxiii.

An Act to provide for the Sanatory Improvement of the City of *London* and the Liberties thereof, and for the better cleansing, sewering, paving, and lighting the same. [5th *September* 1848.]

'WHEREAS by an Act passed in the Nineteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for rebuilding the City of* London, it was enacted, that the Number 19 Car. 2. c. 3 'and Places for all Common Sewers, Drains, and Vaults within the City of *London* and Liberties thereof 'should be designed and set out by such and so many Persons as the Mayor, Aldermen, and Commonalty 'of the said City, in Common Council assembled, should from Time to Time authorize and appoint, under 'their Common Seal, or the major Part of them, to which Persons several Powers and Authorities were 'thereby given for making new Vaults, Drains, or Sewers, or for cutting into any Drain or Sewer 'already made, and for altering, enlarging, amending, cleansing, and scouring of any old Vaults, Sinks, 'or Common Sewers: And whereas an Act was passed in the Eleventh Year of the Reign of His 11 G. 3. c. 29. 'Majesty King *George* the Third, intituled *An Act for consolidating, extending, and rendering more 'effectual the Powers granted by several Acts of Parliament for making, enlarging, amending, and 'cleansing the Vaults, Drains, and Sewers within the City of* London *and Liberties thereof, and for 'paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, 'and preventing and removing Obstructions and Annoyances within the same:* And whereas an Act was 33 G. 3. c. 75. 'passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act 'to explain, amend, and render more effectual an Act passed in the Eleventh Year of His present Majesty's 'Reign, intituled "An Act for consolidating, extending, and rendering more effectual the Powers granted '"by several Acts of Parliament for making, enlarging, amending, and cleansing the Vaults, Drains, '"and Sewers within the City of* London *and Liberties thereof, and for paving, cleansing, and lighting '"the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing and removing '"Obstructions and Annoyances within the same:"* And whereas an Act was passed in the Fourth Year 4 G. 4. c. 114. 'of the Reign of His Majesty King *George* the Fourth, intituled *An Act for altering and amending Two 'Acts, passed in the Eleventh and Thirty-third Years of His late Majesty King* George *the Third, for 'consolidating, extending, and rendering more effectual the Powers granted by several Acts of Parliament 'for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers within the City of 'London and Liberties thereof, and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, 'Courts, Alleys, Passages, and Places, and preventing and removing Obstructions and Annoyances within 'the same:* And whereas some of the Powers and Provisions of the said recited Acts have been found 'insufficient for the Purposes intended: And whereas it is expedient that the said Powers and Provisions

'should

'should be altered and amended, and other Powers granted for the Purposes aforesaid, and for the 'Sanatory Improvement of the City of *London* and the Liberties thereof:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said several recited Acts shall be and the same are hereby repealed, save only and except so far as such Acts or any of them repeal the whole or any Part of the same or any other Act or Acts, and save only and except so far as relates to any Acts, Deeds, Contracts, Matters, or Things made or done or entered into before the Commencement of this Act, and any Offences committed before the Commencement of this Act, all which Acts, Deeds, Contracts, Matters, and Things shall be dealt with and enforced, and all which Offences shall be punished, as if this Act had not been passed.

Recited Acts repealed.

II. And be it enacted, That for the Purpose of enabling the Commissioners to be appointed in pursuance of this Act to effect the Purchases by this Act authorized, and to carry into execution the several Purposes of this Act, "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with this Act, or are herein-after declared not to extend thereto; and in construing the said Act the Commissioners to be appointed in pursuance of this Act shall be deemed the Promoters of the Undertaking for which such Lands are required.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

III. Provided always, and be it enacted, That the Provisions in the said Lands Clauses Consolidation Act contained relating to the Purchase and taking of Lands otherwise than by Agreement, and also the Provisions therein contained directing Lands not wanted to be sold, and that Lands not sold shall vest in the Owners of adjoining Lands, and that Lands intended to be sold shall be offered to adjoining Owners, and requiring Owners to claim their Right of Pre-emption within Six Weeks, and also with respect to the Recovery of Forfeitures, Penalties, and Costs, shall not extend to this Act or to the Purposes thereof.

Certain Provisions of 8 & 9 Vict. c. 18. not to apply to this Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The City of *London* Sewers Act, 1848."

Short Title of Act.

V. And be it enacted, That from and after the Commencement of this Act the sole Power of ordering, designing, making, enlarging, widening, deepening, raising, altering, removing, repairing, cleansing, and scouring of all Common Sewers, Drains, and Vaults, and of paving, cleansing, lighting, and improving the several Streets within the City, shall be and the same is hereby vested in the Mayor and Commonalty and Citizens of the City of *London*, to be executed by such Persons as by the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, shall from Time to Time be nominated and, under the Common Seal of the Mayor and Commonalty and Citizens, be appointed for that Purpose, which said Persons so from Time to Time to be nominated and appointed shall be and they are hereby constituted Commissioners for carrying this Act into execution, and shall be called "The Commissioners of Sewers of the City of *London*."

Sole Power of cleansing, lighting, and paving the City vested in the Commissioners of Sewers.

VI. And be it enacted, That the Mayor, Aldermen, and Commons, in Common Council assembled, shall, at the First Common Council which shall be holden next after the Commencement of this Act, or at some special Common Council to be called by the Lord Mayor for that Purpose, nominate, and, by Deed under the Common Seal of the Mayor and Commonalty and Citizens, appoint such and so many Persons as they shall think proper, to be the Commissioners for carrying this Act into execution.

Common Council to appoint Commissioners.

VII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Commons, from Time to Time, when and as often as they shall think fit so to do, to nominate, and, by Deed under the Common Seal of the Mayor and Commonalty and Citizens, to appoint such Persons as they shall think proper to be Commissioners for carrying this Act into execution.

Commissioners to be appointed by Common Council.

VIII. And be it enacted, That the Authority of the Commissioners for the Time being shall in nowise be suspended or taken away, save by the Appointment from Time to Time of new Commissioners.

Commissioners Powers not to be suspended, &c.

IX. And be it enacted, That the Lord Mayor for the Time being of the City of *London*, and the Recorder and the Common Serjeant for the Time being of the said City, shall by virtue of their respective Offices be Three of the Commissioners for carrying this Act into execution.

Commissioners ex-officio.

X. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to provide and maintain a fit and convenient public Office within the said City for holding the Meetings of the Commissioners and transacting the Business of the Commission, and for the Use of their Officers, and for transacting such other Business as the Commissioners shall from Time to Time think fit to allow or shall direct to be transacted therein, and for such Purpose to purchase or hire any Messuage or Tenement or Land which shall by the Commissioners be considered necessary, of and from any Person who shall be willing to sell or let the same, or otherwise to cause any new Erection or Building to be made upon any Land or Ground which shall be purchased or hired under the Provisions of this Act.

Office to be provided for holding Meetings, &c.

XI. And be it enacted, That the Commissioners shall meet and assemble at the *Guildhall* in the City of *London*, or at some other convenient Place within the City, upon the First *Tuesday* next after the Common Seal of the Mayor and Commonalty and Citizens shall have been affixed to their Appointment, at the Hour of Twelve of the Clock at Noon, for the Purposes of this Act, and the Commissioners shall and may, from Time to Time, by Adjournment from such Meeting, or from any subsequent Meeting to be holden under the Authority of this Act, meet together at the same Place, or at any other convenient Place to be from Time to Time appointed by them for that Purpose, and at such Hour as may from Time

Meetings of the Commissioners.

to Time be appointed by them; and if at any such Meeting there shall not be Seven Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting until another Day, and if no Commissioner shall be present then it shall be lawful for their Clerk to adjourn the Meeting to another Day.

Weekly Meetings to be held.

XII. And be it enacted, That the Commissioners may hold weekly Meetings for the Purposes of this Act, and may from Time to Time fix the Day and Hour for holding such Meetings, and upon any such Day and Hour being fixed the Commissioners for the Time being are required to attend such Meetings, without any Notice.

No extraordinary Business at weekly Meetings, unless Notice be given.

XIII. And be it enacted, That no new Rules or Regulations shall be adopted nor any extraordinary Business discussed at the weekly Meetings, unless due Notice thereof shall have been given at a prior Meeting, and the Subject of such Business notified to each Commissioner by means of written or printed Notices delivered or left in the same Manner as is herein required for special Meetings.

Special Meetings.

XIV. And be it enacted, That it shall be lawful for the Commissioners to hold special Meetings; and the Lord Mayor, or any Three or more of the Commissioners, may require a special Meeting to be held; but no such Meeting shall be held unless Two Days Notice thereof at the least shall be given, except in Cases of Emergency.

How Notices of Meetings of Commissioners are to be given.

XV. And be it enacted, That all Notices of any adjourned Meeting or special Meeting of the Commissioners to be held under the Authority of this Act shall be in Writing or Print, or partly in Writing and partly in Print, and shall be delivered or sent by the Clerk, by Post or otherwise, to the usual Place of Abode or Place of Business of each of the Commissioners, Two Days at the least previous to such Meeting, except as aforesaid; and every Notice shall specify the Time and Place of meeting, and in case of a special Meeting shall specify the Object thereof, and no Business shall be transacted at any special Meeting except such as is stated in the Notice thereof.

Quorum of Commissioners.

XVI. And be it enacted, That all Powers vested in the Commissioners by this Act may be exercised by any Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Seven or more Commissioners shall be present at any such Meeting; and all Questions at any Meeting shall be decided by a Majority of the Votes of the Commissioners present, and in case of an equal Division of Votes the Commissioner in the Chair shall have a Second or Casting Vote, in addition to his Vote as a Commissioner.

Lord Mayor to preside when present.

XVII. And be it enacted, That at every Meeting of the Commissioners the Lord Mayor, if present, shall preside as Chairman, instead of the Chairman who may be appointed by the Commissioners under the Authority herein-after contained.

Clerk to Commissioners, &c. to attend daily at their Office.

XVIII. And be it enacted, That the Commissioners shall take care that their Clerk, or some Person duly authorized by them in that Behalf, shall attend at their Office daily, (*Sundays*, *Christmas Day*, and *Good Friday*, and Days appointed for any General Fast or Thanksgiving, alone excepted,) for the Purpose of receiving Notices and transacting the ordinary Business of the Commissioners; and due Notice of the Place of the Office of the Commissioners, and of the Hours during which Attendance is given there, shall be published by the Commissioners in such Manner as they shall think proper, so that the same may be fully and generally known.

Committees may be appointed.

XIX. And be it enacted, That it shall be lawful for the Commissioners present at any Meeting to appoint a Committee for any Purposes which, in the Discretion of the Commissioners, would be better regulated and managed by means of such Committee, and at any Meeting to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be submitted to the general Body of Commissioners, for their Approval.

Lord Mayor to be a Member of Committees.

XX. And be it enacted, That the Lord Mayor shall, without any Appointment, act as Member of all Committees, in addition to the Number appointed, and shall be summoned to and be entitled to attend all Meetings of every such Committee.

Powers of Committee.

XXI. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee are present; and at all Meetings of the Committee the Lord Mayor, if present, shall preside as Chairman, and in case of his Absence One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote, in addition to his Vote as a Member of the Committee.

Appointment of Chairman.

XXII. And be it enacted, That at the First Meeting of Commissioners held next after the Common Seal of the Mayor and Commonalty and Citizens shall have been affixed to their Appointment, or at some subsequent Meeting, the Commissioners shall, by a Majority of the Votes of the Commissioners then present, elect One of their Body to be their Chairman during the Continuance of the Commission by which they are appointed; and at the First Meeting of Commissioners which shall be held next after every subsequent Appointment of Commissioners the Commissioners shall in like Manner elect a Chairman during the Continuance of such Commission; and in case the Chairman shall die, or resign, or cease to be a Commissioner, or otherwise become disqualified to act as such, the Commissioners present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Body to fill such Vacancy; and if at any Meeting or Committee of the Commissioners neither the Lord Mayor nor the Chairman

Chairman shall happen to be present, the Commissioners present shall choose some One of their Body to preside as Chairman at such Meeting or Committee.

No Resolution of Commissioners to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXIII. And be it enacted, That no Resolution or other Act at any Meeting shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation, by Notice given by the Clerk Two Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done; but if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then such Revocation or Alteration may be determined upon by a mere Majority.

Proceedings to be entered in Books, and when signed by the Clerk to be Evidence.

XXIV. And be it enacted, That the Commissioners shall cause Entries of the Names of all the Commissioners who shall be present at any Meeting, and Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by or on the Behalf of the Commissioners, and of the Acts, Orders, and Proceedings of the Commissioners at their several Meetings, and of all Meetings of Committees, to be duly entered from Time to Time in Books to be provided for that Purpose, which Books shall be kept under the Superintendence of the Commissioners, and shall be signed by the Clerk for the Time being of the Commissioners; and such Entry, so signed, or a Copy thereof, under the Hand of the Clerk, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened and held, or of the Persons making Orders being Commissioners or Members of such Committees respectively, or of the Signature of the Clerk, or of the Presence of the Chairman, all of which Matters shall be presumed, until the contrary be proved; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners.

Commissioners to appoint Clerks and Officers.

XXV. And be it enacted, That the Commissioners shall and may from Time to Time appoint and employ such and so many Clerks, Surveyors, Collectors, Inspectors of Pavements, Inspectors of Sewers, Inspectors of Nuisances, Medical Officers of Health, Messengers, Officers, Servants, and Persons, to assist in the Execution of this Act, as the Commissioners shall think necessary and proper, and may from Time to Time remove such Clerks, Surveyors, Collectors, Inspectors, Medical Officers, Messengers, Officers, Servants, and Persons, at their Will and Pleasure, and appoint others in the Room of such as shall be so removed, or as may die or resign, or discontinue their Offices, and may make Rules and Regulations for defining and regulating the Duties and Conduct of the several Officers, Servants, and Persons so appointed or employed; and the Commissioners shall and may, out of the Monies arising or to arise by virtue of this Act, pay such Salaries, Gratuities, Wages, and Allowances as they shall think reasonable to such Clerks, Surveyors, Collectors, Inspectors, Officers, and Servants, and to all such other Persons as shall or may be employed or aiding and assisting in the Execution of this Act.

Chamberlain to be Treasurer.

XXVI. And be it enacted, That the Chamberlain for the Time being of the City of *London* shall for the Purposes of this Act be and be considered as the Treasurer of the Commissioners.

Penalty on Officers taking Fees other than those allowed.

XXVII. And be it enacted, That if any Clerk, Surveyor, or other Officer or Servant appointed or employed by or under the Commissioners shall exact, demand, take, or accept any Fee, Gratuity, or Reward whatsoever, (other than the Salary, Allowances, and Rewards allowed or sanctioned by the Commissioners,) for or on account of anything done or to be done by virtue of his Office, or in relation to the Functions of the Commissioners, or for forbearing to do anything hereby or by the Commissioners directed to be done, or be in any Manner concerned or interested in any Bargain or Contract made by or on the Behalf of the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and shall forfeit Fifty Pounds; and any Person may sue for such Penalty, either by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Commissioners to take Security from Officers intrusted with Money.

XXVIII. And be it enacted, That before any Person intrusted with the Custody and Control of Money shall enter upon the Office to which he may be appointed by the Commissioners, the Commissioners shall take sufficient Security for the due and faithful Execution by him of his Office; Provided always, that the Security given by the Chamberlain to the Mayor and Commonalty and Citizens for the faithful Execution of his Office shall be considered as a Security given by the Treasurer to the Commissioners within the Meaning of this Act.

Officers to account.

XXIX. And be it enacted, That every Officer appointed or employed by the Commissioners under or by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and faithful Account in Writing under his Hand of all the Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedies against Officers failing to account.

XXX. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to a

Justice,

Justice, such Justice shall summon such Officer to appear before Two or more Justices at a Time and Place to be set forth in such Summons, to answer such Charge, and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Offender to pay the same, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for a Period not exceeding Three Months, unless the same be sooner paid.

Officer refusing to deliver up Documents may be committed to Prison.

XXXI. And be it enacted, That if any such Officer refuse to make out any such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Commissioners, such Justices may lawfully commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts (if any) in his Possession or Power belonging to the Commissioners: Provided always, that if any Commissioner or other Person acting on behalf of the Commissioners shall declare on Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for bringing such Officer before Two Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before some Justice; and it shall be lawful for the Justice before whom such Officer may be brought, either to discharge such Officer, if he think there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody so as to be brought before Two Justices at a Time and Place to be named in such Order, unless such Offender give Bail to the Satisfaction of such Justice for his Appearance before Two Justices to answer the Complaint of the Commissioners.

Where Officer about to abscond, a Warrant may be issued in the first instance.

Commitment not to discharge Sureties.

XXXII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Commissioners may enter into Contracts.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners, or any Committee appointed by them, to enter into and contract in the Name of the Commissioners with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, or for furnishing Materials or Labour, or for any other Matters or Things whatsoever necessary for enabling them to carry the Purposes of this Act into full and complete Effect, in such Manner, and upon such Terms, and for such Sums of Money, and under such Stipulations, Regulations, and Restrictions as the Commissioners or such Committee shall think proper; and every such Contract shall be in Writing, and shall specify the several Works to be done, and the Materials or Labour to be furnished, and the Prices to be paid for the same, and the Times within which the said Works are to be completed, and the Materials or Labour to be furnished, and the Penalty to be incurred in case of the Nonperformance thereof; and every such Contract may also specify the Person to whose Satisfaction the same are to be completed or finished, and the Mode of determining any Dispute which may arise concerning or in consequence of such Contract.

Contracts to be executed by Seven Commissioners or by their Clerk.

XXXIV. And be it enacted, That every such Contract shall be executed by any Seven or more of the Commissioners, or by the Clerk of the Commissioners on their Behalf, and also by the Person contracting to perform the Work or to supply the Materials or Labour mentioned therein; and all Contracts made according to the Provisions herein contained shall be effectual at Law, and shall be binding upon the Commissioners and all other Parties thereto, their Heirs, Executors, Administrators, or Assigns, as the Case may be; and on any Default in the Execution of any such Contract, either by the Commissioners or by any other Party thereto, such Actions or Suits may be brought either by or against the Commissioners as might have been brought had the same Contract been made between private Persons only.

Estimates to be obtained before commencing Works to the Amount of 100*l.*

XXXV. And be it enacted, That before any Contract for the Execution of any Works under the Provisions of this Act to the Amount of One hundred Pounds shall be entered into the Commissioners shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, and also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting for the Execution of the Work only, or for executing and also maintaining the same in repair during a Term of Years or otherwise.

Previous Notice to be given of Contracts of the Amount of 200*l.* and upwards.

XXXVI. And be it enacted, That before any Contract to the Amount of Two hundred Pounds and upwards shall be entered into Ten Days Notice at the least shall be given in Two *London* daily Morning Newspapers, expressing the Object and Purpose of such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Commissioners at a certain Time and Place in such Notice to be mentioned; and the Commissioners shall and they are hereby required to take Security for the due and faithful Performance of such Contracts.

Commissioners may compound for Breach of Contract.

XXXVII. Provided always, and be it enacted, That it shall be lawful for the Commissioners to compound and agree with any Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any such Action or Suit shall be brought, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, or for or

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on account of any Breach or Nonperformance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the Commissioners may think proper.

Allowing Persons not free of the City to be employed on their Works.

XXXVIII. And be it enacted, That the Commissioners may and they are hereby authorized and empowered from Time to Time to employ under them any fit Person, whether free of the said City or not, in or about all or any of the Works, Matters, or Things which they shall cause to be performed or done by virtue or in pursuance of this Act, and to contract with any such Person for the Performance of such Works, Matters, or Things, or any of them; and that no Person who shall be so employed or contracted with in or about or for any of the Purposes of this Act, nor any Person to be set to work by or under him, shall, for any Act done or to be done in or about the Premises, be subject or liable to be sued for any Breach of the Custom of *London*, or for any Penalty inflicted by any Bye Law of the said City.

Materials for Works contracted for to be Property of Commissioners.

XXXIX. And be it enacted, That during the Execution of any Contract which may be entered into by the Commissioners the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such Contract, shall be held to be the Property of the Commissioners.

How Actions to be brought and Indictments to be preferred.

XL. And be it enacted, That it shall be lawful for the Commissioners, in the Name of the Commissioners or of their Clerk for the Time being, to sue and be sued, and to prefer any Bill of Indictment or Information, or take any other Proceedings against any Person who shall steal, take, or carry away, or wilfully deface or injure, any Property, Article, or Thing belonging to the Commissioners; and in every such Case it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Proceeding shall have been taken to be the Property of the Commissioners, as described in this Act, without naming the individual Commissioners; and no Action or Suit shall abate or be discontinued, or require to be transferred, by reason of the Death of any Commissioner, or by his ceasing to be a Commissioner.

Commissioners not to be personally liable.

XLI. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or the Clerk, or their or his Heirs, Executors, or Administrators, or their or any of their or his own proper Lands or Goods, with or for the Performance of anything contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner, or the Clerk, shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or of the Clerk, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners; and all such Sums of Money to be recovered by the Commissioners in any such Action or Suit shall be applied to the same Purposes as "The Sewer Rate" by this Act authorized to be levied is directed to be applied.

Liability of the Funds in their Hands.

No Commissioner or Member of Court of Aldermen or Common Council to be concerned in any Contract.

Penalty.

XLII. Provided also, and be it enacted, That no Person, being a Commissioner, or a Member of the Court of Aldermen, or of the Common Council of the City, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of the Commissioners for the Execution of any Works by this Act directed or authorized to be done or executed, or for furnishing Materials or Labour, or for any other Matter or Thing whatsoever, upon pain that every such Contract shall be null and void, and that the Person who, being a Commissioner, or a Member of the said Court of Aldermen or of the Common Council, shall be so interested or concerned therein, shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered in any of the Superior Courts by Action of Debt or on the Case.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

Penalty for Refusal.

XLIII. And be it enacted, That the Commissioners shall cause Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and paid for or on account of this Act, and of the several Purposes for which Sums of Money shall have been received and paid, and which Books shall at all seasonable Times be open to the Inspection of the Commissioners, and every Mortgagee of and Creditor on the Rates payable under this Act, without Fee or Reward; and the Commissioners and Persons aforesaid, or any of them, may take Copies of or Extracts from the said Books, without paying anything for the same; and any Clerk or other Person having the Custody of the said Books, who shall not, on any reasonable Demand, permit any of the Commissioners, Mortgagees, or Creditors as aforesaid to inspect the said Books, or take such Copies or Extracts as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Accounts to be examined and settled annually.

XLIV. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners, together with an Abstract of the same, shall be produced at a Meeting of the Commissioners to be held some Time in or before the Month of *December* in every Year for that Purpose, or at some Adjournment thereof; and the Accounts shall be examined and settled by the Commissioners then present, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Accounts shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions, which Appeal it shall be lawful for any Person interested in such Accounts to institute, previous Notice in Writing

Writing of such Appeal having been given to the Clerk Fourteen Days at least before the hearing of any such Appeal.

Statement of Accounts to be prepared, and to be open for Inspection.

XLV. Provided always, and be it enacted, That Fourteen Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended by virtue of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at their Office; and every Mortgagee or Creditor on the Rates payable under the Authority of this Act, and any Person acting on behalf of any such Mortgagee or Creditor, may at all reasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a Copy thereof to every such Mortgagee or Creditor without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Account the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at their Office ready for the Inspection of the Mortgagees, Creditors, or other Parties interested.

Appointment and Payment of Auditors.

XLVI. And be it enacted, That previously to the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Mayor, Aldermen, and Commons to nominate Three Persons (not being Commissioners) to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors before entering on their Offices shall make and sign before a Justice a solemn Declaration that they will faithfully and impartially discharge the Duties of their Office; and the Auditors so appointed as aforesaid shall receive such Remuneration for their Services as the Mayor, Aldermen, and Commons shall have fixed for the same some Day previously to the Day of the Appointment of such Auditors, which shall be paid to the Auditors by the Chamberlain.

Auditors to examine Accounts, and sign them if found correct.

XLVII. And be it enacted, That the Auditors so appointed as aforesaid shall forthwith, or at the Time appointed for that Purpose, attend at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk, in case he shall desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, or Writings in their Custody or Power relating thereto; and if the said Account shall be found to be correct, such Auditors shall sign the same; and if such Auditors shall think that there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Part of the said Accounts as shall be so disapproved of to One of the Two then next General Quarter Sessions, Notice in Writing of such Appeal being given to the Clerk Fourteen Days at the least prior to the Hearing of such Appeal.

If Auditors, &c. disapprove of Accounts they may appeal against them.

Annual Account or Abstract to be prepared, and transmitted to the Town Clerk.

XLVIII. And be it enacted, That the Commissioners shall every Year cause an annual Account or Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Twenty-ninth Day of *September*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the City of *London*, immediately after the same shall have been duly audited and certified as aforesaid, such Account to be preserved by him in his Office, and to be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every Omission the Sum of Twenty Pounds.

Penalty for Omission.

Commissioners to cause a Map to be provided, which shall be open to Inspection.

XLIX. And be it enacted, That the Commissioners shall cause a Map and Plan to be made of the City on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all existing Sewers and Drains, as far as they can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, also the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as the Case may require, and shall cause the said Map to be from Time to Time altered and amended, and Additions made thereto as may be required; and such Map, or a Copy thereof, with the Date expressed thereon of the last Time it shall have been so corrected and amended, shall be kept in the Office of the Commissioners, and shall be open at seasonable Hours to the Inspection of the Owners or Occupiers of any Houses or Buildings within the City who may desire to inspect the same.

Contour Lines to be marked on Map, and Bench Marks to be made.

L. And be it enacted, That the Commissioners shall cause to be inscribed on such Map and Plan a Series of Marks or Figures denoting a complete System of levelling, exhibiting the true Form or Relief of the Ground, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude, commonly called Contour Lines, at every Four Feet of Elevation, at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of the Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other public and private Purposes within the City, and shall also cause proper Bench Marks to be inscribed and marked at convenient Distances and Places at the Corners of Streets, on Posts, Houses, or other prominent Objects within the City, which Bench Marks the Commissioners are hereby authorized to inscribe.

Ordnance Survey to be procured.

LI. Provided always, and be it enacted, That if any Survey of the City shall have been or shall be made under the Directions of Her Majesty's Board of Ordnance, upon a Scale of not less than Sixty Inches

Inches to a Mile, it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct a Copy of such Survey to be procured for the Use of the Commissioners, who shall cause any Additions to be made thereto which shall, on the Advice of the Surveyor of the Commissioners, appear to be requisite for the Guidance of future Improvements to be made within the City; and it shall be lawful for the Commissioners to cause every such Plan to be engraved, printed, or lithographed, and coloured, in such Manner as may appear to them most convenient; and the Costs of every such Map or new Survey shall be paid by the Commissioners out of the Sewer Rate herein-after authorized to be levied.

Sewers, &c. within the City vested in the Commissioners.

LII. And be it enacted, That all the Sewers and public Drains existing within the City at the Time of the Commencement of this Act, and all Buildings, Materials, and Things connected therewith, and all other Sewers and public Drains which shall at any Time be constructed and made therein, whether constructed at the Cost of the Commissioners or otherwise, and the entire Management of and Control over such Sewers and public Drains respectively, shall, subject to the Provisions herein-after contained, be vested in the Commissioners.

Power to make Sewers.

LIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause to be constructed and made such and so many main and other Sewers, Drains, Vaults, Culverts, and Watercourses as they shall think necessary for the effectual draining of the City, together with all such Reservoirs, Engines, Sluices, Pinstocks, and other Works as shall be required for properly flushing, cleansing, and ventilating such Sewers and Drains, in, under, or across all or any of the Streets, whether dedicated to the Use of the Public or not, within the City, and, if needful, through and across all underground Cellars and Vaults which they may find under any of the said Streets, doing as little Damage as may be, and making full Compensation for any Damage wilfully or negligently done, and also to cause such and so many Rings or Openings to be made or left in the Sides of the several Sewers as will be sufficient to enable the Owners or Occupiers of any Houses or Buildings erected or built or to be erected or built in, adjoining, or near to any such Sewers to make or branch any Drain from such House into the said Sewers, as the Commissioners shall think necessary and expedient for that Purpose; and in case it shall be found necessary, for completing any of the aforesaid Works, to build, carry, and continue the same into or through or under any inclosed Land, Building, or other Place, not being a public Way, it shall be lawful for the Commissioners to build, carry, and continue the same into, upon, or through or under such Land, Building, or other Place accordingly, making full Compensation to the Owners and Occupiers thereof, and also to cause such Sewers to communicate with and empty themselves into the River *Thames*, or into any public Stream or Watercourse, or to cause the Refuse from such Sewers to be conveyed by an appropriate Channel to the most convenient Site for its Collection and Sale, and its Application as Manure for agricultural Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance or Annoyance to the Neighbourhood; and all such Sewers and other Works and Premises shall belong to and be at all Times under the Control, Care, and Management of the Commissioners, and of their Surveyors and Officers.

Commissioners may deepen and alter Sewers.

LIV. And be it enacted, That the Commissioners shall have Authority, from Time to Time, as they shall see fit, to widen, deepen, embank, alter, arch over, amend, clean, and scour out all or any of the Sewers within the City, and also to cleanse and drain off into any Sewers and otherwise abate all stagnant Ponds, Ditches, and other Receptacles of foul Water and Filth existing within the City; and further, in Cases in which any of the existing or future Sewers vested in the Commissioners shall from any Cause whatever appear to them to have become useless or unnecessary, it shall be lawful for the Commissioners, if they shall think fit to do so, to take up, stop, or fill in and discontinue such old Sewer, in such Manner that the same shall not be or become a Nuisance or Annoyance to the Neighbourhood; and for the Purposes aforesaid, except that of taking up, stopping, or filling in old Sewers, the Commissioners are hereby invested with the same Powers and Authorities, and subjected to the same Restrictions, with respect to entering, and building, carrying, and continuing the Sewers in inclosed and other Lands, as have been given to and imposed upon them with respect to making new Sewers.

Water Companies to supply Water for public Purposes, if required.

LV. And be it enacted, That every present and future Water Company having any Mains or Pipes within the City shall, if they shall be required by the Commissioners so to do, furnish to the Commissioners a sufficient Supply of Water for flushing, scouring, and cleansing the Sewers and Drains, and for supplying Tanks for those Purposes, which for the Time being shall be vested in or be under the Survey and Control of the Commissioners, and for watering the Streets, and for cleansing and washing the Pavements thereof, and for flushing and cleansing Courts, Passages, and public Places, and for supplying any public Cisterns, Pumps, and Conduits, and any public Baths and Wash-houses that may be established for the Use of the poorer Classes, in such Quantities, and at such Times, and in such Places, and upon such Terms, and upon the Payment of such Remuneration as shall be agreed upon between the Commissioners and such Company; and in case of Disagreement such Remuneration shall be fixed by Two Justices, upon the Application of the Commissioners: Provided always, that if such Company shall at any Time, in consequence of a Deficiency of Water, or the unavoidable Stoppage or Suspension of their Works, be unable to supply the Commissioners with Water for the above Purposes, without Prejudice or Hindrance to the regular and sufficient Supply for the domestic Use of the Persons supplied by them with Water, then the Obligation to supply the Commissioners with Water as aforesaid shall cease, so long as any of the said Causes shall exist.

Penalty on Water Company not furnishing a suffi-

LVI. And be it enacted, That if such Company shall at any Time refuse or neglect, upon being required by the Commissioners so to do, to furnish to the Commissioners a sufficient Supply of Water for the Purposes aforesaid, such Company shall forfeit and pay the Sum of Fifty Pounds for each and every

cient Supply of Water.

every Day during which they shall refuse or neglect to furnish such sufficient Supply of Water, after Notice in Writing shall have been given to the Company by the Commissioners of such Supply being insufficient; but no Penalty shall be payable by such Company if the Failure or Insufficiency of such Supply shall arise from Frost, Drought, or other unavoidable Cause or Accident.

Private Drains communicating with public Sewers to be repaired, &c. by Commissioners.

LVII. And be it enacted, That all such private Drains as now do or by Authority of the Commissioners shall hereafter be made to communicate with any of the public Sewers or Drains in the City shall be repaired and cleansed, under the Inspection and Direction of the Surveyor or other proper Officer of the Commissioners, at the Cost and Charges of the Owner or Occupier of the Houses, Buildings, or Ground to which the said private Drains do or shall respectively belong.

Owners, &c., upon Request, to repair, &c. private Drains.

Penalty if Owner, &c. neglect to repair within Fourteen Days after Notice.

LVIII. And be it enacted, That the Owner or Occupier of every House, Building, or Ground to which any private Drain may belong shall, upon being required so to do by the Commissioners, forthwith repair and cleanse such Drain, under the Inspection and to the Satisfaction of the Surveyor or other proper Officer of the Commissioners; and if any such Owner or Occupier shall refuse or neglect for the Space of Fourteen Days next after Notice requiring him so to do shall have been given to him, or left for him at or upon such House, Building, or Ground, to repair and cleanse such Drain in the Manner aforesaid, it shall be lawful for the Commissioners and they are hereby empowered to cause the same to be repaired and cleansed, and to recover the Expenses incurred thereby from the Owner of such House, Building, or Ground in the Manner herein-after provided.

Commissioners not to obstruct private Drains without providing others.

LIX. Provided always, and be it enacted, That no Person shall, by means of any Alteration, Amendment, Enlargement, or Discontinuance of any Sewer, or other Proceeding of the Commissioners under this Act, be deprived of the Use or Enjoyment of any private Sewer or Drain which such Person shall theretofore have been lawfully entitled to use, but the Commissioners shall and they are hereby required so to construct or alter any such private Sewer or Drain as to render the same as effectual for the Purpose for which it was intended as any such Sewer or Drain might be at the Time of such Alteration, or to provide for the Use of such Person such other Sewer or Drain as shall be equally effectual for that Purpose; and in case the Commissioners shall refuse or neglect so to construct and alter any such private Sewer or Drain, the Use of which may be affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, for the Space of Twenty-eight Days next after Notice in Writing be served upon them, the Commissioners shall forfeit and pay to the Party aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Twenty-eight Days during which the Commissioners shall refuse or neglect so to construct and alter or to provide such other Sewer or Drain as aforesaid.

Penalty on Commissioners for Neglect.

Owners or Occupiers of Property situate beyond the Limits of the City may make private Sewers, &c. into the Sewers, &c. vested in the Commissioners.

LX. 'And whereas it would be of great public Advantage if Facility were given for extending the 'Drainage in the Neighbourhood of the City:' Be it therefore enacted, That it shall be lawful for every Person, being the Owner or Occupier of any Property situate beyond the Limits of this Act, in respect to which the Owner or Occupier would not have been or be liable to the Payment of the Sewer Rate and Assessment by this Act authorized to be made, levied, and collected, with the Consent of the Commissioners, and upon Payment to them of such reasonable Sum of Money as shall be determined by them to be a fair Remuneration for the Use of their Sewers, at his own Expense, to branch into any of the Sewers or Drains vested in the Commissioners or authorized to be made by virtue of this Act any private Sewer or Drain which in respect of the said Property he may lawfully make therefrom, of such a Size and in such a Manner and Form of Communication in all respects as the Commissioners shall direct or appoint; and in case any Person, otherwise than in respect of Property situate within the City, shall branch any private Sewer or Drain into any of the said Sewers or Drains so vested in the Commissioners, or without paying to them such reasonable Sum as they shall have required for the Use of their Sewers, or shall make any such private Sewer or Drain of a larger Size or in a different Manner and Form of Communication than shall be directed or appointed by the Commissioners, every Person so offending in any of the Particulars aforesaid shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, and it shall also be lawful for the Commissioners to cut off, stop up, or prevent the Communication of such private Sewer or Drain with the Sewers or Drains so vested in the Commissioners, or authorized to be made under or by virtue of this Act.

Commissioners in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer.

LXI. 'And whereas numerous Houses and Buildings have from Time to Time been erected and built 'without having proper Drains communicating therefrom with any Sewer, which Proceedings are highly 'injurious to the public Good:' Be it enacted, That in all Cases wherever any House or Building situate within the City shall at any Time be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Commissioners, and if a Sewer of sufficient Size, under the Jurisdiction of the Commissioners, shall pass along any Street, and within Fifty Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Commissioners, by Notice in Writing, to require the Owner of such House or Building forthwith, or within such reasonable Time as shall be appointed by the Commissioners, to construct and make from such House or Building, into the nearest Common Sewer, a covered Drain, of such Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building, and also, if practicable, of its Areas, Water-closets, Privies, and Offices, (if any,) and to carry and to convey the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide a fit and proper Trap, affixed to the Mouth of such Drain, to the Satisfaction of the Commissioners; and if the Owner of such House or Building shall neglect or refuse, during Twenty-eight Days after the said Notice shall have been delivered to such Owner, or left at such House or Building, to begin

Penalty on Owner, &c. for Neglect.

to construct such Drain, or shall thereafter fail to carry it on and complete it with all reasonable Despatch, it shall be lawful for the Commissioners and they are hereby empowered to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby in the Manner herein-after provided.

No House to be built without Drains constructed to the Satisfaction of the Commissioners.

LXII. And be it enacted, That it shall not be lawful to erect any House or other Building within the City unless a Drain be constructed to the Satisfaction of the Commissioners, of such Materials, of such Size, at such Level, and with such Fall as they shall direct, so that the same shall be available for the Drainage of the lowest Floor of such Building, and also of its Areas, Water-closets, Privies, and Offices, (if any,) which Drain shall lead from the intended Site of such House to such Sewer, already made or intended to be constructed near thereto, as the Commissioners shall direct and appoint, or if there be no such Sewer existing or intended to be constructed within Fifty Feet of any Part of the intended Site of such House, then to such covered Cesspool or other Place, not being under any Dwelling House, as the Commissioners shall direct.

Notice of Buildings to be given to the Commissioners before commencing the same.

LXIII. And be it enacted, That before beginning to lay or dig out the Foundations of any new House or Building within the City, or to rebuild any House or Building therein, and also before making any Drain for the Purpose of draining Water directly or indirectly from any Land or Tenement into any Sewer under the Jurisdiction of the Commissioners, Fourteen Days Notice in Writing shall be given to the Commissioners, by the Person intending to build or rebuild such House or Building or to make such Drain; and every such Foundation shall be laid at such Level as is provided by this Act, and under such Regulations as the Commissioners shall order; and every such Branch Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, as the Commissioners shall order, and the making of every such Drain shall be under the Survey and Control of the Commissioners; and in default of such Notice, or if such House, Building, or Drain shall be begun or erected or made without or in any respect contrary to any Order of the Commissioners or the Provisions of this Act, it shall be lawful for the Commissioners to cause such Building to be demolished, and to cause such Drain to be relaid, amended, or remade, as the Case may require, and to cause the Expenses thereof to be levied and repaid to them by the Owner thereof in the Manner herein-after provided.

Houses rebuilt to be on a Level determined by Commissioners.

What shall be deemed a rebuilding.

LXIV. And be it enacted, That whenever any House or Building shall be rebuilt within the City, the Level of the lowest Floor of such House or Building shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses or Buildings to be built after the Commencement of this Act, and for that Purpose the Levels shall be taken and determined under the Direction of the Commissioners; and whenever any House or Building shall be taken down within Twelve Feet of the Surface of the Ground, for the Purpose of being built up again, such building up shall be deemed a Rebuilding within the Meaning of this Act.

Private Drains may be branched into Sewers constructed by the Commissioners, under certain Regulations.

LXV. And be it enacted, That it shall be lawful for any Person, at his own Expense, to make or branch any Drain into any of the Sewers vested in the Commissioners, or authorized to be made by virtue of this Act or otherwise acquired by them, of such a Size and in such a Manner and Form of Communication in all respects as the Commissioners shall direct or appoint, and for that Purpose to take up and remove so much of the Pavement and other Materials of any Street as may be required, unless the Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such Portion of such Drain as shall lead from the Point of Communication in such Sewer to the Extremity of such Street; and in case any Person shall make or branch any Drain into any of the said Sewers so vested in the Commissioners, or authorized to be made under and by virtue of this Act, of a larger Size or in a different Manner and Form of Communication than shall be directed or appointed by the Commissioners, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds.

Power to Commissioners to branch private Drains into Sewers, at the Expense of the Party to whom they shall belong.

LXVI. And be it enacted, That whenever it shall be necessary to take up or remove any Part of the Pavement or any of the Materials of any Street or public Place, for the Purpose of making or branching any private Drain into any of the Sewers or Drains vested in the Commissioners or authorized to be made by virtue of this Act, it shall be lawful for the Commissioners, in case they shall think fit so to do, to make so much and such Part of such private Drain, and also to construct so much and such Part of the Work necessary for branching the same into the public Sewers or Drains, as shall be under or in any Street, and to levy and recover the Costs and Expenses which shall be incurred thereby from the Owner of the House, Building, or Ground to which such private Drain shall belong, in the Manner herein-after provided.

Commissioners may agree to make House Drains at the Expense of Owners.

LXVII. 'And whereas it would tend to insure a greater Efficiency and Economy in the Execution of 'the Works if the same were executed by Persons under the immediate Direction and Control of the 'Surveyor of the Commissioners:' Be it enacted, That it shall be lawful for the Commissioners to contract and agree with the Owners of any Houses, Buildings, or Ground that any Drains required to be made, altered, or enlarged by such Owners shall be constructed, made, altered, and enlarged by the Commissioners; and the Cost Price of making, altering, or enlarging such Drains, as certified by the Surveyor of the Commissioners, shall be repaid by such Owners to the Commissioners, and in default of Payment the same may be recovered in the Manner herein-after provided.

Gullyholes, &c to be trapped.

LXVIII. 'And whereas the noxious Effluvia arising from Gullyholes of Sewers and Drains has been 'found to be unwholesome, and injurious to Health, it is therefore expedient that some Provision should 'be made in respect thereof, to obviate the same:' Be it enacted, That the Commissioners and the Owners of any private Drains shall, by providing proper Traps or other Coverings, or by Ventilation, or

by such other Ways and Means as shall be practicable for that Purpose, prevent the Effluvia of Sewers and Drains from exhaling through Gullyholes, Gratings, or other Openings of Sewers in any of the Streets or other Places within the City.

Penalty on Persons sweeping Dirt into Sewers.

LXIX. And be it enacted, That no Scavenger or other Person shall sweep, rake, or place any Soil, Rubbish, or Filth, or any other Thing, into or in any Sewer or Drain, or over any Grate communicating with any Sewer or Drain; and every Scavenger or other Person who shall so offend shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Drains, Privies, &c. to be under the Control of the Commissioners, and to be kept in good Order by Owners or Occupiers.

LXX. And be it enacted, That all Drains, as well within as without the Houses or Buildings to which they belong, and all Privies and Cesspools within the City, shall be under the Survey and Control of the Commissioners, and of the Surveyors and Officers appointed by them for that Purpose, and shall be repaired and kept in proper Order at the Costs and Charges of the Owners or Occupiers of the Houses or Buildings to which the same belong; and if the Owner or Occupier of any House or Building to which any such House, Drain, Privy, or Cesspool shall belong shall neglect to repair and to put the same into good Order in the Manner required by the Commissioners, during Fourteen Days after Notice in Writing for that Purpose, signed by the Clerk or other Officer of the Commissioners, shall have been given to such Owner or left upon the Premises, it shall be lawful for the Commissioners to order such Drain, Privy, or Cesspool to be repaired and put in good Order, and to levy and recover the Costs and Expenses thereof from such Owner in the Manner herein-after provided.

Power for Commissioners to authorize Inspection of Drains, Privies, and Cesspools.

LXXI. And be it enacted, That it shall be lawful for the Commissioners, or for their Surveyor or Inspector, or such other Person as they shall appoint, to inspect any Drain, Privy, or Cesspool within the City, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing shall have been given to the Occupier of the Premises, or in case of Emergency without Notice, to which such Drain, Privy, or Cesspool is attached, or left upon the Premises, to enter, by themselves or their Surveyor or Inspector and Workmen, upon any Lands and Tenements, and also to cause the Ground to be opened in any Place they shall think fit, doing as little Damage as may be; and if such Drain, Privy, or Cesspool shall be found to be made to the Satisfaction of the Commissioners, and in proper Order and Condition, they shall cause the same to be closed and made good as soon as may be, and the Expenses of opening, closing, and making good such Drain, Privy, or Cesspool shall be defrayed by the Commissioners, and full Compensation shall be made by them for all Damages or Injuries done or occasioned by the opening of any such Drain, Privy, or Cesspool.

Penalty on Persons making or altering Drains, &c. contrary to the Order of the Commissioners.

LXXII. And be it enacted, That in case any Sewer, Drain, Privy, or Cesspool, or other Work, shall, on Inspection, be found not to have been made according to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or in case any Person, without the Consent of the Commissioners, shall construct, rebuild, clear out, unstop, or in anywise alter any Sewer, Drain, Privy, Cesspool, or other Work which may have been ordered by them not to be made, or to be demolished, stopped up, or amended, every Person offending shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds; and in case the Person so making any Sewer, Drain, Privy, Cesspool, or other Work, contrary to the Directions and Regulations of the Commissioners, or, without such Consent as aforesaid, constructing, rebuilding, clearing out, unstopping, or altering any Sewer, Drain, Privy, Cesspool, or other Work which may have been ordered to be demolished, stopped up, or amended, shall not, within Seven Days after Notice in Writing by the Commissioners, cause such Sewer, Drain, Privy, Cesspool, or other Work to be altered in conformity with the Directions of the Commissioners, or, as the Case may be, to be demolished, stopped up, or amended, then and in every such Case the Commissioners may cause the same to be done, and the Costs and Charges thereof shall be paid by the Person who shall have so made such Sewer, Drain, Privy, Cesspool, or other Work contrary to the Directions of the Commissioners, or shall without such Consent have constructed, rebuilt, cleared out, or unstopped, or altered any Sewer, Drain, Privy, Cesspool, or other Work which they may have ordered to be demolished, stopped up, or amended.

Power for Commissioners of Sewers in the Neighbourhood of the City to make Communications into their Sewers.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized and empowered to enter into Arrangements with the Commissioners of Sewers in the Neighbourhood of the City, for enabling such last-mentioned Commissioners to turn or branch any of the Sewers or Drains which they may be enabled or authorized to make, or which may for the Time being be under their Management or Control, into any of the Sewers or Drains vested in the Commissioners, or authorized to be made by them, under the Authority of this Act, and in like Manner for enabling the Commissioners to turn or branch any of the Sewers or Drains vested in them, or authorized to be made by them, under the Authority of this Act, into any Sewers or Drains which the Commissioners of Sewers in the Neighbourhood of the City may be enabled or authorized to make, or which may for the Time being be under their Management or Control, in such Manner and upon such Terms and Conditions as shall be mutually agreed upon, and upon the Payment by the one Party to the other of such Sum and Sums of Money, either annually or in gross, as shall be a fair Remuneration for the Use of such Sewers or Drains.

In case of Differences between the Commissioners of Sewers of the City of London and the Metro-

LXXIV. And be it enacted, That if any Dispute or Difference shall arise between the Commissioners under this Act and any Commissioners of Sewers for other Parts of the Metropolis or other Places, concerning the Junction of any Sewers, or the Levels, Lines, Form, or other Matter of Sewers, or concerning the Outlets, Banks, or other Matters wherein the Districts comprised in this Act and those comprised in the Limits of any Commission or Commissions of Sewers shall be interested, or concerning the Cost and Expenses of any Work, or the Proportions to be borne by the City of *London* and other Places

Places not comprised in this Act, or the Terms and Conditions of any such Matters, such Subject of Difference shall be submitted to the Decision of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and after a Notice given Fourteen Days previously of the Intention of submitting such Subject, and which Notice may be given by and served on the Clerk of the Commissioners under this Act and the Clerk to any such Commissioners of Sewers, the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations are hereby authorized and empowered to proceed in the Matter, and to give such Notices for the Attendance of Parties, Officers, and others, and for the Production of Books, Accounts, Maps, and other Information, as may be necessary; and the said Lords of the Committee of Trade may make such Order in the Premises as shall be just; and after such Order the Commissioners under this Act, or under any Act or Commission, may proceed to do such Works for the Purpose of proper Drainage and Sewerage, and properly connecting the Lines of Sewers or otherwise, upon such Conditions, at such Period, and at the Costs of such Districts, either wholly or partially, and as the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations shall order, and for these Purposes either Commissioners may enter upon and do Works out of the District for which they may be Commissioners: Provided always, that nothing herein contained shall authorize or empower the said Lords of the Committee of Trade to order any Commissioners of Sewers, except the Commissioners under this Act, to proceed to do any such Works within the City of *London* and the Liberties thereof, unless the Commissioners under this Act shall refuse or neglect within a reasonable Time to do any such Works required to be done by the said Lords of the Committee of Trade.

politan Commissioners of Sewers, the same to be referred to Board of Trade.

LXXV. 'And whereas many Works, Acts, and Things are required by this Act to be done by the 'Owners and Occupiers of Houses, Buildings, or Lands, and other Persons, for the Improvement of the 'Streets, Sewers, and Drains within the City, and for other Purposes herein-before mentioned, and it is 'necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not 'be done by the Persons required to do the same:' Be it enacted, That wherever such Work, Act, or Thing shall not be done by the Owner or Occupier or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or if no Time shall be prescribed within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done, and the Expenses which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be paid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

In default of Persons liable to construct Works, the Commissioners to execute the same, and recover Expenses.

LXXVI. And be it enacted, That if any Gas Company, or Person making, manufacturing, or supplying Gas, shall at any Time empty, drain, or convey, or permit or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings, or foul or waste Water, or any noisome or offensive Liquid, Substance, or Thing which may arise or be produced in the making of Gas, into any public Sewer or Drain, every Gas Company or Person so offending shall forfeit and pay the Sum of Two hundred Pounds for each and every Day during which any such Washing, or foul or waste Water, or other noisome or offensive Liquid, Substance, or Thing, shall be permitted or suffered to flow into any public Sewer or Drain.

No Gas Company or other Person to permit Washings, &c. to flow into any Sewer.

LXXVII. 'And whereas it is highly expedient, for the Purpose of preserving the Health of divers of 'Her Majesty's Subjects, that better Provision should be made for the Removal of certain Nuisances 'likely to promote or increase Disease:' Be it therefore enacted, That it shall be lawful for the Commissioners, upon receiving a Certificate in Writing in the Form contained in Schedule (A.) to this Act annexed, or to the like Effect, signed by Two duly qualified Medical Practitioners, or by the Medical Officer of Health herein-after mentioned, of the filthy and unwholesome Condition of any Dwelling House or other Building, or of the Accumulation of any offensive or noxious Matter, Refuse, Dung, or Offal, or of the Existence of any foul or offensive Drain, Privy, or Cesspool, or of any insufficient Drainage, whereby any Nuisance shall arise, or upon the Complaint in Writing of any Owner, Trustee, or Occupier of any House or Building who shall be prejudiced or annoyed by any such Nuisance as aforesaid, stating in Writing the Particulars of the Nuisance complained of, forthwith to summon, in the Form contained in Schedule (B.) to this Act annexed, or to the like Effect, the Owner, Lessee, or Occupier of the Premises described in such Certificate or Complaint, or other the Person charged with the committing or causing of any such Nuisance, to appear before them, to answer the Matters alleged in such Certificate or Complaint; and if such Owner, Lessee, or Occupier, or other Person, shall not appear at the Time and Place named in such Summons, or, having appeared, shall not show sufficient Cause to the contrary, or if there shall not be any Owner, Lessee, or Occupier, or any Person charged with the committing or causing of such Nuisance, or if it appears that such Owner, Lessee, or Occupier, or the Person charged with the committing or causing of such Nuisance, cannot be found, and upon Proof that a Copy of the said Summons was left on the Premises or Place in the Summons mentioned, then, in either of the Cases aforesaid, the Commissioners, upon Proof to their Satisfaction of the Existence of the Nuisance in the said Certificate or Complaint described, shall forthwith make an Order in Writing under the Hand of the Clerk, in the Form contained in Schedule (C.) to this Act annexed, or to the like Effect, for the cleansing, whitewashing, or purifying of any such Dwelling House or other Building, or for the Removal or Abatement of the Nuisance in the said Certificate or Complaint described, within the Period and in the Manner in the said Order to be prescribed (such Period not being more than Two clear Days, of which *Sunday* shall not be one, after Notice of the making of the said Order shall have been given, in pursuance of the Provisions of this Act); and such Order or a true Copy of the same shall be forthwith served upon the Owner or Occupier

Commissioners, on Receipt of Medical Certificate, or on Complaint of any Owner or Occupier of any House or Building, as to Existence of Nuisances, to summon Parties complained against.

If Owner, &c. do not appear to the Summons, Commissioners, being satisfied of the Nuisance, may order Premises to be cleansed, &c.

Order, or Copy, to be served on

Owner, &c., or affixed to the Premises.

Penalty on disobeying Order.

Occupier of the Premises or Place mentioned in such Order, or upon the Person charged with the committing or causing of such Nuisance, or if there be no such Owner or Occupier or Person charged as aforesaid, or if such Owner or Occupier or other Person as aforesaid cannot be served, then such Order, or a true Copy thereof, shall be forthwith affixed upon some Part of such Premises or Place as aforesaid; and if the Dwelling House or other Building in the said Order mentioned shall not be cleansed, whitewashed, or purified, or if the Nuisance in the said Order described shall not be removed or abated within the Period and in the Manner in the said Order mentioned, it shall be lawful for the Commissioners, or the Persons who made the Complaint, and who shall be authorized by the Commissioners so to do, by themselves, their Servants and others, to enter any Dwelling House or other Building or Place in the said Order mentioned, to cleanse, whitewash, or purify such Dwelling House or other Building, or to remove or abate the Nuisance in the said Order described; and if any Person shall wilfully obstruct any Person acting under the Authority and in pursuance of any Order made under the Provisions of this Act, he shall be liable to a Penalty not exceeding Ten Pounds nor less than Two Pounds for every such Offence.

Costs, &c. incurred by Commissioners or Parties complaining may be recovered from Owner or Occupier of the Premises on which the Nuisance existed.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners, or the Persons who shall have made such Complaint as aforesaid, to take Proceedings to recover from the Owner or Occupier of any Dwelling House or other Building or Place, or other Persons in any such Order as aforesaid mentioned, all the Costs and Expenses incurred by them in removing or abating any Nuisance, and otherwise carrying such Order into effect, and also the Costs and Expenses incurred incident to the obtaining such Order; and any Justice, upon the Application of the Commissioners, or of the Persons so complaining, shall issue an Order requiring such Owner or Occupier or other Person to appear before him at a Time and Place to be named in such Order; and upon the Appearance of such Owner or Occupier or other Person as aforesaid, or in his Absence upon Proof of due Service of the Order, such Justice, upon Proof that such Costs and Expenses have been incurred by the Commissioners or the Persons so complaining, shall (unless he shall see fit to excuse the Party so charged on the Ground of Poverty or other special Circumstances) order such Owner or Occupier or other Person to pay the Amount thereof to the Commissioners or the Persons so complaining, together with the Costs attending such Order and Hearing, and if the same shall not be paid by the Parties liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress and Sale of the Goods of the Parties liable as aforesaid, and any Justice, on Application, shall issue his Warrant accordingly.

Monies expended for Purposes of cleansing, &c. to be paid out of Consolidated Rate.

LXXIX. And be it enacted, That all Expenses which may be reasonably and properly incurred in carrying into effect any of the Provisions of this Act relating to the cleansing of Houses or to the Abatement or Removal of Nuisances, and not recovered from Owners or Occupiers under the Provisions herein-before contained, or to any Proceedings had or taken in pursuance of any Order issued under the Authority of this Act for Prevention of any formidable contagious or epidemic Diseases, shall be retained or defrayed out of the consolidated Rate.

Appointment of Medical Officer of Health.

LXXX. 'And whereas the Health of the Population, especially of the poorer Classes, is frequently 'injured by the Prevalence of epidemical and other Disorders, and the Virulence and Extent of such 'Disorders are frequently due and owing to the Existence of local Causes which are capable of Removal, 'but which have hitherto often escaped Detection from the Want of some experienced Person to examine 'into and report upon them, and it is expedient that Power should be given to appoint a duly qualified 'Medical Practitioner for that Purpose:' Be it therefore enacted, That it shall be lawful for the Commissioners to appoint One or more legally qualified Medical Practitioner or Practitioners of Skill and Experience to inspect and report periodically upon the sanatory Condition of the City, to ascertain the Existence of Diseases, more especially Epidemics increasing the Rates of Mortality, and to point out the Existence of any Nuisance or other local Causes which are likely to originate and maintain such Diseases, and injuriously affect the Health of the Inhabitants of the City, and to take cognizance of the Fact of the Existence of any contagious or epidemic Disease, and to point out the most efficacious Mode of checking or preventing the Spread of such Diseases, and also to point out the most efficient Modes for the Ventilation of Churches, Chapels, Schools, Lodging Houses, and other public Edifices within the City, and to perform any other Duties of a like Nature which may be required of him or them; and such Persons shall be called "The Medical Officers of Health for the City;" and it shall be lawful for the Commissioners to pay to such Officers such Salaries as they shall think fit.

Power to Commissioners to order Houses, &c. to be whitewashed and purified.

Penalty for not complying with such Order.

LXXXI. And be it enacted, That when it shall appear to the Commissioners, either from the Report of any Officer of Health or otherwise, that any House or Part of any House, or the Premises adjoining to any House, is or are in such a filthy or unwholesome Condition that the Health of the Inmates or of the Public is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any House or any Part thereof would tend to prevent or check infectious or contagious Diseases which may have occurred therein, it shall be lawful for the Commissioners from Time to Time, if they shall think it expedient, to order the Owner or Occupier of any House or Dwelling, or any Part thereof, within the City, to whitewash, cleanse, and purify the same, in such Manner and within such Time as the Commissioners may deem reasonable; and if such Owner or Occupier shall not comply with such Order he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day's Neglect thereof, and it shall be lawful for the Commissioners to cause such House or Dwelling, or any Part thereof, to be whitewashed, cleansed, and purified, and to recover the Expense thereof from such Owner or Occupier; provided that when, on account of the Poverty of such Owner or Occupier, or other special Circumstance, it shall appear expedient to the Commissioners to pay the whole or any Part of such Expense, it shall be lawful for them so to do.

LXXXII. And

Commissioners to appoint Scavengers.

LXXXII. And be it enacted, That it shall be lawful for the Commissioners to appoint and employ a sufficient Number of Persons, or to contract with any Company or other Person, for the sweeping, cleansing, and watering of the several Streets within the City, and for collecting and removing all Dirt, Ashes, Rubbish, and Filth, and for the cleaning out and emptying of Privies and Cesspools, Sewers and Drains; and such Persons shall be called Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they shall respectively be employed or contract to perform; and if any such Scavenger fail to sweep and properly cleanse or water any Street which he shall contract or be employed to sweep, cleanse, or water, or shall fail to clean out or empty any Privy, Cesspool, Sewer, or Drain, at the Time and in the Manner appointed by the Commissioners, or on the lawful Request of any Owner or Occupier of any House, or to collect or remove any Dirt, Ashes, Rubbish, or Filth which he shall contract or be employed to remove, at the Time and in manner prescribed by the Commissioners for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Refuse collected to be vested in Commissioners, who shall dispose of the same in aid of the Sewers Rate.

LXXXIII. And be it enacted, That the Dirt, Dust, Nightsoil, and Filth by this Act authorized to be collected from the several Streets, Privies, Sewers, and Cesspools within the City, and all the Dust, Ashes, and Rubbish so authorized to be collected, taken, and carried away from all and every of the Houses or elsewhere within the City, shall be the Property of the Commissioners, and are hereby vested in them, and the Commissioners shall have full Power to sell and dispose of the same for the Purposes of this Act as they shall think proper, and the Money arising from the Sale thereof shall be applied for the Purposes of the Sewer Rate, and the Person purchasing the same shall have full Power to take, carry away, and dispose of the same for his own proper Use and Benefit.

Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades.

LXXXIV. And be it enacted, That in case the Scavengers shall be required by the Owner or Occupier of any House or Land to remove the Refuse of any Trade, Manufacture, or Business, or of any Building Materials, such Owner or Occupier shall pay to the Scavengers a reasonable Sum for such Removal, such Sum, in case of Dispute, to be settled by any Justice; and in case of Refusal or Neglect of such Owner or Occupier to pay the Sum awarded by such Justice, within Three Days next after Demand thereof, the Justice may cause the same to be levied by Distress and Sale of his Goods or Chattels, the Surplus, if any, arising by such Sale, to be paid to such Owner or Occupier.

Regulations to prevent Accumulation of Dung, &c.

LXXXV. And be it enacted, That if the Dung or Soil of any Stable or Cowhouse, or other Collection of refuse Matter, (except Stable Dung in a Stable Yard, in a Pit or Heap properly prepared for the Purpose,) shall at any Time be allowed to accumulate within the City for more than Fourteen Days, or for more than Seven Days after a Quantity exceeding a Cubic Yard shall have been collected, such Dung, Soil, or Refuse shall, if not removed within Twenty-four Hours after Notice from any Officer of the Commissioners, become vested in the Commissioners; and it shall be lawful for them, or the Person for the Time being having the Contract for doing so, to remove and sell and dispose of the same as the Property of the Commissioners, and the Money thence arising shall be applied to the Purposes of the Sewers Rate; and if any Person shall allow any Dung, Soil, Dirt, Ashes, or Filth to accumulate within his Dwelling House or other Building or Place for more than Three Days after the Scavenger shall have applied to remove the same, such Person, upon being lawfully convicted, shall be subject to a Penalty not exceeding Forty Shillings and not less than Five Shillings, to be recovered and applied as other Penalties under this Act.

Penalty for obstructing Scavengers in Performance of their Duty.

LXXXVI. And be it enacted, That any Occupier of any House or Lands, or other Person, who shall refuse or not permit such Dung, Soil, Dirt, Ashes, or Filth to be taken away by the Scavengers appointed by or contracting with the Commissioners as aforesaid, or who shall obstruct the said Scavengers in the Performance of their Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for allowing stagnant Water to remain in any Cellar or Yard.

LXXXVII. And be it enacted, That any Owner or Occupier of any House, or any Person, who shall suffer any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House, or in or on any Yard or Garden attached thereto, for Twenty-four Hours after Notice from the Commissioners, or from any Inspector of Nuisances, to remove the same, or shall permit or suffer the Contents of any Water-closet, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings, and a further Sum of Forty Shillings for every Day during which such Offence shall be continued; and the Commissioners shall abate every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Owner or Occupier of the House or Premises in which the same exists, and be recoverable from him in a summary Manner.

Power to Commissioners to appoint Inspectors of Nuisances.

LXXXVIII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required to nominate and appoint One or more Person or Persons to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under the Authority of this Act, and to report to the Commissioners all Breaches of the Rules and Regulations of the Commissioners, and to point out the Existence of any Nuisances; and every such Person shall be called an Inspector of Nuisances; and the Commissioners shall require every such Inspector to provide and keep a Book, in which shall be entered all the Complaints made by any Inhabitant of the City of any Deficiency in the Supply of Water, and of any Infringement of the Provisions of this Act, or of the Rules and Regulations made by the Commissioners for the Preservation of due Order and Cleanliness or for the Suppression of Nuisances, as may be required by the Commissioners, and every such Inspector shall forthwith inquire into the Truth or otherwise of such Complaints, and report upon the same to the Commissioners at their next

next Meeting, and such Report, and the Order of the Commissioners thereon, shall be entered in a Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Inhabitant within the City; and it shall be the Duty of such Inspector, subject to the Direction of the Commissioners, to make Complaints before any Justices, and take legal Proceedings for the Punishment of any Person for any Offence under this Act, or any Rules or Regulations made by the Commissioners by virtue thereof.

Places to be provided in which the Bodies of the Poor may remain until Interment.

LXXXIX. 'And whereas the Poor at all Times have great Difficulty in obtaining and frequently are 'utterly unable to obtain a fit and proper Place in which their Dead may remain until removed for Inter-'ment, but are compelled to let the Corpse remain in the Room which the Living occupy, whereby great 'Mortality is often occasioned, especially in Cases of contagious and infectious Disorders:' Be it enacted, That it shall be lawful for the Commissioners, from Time to Time, if they shall think fit so to do, to provide fit and proper Places in which the Poor, under proper Rules and Restrictions, may be permitted to deposit the Bodies of their Dead previously to Interment, and to cause the Bodies so deposited therein to be decently taken care of so long as the Commissioners shall allow the same to remain.

Officers of Health may require Bodies to be removed.

XC. And be it enacted, That whenever any fit and proper Places for the temporary Reception of the Dead shall have been provided by the Commissioners as aforesaid, it shall be lawful for the Officers of Health, in all Cases in which any dead Body shall have been suffered to remain in a Room occupied by any living Person, if they shall consider it necessary so to do, for the Purpose of preserving or benefiting the Health of the Inmates of the House in which such Body may lie, or of the Houses adjoining thereto, to cause such Body to be removed, at the Expense of the Commissioners, to the nearest Place or Building provided or erected by the Commissioners for the Reception of dead Bodies previously to Interment.

For the Registration and Inspection of Lodging Houses.

XCI. 'And whereas the Owners and Keepers of Lodging Houses of an inferior Description, for the 'Accommodation of Mendicants, Strangers, and other Persons for the Night or other short Periods, 'allow the same to be crowded, by receiving more Lodgers than such Lodging Houses are adapted to 'contain with a due Regard to Health, and allow Persons afflicted with Fever and other Diseases of a 'contagious or infectious Nature to remain in them till Infection has been communicated to other 'Lodgers, and receive other Lodgers into the Apartments and Beds from which diseased Persons have 'been removed without any purifying or other disinfecting Process:' Be it enacted, That whenever the Medical Officer of Health shall certify that the Owner or Keeper of any common Lodging House has received into such Lodging House more Lodgers than the same is adapted to contain with a due Regard to Health, or has allowed Persons afflicted with contagious or infectious Disorders to remain therein, or has received other Lodgers into the Apartments and Beds from which diseased Persons have been removed without previously purifying and disinfecting the same, and Notice of the Medical Officer of Health having so certified shall have been given by the Commissioners to the Owner or Keeper of such Lodging House, or left for him at or upon the said House, it shall not be lawful for the Owner or Keeper of such Lodging House, after such Notice shall have been so given or left as aforesaid, to accommodate or receive any Lodgers therein unless and until such House shall have been registered in a Book to be kept by the Commissioners for that Purpose; and it shall be lawful for the Commissioners from Time to Time to fix and determine the Number of Lodgers who may be accommodated in each such Lodging House, and the Names of the Keepers of such Lodging Houses shall be recorded by the Commissioners in a Register to be kept for that Purpose, and the Commissioners may order that a Ticket containing the Number of Lodgers for which the House is registered, and any Rules or Instructions of the Commissioners regarding Health, Cleanliness, or Ventilation, shall be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and the Keepers of all such Lodging Houses shall at all Times give Access thereto, when required by any Person or Persons appointed by the Commissioners for the Purpose of making an Inspection and Inquiry, or for the Purpose of introducing, using, or performing any disinfecting Process which the Commissioners may order; and the Expenses incurred by the Commissioners in so introducing, using, or performing any disinfecting Process shall be recoverable by them in a summary Manner from the Owner or Person keeping the Lodging House in which the same shall have been so introduced, used, or performed; and if any Keeper of such Lodging House shall offend against any of these Provisions he shall be liable for each such Offence to a Penalty not exceeding Five Pounds, and the like Penalty for every Day after the first upon which any such Offence shall be continued; and the Expression "common Lodging House" shall, for the Purposes of this Act, mean any public Lodging House, not being a Licensed Victualling House, in which Persons are harboured or lodged for Hire for a single Night or for less than a Week at One Time, or in which any Room is let for Hire to be occupied by more than One Family at One Time.

Existing Slaughter-houses to be registered.

XCII. Provided always, and be it enacted, That every Place which at the Time of the passing of this Act shall be used as a Slaughter-house shall, within Three Months after the Commencement of this Act, be registered by the Owner or Proprietor thereof at the Office of the Commissioners, under the Penalty of a Sum not exceeding Five Pounds for such Offence, and the like Penalty for every Day after the first during which such Place shall be used as a Slaughter-house without having been so registered; and in case any such Slaughter-house shall be discontinued the same shall not be again used as such without having been first duly registered, under the Penalty of a Sum not exceeding Five Pounds for such Offence, and the like Penalty for every Day after the first upon which the said Offence shall be continued.

XCIII. And

XCIII. And be it enacted, That on the Registration of any Slaughter-house which shall be existing at the Time of the passing of this Act there shall be paid to the Clerk such Sum as the Commissioners shall direct, not exceeding the Sum of Five Shillings. Fee on such Registration.

XCIV. And be it enacted, That no Place shall be used or occupied as a Slaughter-house which shall not have been so used previously to the passing of this Act; and in case any Person shall use as a Slaughter-house any Place not heretofore used as such, every Person so offending shall for each Offence forfeit a Sum not exceeding Five Pounds, and the like Penalty for every Day after the first upon which the said Offence shall be continued. Penalty on using as a Slaughter-house Places not heretofore used as such.

XCV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Rules and Regulations as to them may seem proper for the Preservation of Cleanliness in and the better Regulation and Management of every Place now used for the Purpose of or as a Slaughter-house, or for the killing of Cattle, and also to fix and appoint such pecuniary Penalties for the Nonobservance or Nonperformance of such Rules and Regulations as the Commissioners may think just and reasonable, not exceeding Five Pounds for any One Offence, to be recoverable in like Manner as other Penalties under this Act may be recovered. Commissioners may make Rules for Cleanliness and Regulation of Slaughter-houses, and fix Penalties.

XCVI. And be it enacted, That it shall be lawful for any Justice before whom any Person shall be convicted of killing or dressing any Beast or Cattle contrary to the Provisions of this Act, or of the Nonobservance of any of the Rules and Regulations by this Act authorized to be made as aforesaid, in addition to the Penalty imposed on such Person under the Authority of this Act, in case such Person shall be the Owner or Proprietor of any registered Slaughter-house, to suspend for any Period not exceeding Two Months the slaughtering or killing of Cattle therein; and it shall also be lawful for such Justice, upon the Conviction of any Person for a Second or other subsequent and like Offence, in addition to the Penalty imposed under the Authority of this Act, in case such Person shall be the Owner or Proprietor of any registered Slaughter-house, to prohibit absolutely the slaughtering or killing of Cattle therein. Justice may suspend for a Time the slaughtering of Cattle in registered Houses.

XCVII. And be it enacted, That if after the Commencement of this Act any Person shall within the City carry on the Trade or Business of a Knacker, or deal in dead Horses or other Carrion, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and the like Penalty for every Day after the first upon which such Offence shall be continued. Penalty on Persons carrying on the Trade of a Knacker.

XCVIII. And be it enacted, That the Commissioners shall, for the Purposes of this Act, and for carrying the several Provisions therein contained into full and complete Effect, have full Power and Authority to enter, or to order and direct their Surveyor, Medical Officer of Health, Inspectors of Nuisances, or other Officers or Contractors employed by them, at all reasonable Hours in the Daytime, to enter into and upon any House or Building within the City, and into and upon the Land on which any House, Building, or other Erection is built, or being built, or intended to be built, and into and upon any Ground on which there may not be any House or Building, or any Part thereof, without being liable to any Action at Law or Suit in Equity or any other legal Proceedings or Molestation whatever, for or on account of such Entry, or the Works done or to be done in pursuance of this Act. Commissioners empowered to enter upon Lands and Houses for the Purposes of this Act.

XCIX. And be it enacted, That it shall be lawful for the Commissioners to require the Owner of any House to which no sufficient Privy or Ashpit is attached to provide such proper Privy to the same, in such Situation, not disturbing any Building already erected, and with such proper Door and Covering to such Privy, and also such fit and sufficient Ashpit, and in such Situation, not disturbing any Building already erected, as the Commissioners shall consider requisite for the Use of the Inmates and Occupiers thereof; provided that a Privy and Ashpit, or Two or more Privies and Ashpits, may, with the Approbation of the Commissioners, be used in common by the Inmates and Occupiers of Two or more such Houses. Commissioners may require Owners of Houses to provide Privies and Ashpits for the same.

C. And be it enacted, That no House shall hereafter be built without there being constructed, to the Satisfaction of the Commissioners, either in such House or in a Yard attached to such House, a Privy, with proper Doors and Coverings to the same, and also an Ashpit, together (if required by the Commissioners) with a proper Funnel or Flue or other Means of carrying off upwards any offensive Stench from such Privy and Ashpit. No House to be built without a Privy and Ashpit being provided.

CI. And be it enacted, That it shall be lawful for the Commissioners, if they shall think fit so to do, by Notice in Writing to the Owner or Occupier of any House or Building in which Persons of both Sexes above Twenty in Number are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, to require such Owner or Occupier to provide, within a Time to be limited in such Notice, a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and if any such Owner or Occupier shall neglect or refuse to comply with such Notice he shall forfeit a Sum not exceeding Twenty Pounds, and a further Sum of Forty Shillings for every Day during which such Neglect or Refusal shall continue. Water-closets to be provided in Manufactories. Penalty for Neglect.

CII. And be it enacted, That the Owner of every House now built or hereafter to be built shall keep the Privy and Ashpit belonging to such House, or used by the Inmates or Occupiers thereof, in good Repair, to the Satisfaction of the Commissioners; and if the Owner of any House shall not provide the same with a Privy, with such Door and Covering to the same, and with such Ashpit as aforesaid, or shall not repair the said Privy and Ashpit, to the Satisfaction of the Commissioners, within One Month next after Notice in Writing for that Purpose from the Clerk or Surveyor to the Commissioners shall have been given to such Owner, or left for him at his usual or last known Place of Abode, or upon or affixed to the Premises in respect of which the same shall be given, every Owner so making default shall Owners of Houses to keep Privies and Ashpits in repair.

shall for every such Default forfeit any Sum not exceeding Five Pounds, and any further Sum not exceeding Ten Shillings for every Week during which such Default shall in anywise continue unamended.

If Privies not emptied within Three Days after Notice, Commissioners may cause same to be done at Owner's Expense.

CIII. And be it enacted, That if the Owner or Occupier of any House shall not, within Three Days after Notice from the Commissioners requiring him to empty and cleanse the Privy or Cesspool belonging to such House, or used by the Inmates or Occupiers thereof, cause such Privy or Cesspool to be effectually emptied and cleansed, it shall be lawful for the Commissioners to cause such Privy or Cesspool to be emptied and cleansed, and to dispose of the Soil removed therefrom in such Manner as they shall think fit; and it shall be lawful for the Commissioners to recover from such Owner or Occupier the Costs and Expenses incurred thereby in the Manner provided by this Act for the Recovery of Penalties and Forfeitures.

Commissioners to cause public Conveniences to be erected.

CIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, if they shall think fit so to do, to build, form, and erect such Urinals, Necessaries, and other similar Conveniences, in such Situations as they shall deem proper, for the Accommodation of the Public, and to alter or remove any existing Urinals, Necessaries, and other similar Conveniences.

Commissioners may require Owners of Houses to provide Cisterns.

CV. And be it enacted, That it shall be lawful for the Commissioners to require the Owner of any House in or to which there shall not be or be attached a sufficient Cistern for Water to provide such fit and capacious Cisterns, of such Materials and in such Situations, and with such proper Coverings and Cocks and other necessary Apparatus, as the Commissioners shall consider necessary, for the Use of the Occupiers thereof, and to require such Owner, and also the Owner of every House in or to which there shall be or be attached a sufficient Cistern, to compound or agree with some Water Company for a sufficient Supply at all Times of good and wholesome Water, and to keep such Cisterns well and sufficiently cleansed, and the same, and every thing relating thereto, in good Order and Repair, so that the Occupiers of such House may at all Times be enabled conveniently to supply themselves with a sufficient Quantity of Water; provided that in Cases of Houses in Courts One Cistern, if of a sufficient Size, may, with the Consent of the Commissioners, be provided for the Inmates or Occupiers of Two or more such Houses.

No House to be built without a Cistern being provived for the same.

CVI. And be it enacted, That no House shall hereafter be built without there being erected, to the Satisfaction of the Commissioners, either in such House or in a Yard attached thereto, a fit and capacious Cistern, with a proper Covering and Cock and other necessary Apparatus attached thereto; and it shall be lawful for the Commissioners to require the Owner of such House to compound with some Water Company for a due and sufficient Supply of wholesome Water.

If Owners neglect, Commissioners may order Cisterns to be provided at their Expense.

CVII. And be it enacted, That if the Owner of any House shall refuse or neglect, for the Space of Seven Days next after Notice in Writing from any Inspector of Nuisances or other Officer of the Commissioners requiring him so to do, to provide such House with a fit and capacious Cistern, with a proper Covering and Cock and other necessary Apparatus attached thereto, or properly to cleanse such Cistern, or to put the same, or the Covering or Cock or other necessary Apparatus attached thereto into good Repair, or to compound or agree with some Water Company for a sufficient Supply of wholesome Water, to the Satisfaction of the Commissioners in all respects, it shall be lawful for the Commissioners to cause a fit and capacious Cistern, with a proper Covering and Cock and other necessary Apparatus attached thereto, to be provided and set up in some convenient Place in such House or Yard, or, as the Case may be, to cause the same to be properly cleansed and put into good Repair, and to compound or agree with some Water Company for a due and sufficient Supply of wholesome Water, and for such Purposes to enter into and upon any such House or Yard at all reasonable Times, and to do all necessary Acts for any of the Purposes aforesaid; and the Costs and Expenses incurred thereby, and the Monies paid under or in respect of such Composition or Agreement, shall be repaid to the Commissioners by the Owner of such House, and in default of Payment the same may be levied and recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

Commissioners may order Nuisances to be abated.

CVIII. And be it enacted, That if any Candle-house, Melting-house, Melting-place, or Soap-house, or any Boiling-house for Offal, or any Manufactory or other Building, Place, or Matter, erected, made, or commenced to be carried on in the City after the Commencement of this Act, shall be certified to the Commissioners by any of the Officers of Health, or any Two legally qualified Medical Practitioners, to be a Nuisance, and injurious to the Health of the Inhabitants, it shall be lawful for the Commissioners to summon the Person by or on whose Behalf such Nuisance is carried on to appear before them, to answer the Matter alleged in such Certificate; and it shall be lawful for the Commissioners, after inquiring into the Matter of such Complaint, by an Order in Writing under the Hand of the Clerk to direct and order the Person by and on whose Behalf such Nuisance is carried on to discontinue and remedy the same, within such Time as to them shall appear expedient: Provided always, that if it shall appear to the Commissioners that in carrying on the Business complained of the best Means then known to be available for mitigating the injurious Effects of such Business have not been adopted, it shall be lawful for them to suspend their final Determination, upon Condition that the Person so complained against shall undertake to adopt within a reasonable Time such Means as the Commissioners shall think to be practicable, and order to be carried into effect, for mitigating or preventing the injurious Effects of such Business.

Penalty for Disobedience of Orders of Commissioners.

CIX. And be it enacted, That if any such Nuisance as aforesaid shall not be discontinued or remedied within such Time as shall be ordered by the Commissioners, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of such Time as aforesaid: Provided always, that when any Person who shall think himself aggrieved by any such Order shall,

shall, according to the Provisions contained in this Act, appeal against any such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Five Days after the Determination of such Appeal and the Confirmation of such Order, unless such Appeal shall cease to be prosecuted.

After Commencement of Act, no Interment in any Grave which shall not leave Five Feet clear of the Soil above the Coffin.

CX. And be it enacted, That from and after the Commencement of this Act no Coffin shall be interred in any Grave in any Burial Ground within the City, in which, after the Interment thereof, there shall not be left at least Five Feet of Soil remaining below the ordinary Surface of such Burial Ground, clear of every Part of the Coffin so to be interred in such Grave; and if the Sexton or other Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin shall permit the Coffin to be interred in such Grave, or if the Minister, Churchwarden, Trustee, or other Person having the Control of the Burial Ground shall knowingly permit any Coffin to be interred in any Grave in which there shall not be left, after the Interment thereof, Five Feet at the least of Soil, measuring below the ordinary Surface of such Burial Ground, clear of any Part of the Coffin so to be interred, every such Sexton or other Person having the immediate Charge of the Preparation of the Grave, and every such Minister, Churchwarden, Trustee, or other Person having the Control of the Churchyard, Burial Ground, or Cemetery in which such Interment shall be made, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Power to Justices to suspend Sextons from their Offices.

CXI. Provided always, and be it enacted, That if any Sexton or other Person having the Preparation or the immediate Charge of the Preparation of Graves in any Burial Ground within the City shall be guilty of a second or other subsequent Offence against this Act, it shall be lawful for the Justice before whom he shall be convicted of such second or other subsequent Offence, if such Justice shall think proper so to do, but not otherwise, instead of awarding any pecuniary Penalty in respect of such Offence, to adjudge that the Offender be incompetent to execute the Office of Sexton, or any other Office giving him the Charge of the Preparation of the Graves in any Burial Ground within the City, either permanently or for such Time as shall be declared by such Justice; and if any such Sexton or other Person, after having been so declared incompetent as aforesaid, shall during the Term of such his declared Incompetency act as Sexton, or act in any Manner in the Preparation of any Grave within the City, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Interments in Vaults or Catacombs.

Coffins to be of Lead, or inclosed in Pitch.

Penalty.

CXII. Provided always, and be it enacted, That the Provisions herein contained for the Discontinuance or Restriction of Interments shall not apply to Vaults or Catacombs; provided further, that it shall not be lawful to place any Corpse in any Vault or Catacomb unless the same shall be inclosed in a Coffin made of or lined with Lead of sufficient Strength, and perfectly air-tight, or otherwise inclosed in Pitch of Half an Inch in Thickness between an interior and exterior Coffin of Wood; and every Person placing or aiding in placing, or permitting any Corpse to be placed, in any Vault or Catacomb, without the same being inclosed in a Coffin made of or lined with Lead of sufficient Strength, and perfectly air-tight, or inclosed in Pitch in the Manner herein-before directed, shall for every such Offence be liable to a Penalty of not less than Twenty Pounds.

Penalty on Persons causing offensive Smells.

CXIII. And be it enacted, That if any Person shall roast or burn, boil, distil, or otherwise decompose, any Root, Drug, or other Article or Thing, in any House or Building, and thereby cause offensive or injurious Smells or Vapours to be emitted therefrom, so as to become a common Nuisance, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds for the first Offence and Ten Pounds for every subsequent Offence.

Penalty on emptying Privies or conveying offensive Matter at improper Times.

CXIV. And be it enacted, That every Person who shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Night-soil, Soaplees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Twelve at Night, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully clean and sweep any Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit a Sum not exceeding Forty Shillings, and in default of the Apprehension of the actual Offender the Driver or Person having the Care of the Cart or Carriage employed for any such Purpose shall be deemed the Offender.

Lamps, &c. vested in the Commissioners.

CXV. And be it enacted, That all the public Lamps and Lamp Posts, and Lamp Irons and Fittings, which at the Time of the Commencement of this Act or hereafter shall be within the City, shall be and the same are hereby vested in the Commissioners.

Regulations for lighting Streets.

CXVI. And for the better lighting the Streets, be it enacted, That it shall be lawful for the Commissioners from Time to Time to enter into Contracts with such Gas Companies and other Persons as they may think fit, to supply Gas, or to light the City by any other Mode, and to cause such and so many Lamps to be set up in such Places within the City in such Manner as they shall judge necessary and proper, and the Commissioners shall order and direct at what Time the Lights within the same shall be lighted, and how long they shall continue lighted, and shall from Time to Time give such other Orders and Directions in the Premises, and shall set such Fines for Neglect or Nonperformance of Contract as they shall think needful for the well and sufficient lighting the City.

Penalty for wilfully damaging &c. of Lamps.

CXVII. And be it enacted, That if any Person shall wilfully take away, break, or throw down or damage any Lamp that now is or hereafter shall be set up for lighting any of the Streets, or wilfully extinguish the Light within the same, or damage the Iron or other Furniture thereof, it shall and may be lawful to and for any Person whosoever who shall see such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other

Warrant, to convey him, or to deliver him into the Custody of a Police Officer in order to be secured and conveyed, before some Justice; and if the Party accused shall be convicted of such Offence he shall forfeit and pay the Sum of Forty Shillings for each Lamp so broken, thrown down, or damaged, or for every Light so extinguished, or for the Iron or other Furniture thereof so damaged as aforesaid.

Persons carelessly or accidentally breaking or damaging Lamps, &c. to make Satisfaction.

CXVIII. And be it enacted, That in case any Person shall carelessly or accidentally break, throw down, or damage any of the said Lamps so set up or hereafter to be set up as aforesaid, or the Iron or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice, upon Complaint to him made by any One credible Person, to summon before him the Party who shall be complained of for doing such Damage, and upon hearing the Allegations and Proofs upon Oath touching the same, or upon the Non-appearance of the Party so complained of and summoned, to award such Sum of Money by way of Satisfaction for such Damage as such Justice shall think reasonable; and in case of Refusal or Neglect of the said Party to pay the Sum of Money so awarded, within Three Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his Goods or Chattels, the Surplus (if any) arising by such Distress and Sale to be paid to him.

Property of the Pavements vested in the Commissioners.

CXIX. And be it enacted, That the Property of the Pavements and other Materials as well in the Carriageways as Footways of the Streets, and all Erections and Buildings, and all Materials, Implements, and Things relating to or used or to be used in or about the making or repairing thereof, shall, subject to the Provisions herein-after contained, be and the same are hereby vested in the Commissioners.

Regulations for paving Streets.

CXX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the City, or any Part thereof respectively, to be paved or repaired, when and as often and in such Form and Manner and with such Materials as the Commissioners shall think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the Channels running in, into, or through the same to be turned or altered, in such Manner as they shall think proper, and all such Mains and Pipes as now lie or hereafter shall be laid underground to be taken up, and new laid in such Places, Manner, and Form as they shall judge best.

Owners possessing Freehold of Courts, &c. to pave the same.

CXXI. Provided always, and be it enacted, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, shall be vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner.

Owners of Courts to flag them, and keep the Flagging in repair.

Penalty on Owners for Neglect.

CXXII. And be it enacted, That the Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, to the Satisfaction of the Commissioners, sufficiently pave the same, and lay, at a proper Level, through, over, or along such Part thereof as the Commissioners may require, a Channel or Gutter, and keep such Pavement and Channel or Gutter in good Repair to the Satisfaction of the Commissioners; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, shall not sufficiently pave the same as aforesaid, or shall not lay down therein such Channel or Gutter, or shall not repair and keep the same respectively in good Repair, to the Satisfaction of the Commissioners, within Fourteen Days after Notice in Writing requiring him so to do shall have been given to him by the Commissioners, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners to cause such Court, Passage, or public Place to be paved, or such Channel or Gutter to be laid down, or, as the Case may be, to be repaired and put into good Order, and to levy and recover the Costs and Expense thereof from such Owner in the Manner by this Act provided.

Water from Houses to be conveyed by Drains.

CXXIII. And be it enacted, That no Water shall be permitted to flow from any House upon the Footway of any Street or upon the Pavement of any Court or Passage, but all such Houses shall be drained by Pipes, to communicate with Tunnels below the Surface of the Pavement of the Footway, Court, or Passage, and where impracticable on account of the Level of the Street, Court, or Passage, by Channels formed on the Pavement of the Footway, Court, or Passage; nor shall any Water be pumped up or discharged from any House upon the Footway of any Street or upon the Pavement of any Court or Passage, but the same, when necessary to be so pumped up and discharged in consequence of any Tempest or Flood, may be conveyed over or under the Footway, or over or under the Pavement of any Court or Passage, by Spouts or Tanks, to the Drain or Channel of the Street.

Under-ground Drains to be formed.

CXXIV. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the City shall cause the Water to be conveyed from such House or Building by Iron Drains or Tunnels, or Iron Drain Gutters, below the Surface of the Pavement of the Footpath, and for that Purpose it shall be lawful for any such Owner or Occupier, with the Consent of the Commissioners, to take up so much of the Pavement of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor, and all Damage which may thereby be occasioned to the Pavement of the Footpath or Carriageway shall be made good at the Expense of such Owner or Occupier.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

CXXV. And be it enacted, That no Vault, Arch, or Cellar shall be made under any Street within the City without the Consent of the Commissioners first obtained; and that all such Vaults, Arches, and Cellars hereafter to be made within the City shall be substantially made, and so as not to interfere or communicate with any Drains or Sewers under the Control of the Commissioners, without their Consent first obtained; and if any Vault, Arch, or Cellar shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners to fill up the same, and the Expenses incurred thereby shall be paid by the Person making such Vault, Arch, or Cellar.

CXXVI. And

Commissioners to pave new Streets, on One Third of the estimated Expense being paid by the Owners.

CXXVI. And be it enacted, That in case the Owners of any Houses forming the principal Part of any new Street laid out or made or hereafter to be laid out or made within the City, which has not previously been paved or repaired by or under the Direction of the Commissioners, shall be desirous of having the same paved, or if the Commissioners shall deem it expedient or necessary that the same shall be paved, then and in either of such Cases it shall be lawful for the Commissioners and they are hereby required, as soon as conveniently may be after any such new or other Street, or the Site thereof, shall be prepared and appropriated for the public Use, to lay out the Ground for proper Carriageways and Footways, and well and sufficiently to pave the same, and from Time to Time to keep such Pavement in good and sufficient Repair; and the Owners of the Houses forming the principal Part of such new Street shall, on Demand, pay to the Commissioners One equal Third Part of the Amount of the estimated Expenses of providing and laying such Pavement (such Amount to be determined by the Surveyor for the Time being of the Commissioners); and in default of Payment thereof the same may be recovered by Action of Debt or on the Case in any of the Superior Courts; and the Charges of such paving, or so much as shall be necessary in addition to the Third Part of the estimated Expense to be paid to the Commissioners as aforesaid, and of repairing such Pavement, shall be defrayed out of the Rates to be raised by virtue of this Act.

Providing for Payment of Difference between the estimated and the actual Expense of paving new Streets, &c.

CXXVII. And be it enacted, That in case the Sum of Money to be paid as the One Third Part of the Amount of the estimated Expenses of providing and laying the Pavement of any such new Street as herein-before is mentioned shall exceed One equal Third Part of the actual Charges of such paving, then a Sum of Money equal to the Difference between the Third Part of such estimated Expenses and the Third Part of such actual Charges shall be repaid by the Commissioners to the Owners of Houses by whom the said Sum of Money shall have been paid; and in case the Sum of Money to be paid as aforesaid shall be less than One Third Part of the actual Charges of such paving, then and in such Case the Owners of the Houses by whom such Sum shall have been paid shall, on Demand, pay to the Commissioners such further Sum of Money as, together with the Sum which shall have been paid, shall amount or be equal to One Third Part of the actual Amount of such paving respecting which such further Sum may be recovered, in like Manner as herein-before is directed for the Recovery of the said One Third Part of the said estimated Expenses.

Footways to be completed with Curbstones.

CXXVIII. And be it enacted, That any Person who shall be required by the Commissioners, under the Provisions of this Act, to pave the Footway of any present or future Street within the City, shall not be considered to have well and sufficiently paved the same unless he shall have completed the same with Curbstones and Gutters to the Satisfaction of the Commissioners.

Commissioners may place Fences, &c. to Footways.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place any Fences, Rails, and Posts on the Sides of any Footways or Carriageways within the City, for the Purposes of Safety, and to prevent any Carriage or Animal from going on the same, and also to place any Posts or other Erections in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair and renew any such Fences, Rails, or Posts, or to remove the same or any other Obstruction or Encroachment on any Carriageway or Footway.

Penalty on injuring Footways by driving or unloading Carts thereon.

CXXX. And be it enacted, That if any Carter or other Person having the Charge of any Cart shall at any Time break, damage, or injure the Pavement of any of the Footways of the Streets, by driving such Cart on the same, or by discharging the Contents of such Cart thereon, he shall pay a Sum not exceeding Forty Shillings for every such Offence; and such Penalty shall be imposed without Prejudice to any other Provision in this Act contained.

Owners liable for Damage done by Servants.

CXXXI. And be it enacted, That the Owner of any Cart shall be answerable for any such Damage done by any of his Servants or other Persons employed by him to the Pavement of the said Footways as last herein-before mentioned; and every such Servant or other Person may lawfully be convicted of such Offence before any Justice, either by the Confession of the Party offending or upon the Oath of some credible Witness; and upon such Conviction every such Owner shall pay to the Commissioners the Costs and Expenses (to be ascertained by such Justice) which they may have incurred in repairing and restoring the Pavement so broken, damaged, or injured.

Owner may recover Expenses from Servants.

CXXXII. And be it enacted, That it shall be lawful for any such Owner who shall repay to the Commissioners any such Costs and Expenses as aforesaid to recover the Amount so paid by him from the Servant or other Person who shall have caused such Damage, by the same Means as Penalties and Forfeitures are by this Act directed to be recovered.

Pavement not to be taken up without Consent of Commissioners.

CXXXIII. And be it enacted, That no Company or Person shall take up the Pavement or otherwise disturb the Surface of any Street, for the Purpose of laying down, altering, or removing any Pipe, or for any other Purpose whatsoever, without the previous Consent in Writing of the Commissioners, under the Hand of the Clerk, every such Consent to state the Name of the Street in which the Pavement is permitted to be taken up, and the Number of Square Feet of Pavement which may be removed or disturbed; and if any Company or Person shall take up or disturb the Pavement or Surface of any Street without previous Consent as aforesaid, or shall take up or disturb a greater Number of Square Feet of Pavement or Surface than shall be permitted by such Consent, every Company or Person so offending shall forfeit and pay the Sum of Forty Shillings for every Square Foot of Pavement which shall be so taken up or disturbed.

Notice to be given by Companies, &c. pre-

CXXXIV. And be it enacted, That if any Company or Person shall be desirous of laying down in any Street any new Line of Main Pipes for Water, Gas, or other Purposes, or of altering the Pipes or the

viously to laying down or altering Line of Pipes.

the Line of any existing Main in any Street, they or he shall give at least Three Months Notice in Writing to the Commissioners of such Desire, and shall state in such Notice the Name of the Street and the particular Part thereof in which such Line of Main Pipe is intended to be laid down, and the Material and Diameter of such Pipes, and the Day on which the Work is proposed to be commenced, and the Time within which it will be completed.

Breaking up of Streets.

CXXXV. And be it enacted, That whenever it shall be necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened, under the Superintendence of the Commissioners, at such Time and in such Manner as they shall direct.

Streets broken up to be reinstated without Delay.

CXXXVI. And be it enacted, That when the permanent Surface or Soil of any Street shall be broken up or opened by any Company or Person, they or he shall with all convenient Speed complete the Work on account of which the same shall be broken up or opened, and fill in the Ground and make good the Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil shall be so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the Part of the Pavement, Surface, or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Surface or Soil shall be continued open or broken up.

Power to Commissioners to execute Works, and charge the Expenses to the Parties.

CXXXVII. Provided always, and be it enacted, That whenever the permanent Surface or Soil of any Street shall be broken up or opened, it shall be lawful for the Commissioners, in case they shall think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil shall have been broken up or opened; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid, on Demand, to the Commissioners, by such Company or Person, and in default thereof shall be recovered by the Commissioners from such Company or Person in the Manner herein-after mentioned.

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time, to prevent Accidents.

CXXXVIII. And be it enacted, That if any Company or Person authorized to take up any of the Pavements of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, shall not with due Diligence cause the Ground to be filled in and the Pavement to be reinstated, and the Surface to be made good in a proper and substantial Manner, and shall not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground shall be open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners to fill in such Ground, and to remove such Rubbish, and to repair and make good the Pavement of any such Street so broken up, and properly to fence or guard any such Excavation, and to place and maintain Lights during the Night to prevent Accidents, as to them shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company or Person to the Treasurer of the Commissioners, and in default of Payment thereof the Amount thereof shall be recovered from any such Company or Person as any Penalty is recoverable under this Act: Provided always, that such Pavement shall not be considered to have been reinstated in a proper and substantial Manner by such Company or any other Person having Authority to take up the same unless the same shall have been reinstated with the same or similar Materials of the like Quality and Thickness, and cemented and bound together in the same or in an equally substantial Manner as those of which it was composed, in such Manner as shall be satisfactory to the Commissioners.

Commissioners to direct Pavements injured by Water or Gas Pipes to be repaired by them.

CXXXIX. And for the more speedily and effectually repairing and relaying the Pavements of any Street which shall at any Time hereafter happen to be sunk, broken, injured, or damaged by reason or means of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water or Gas or other Company, and laid beneath the Surface of such Pavement, or of relaying or repairing any such Pavement which shall be broken or taken up for the Purpose of repairing or amending any such Pipe, be it enacted, That it shall be lawful for the Commissioners, if they shall deem it proper and expedient so to do, to cause Notice to be given to the Water or Gas or other Company to whom such Pipe shall be supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if

Penalty for Refusal.

any Water or Gas or other Company to whom such Notice shall be given shall not within Twenty-four Hours next after such Notice so given them as aforesaid take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Commissioners, then such Water or Gas or other Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Company opening the Ground to repair a Pipe which shall be discovered to belong to another Company, to give Notice to such Company, and to be

CXL. And be it enacted, That in case it shall happen, or it shall be discovered, after any Pavement in any Street shall have been taken up by any Water or Gas or other Company, and the Ground shall have been opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended shall not belong to the Water or Gas or other Company to whom such Notice shall be given as aforesaid, but to some other Water or Gas or other Company, then such first-mentioned Water or Gas or other Company to whom such Notice shall have been so given as aforesaid shall, within Twenty-four Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Water or Gas or other Company to whom such Pipe shall be discovered to belong, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice

shall

shall have been given as aforesaid; and such other Company to whom such last-mentioned Notice shall have been given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company, the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement shall have been first taken up, and who shall have opened the Ground, shall neglect to give the Notice hereby required to the Company to whom such Pipe shall actually belong, such Company so neglecting or offending shall for every such Neglect and Offence forfeit and pay any Sum not exceeding Twenty Pounds.

reimbursed Expenses.

CXLI. And be it enacted, That if any Company or Person shall displace, take up, or make any Alteration in the Pavement of any Foot or Carriage Way in any Street within the City, without the Consent in Writing of the Commissioners, or shall cause any Obstruction in any Street, every such Company or Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so displacing, taking up, or making or altering any such Pavement without such Consent as aforesaid, or causing any such Obstruction as aforesaid, shall not, within Twenty-four Hours after Notice in Writing by the Surveyor of the Commissioners, cause the said Pavement which shall have been so displaced, taken up, or altered to be reinstated and put into its former State, or such Obstruction to be removed, then and in any such Case the Commissioners may cause the same to be done, and the Costs and Charges thereof shall be paid by the Company or Persons who shall have displaced, taken up, or altered such Pavement, or have made or occasioned such Obstruction.

Penalty on *Persons altering Pavements without the Consent of the Commissioners.*

CXLII. And be it enacted, That if any Question shall arise between any Company or Person and the Commissioners relative to the proper Reinstatement or sufficient or insufficient Repair of any Pavement, under the Provisions of this Act, it shall be lawful for any Justice, upon Complaint before him, to summon the Clerk or Engineer or other Officer of the Company or Person, and of the Commissioners respectively, and to hear and determine the Matter in a summary Way, and to award and adjudge such Sum of Money by way of Damage against such Company or Person, together with such Costs and Charges as to such Justice shall seem proper, and the Amount of such Damages so awarded and adjudged shall be recovered from such Company or Person by Distress and Sale of the Goods and Chattels of the said Company or Person, in the same Manner as any Penalty is recoverable under this Act: Provided always, that it shall not be competent for any Justice to hear and determine any such Question as aforesaid unless Twenty-four Hours Notice shall have been given by the complaining Party to the other Party of the intended Application to such Justice, with the Grounds of such Complaint.

Justices to settle Disputes as to Reinstatement of Pavement.

CXLIII. And be it enacted, That it shall be lawful for the Commissioners to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within the City, for the filling in, paving, and restoring of such Parts of the said Streets as shall be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

Commissioners to contract with Company for restoring Pavements.

CXLIV. And be it enacted, That if any Person shall by Negligence injure, destroy, or otherwise damage any of the Pavement or the Footway or Carriageway of any Street, or any of the Sewers, or any of the Articles or Things hereby vested in the Commissioners, or which may at any Time hereafter become the Property of or belong to the Commissioners, or any of the Works done by the Commissioners in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum equal to the Amount of the Damage done: Provided always, that if such Offence shall be committed wilfully or maliciously, then every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Penalty for damaging Pavements or Materials.

CXLV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, or Entrance of every Street, the Name by which such Street is to be known, and from Time to Time to alter the Name of any Street, with Consent of the major Part of the Owners of the Houses or Buildings therein, and to call it by any other Name which they the Commissioners may see fit, and also to cause every House or Building in each of the Streets to be marked or numbered, in such Manner as they shall judge most proper for distinguishing the same, which Mark or Number shall alone be allowed to be affixed to such House or Building; and if any Person shall wilfully or maliciously destroy, pull down, obliterate, or deface any such Name or Number, or any Part thereof, or shall affix or paint or set up any Name or Number different from the Name or Number directed by the Commissioners, he shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings; and it shall be lawful for the Commissioners to obliterate and destroy such Name or Number so painted or affixed contrary to their Order.

Power to Commissioners to cause Names of Streets, &c. to be painted, &c.

CXLVI. And be it enacted, That the Occupiers of Houses or Buildings shall be bound to renew the Numbers of their Houses or Buildings as often as they shall be obliterated or defaced.

As to Numbers of Houses.

CXLVII. And be it enacted, That the Commissioners shall have full Power and Authority to cause the Streets to be watered as often as they shall think fit, and also to cause any Wells to be dug and sunk in such Places as they shall think proper, and also to erect and fix any Pumps in any public Places, for the more effectual Supply of Water to the Inhabitants of the City.

Regulations for watering the Streets;

CXLVIII. And

for making Dust-holes, &c.

CXLVIII. And for the more effectually cleansing and keeping clean the Streets within the City, be it enacted, That it shall be lawful for the Commissioners to contract with such Persons as they may think fit for that Purpose, and upon such Terms and Conditions as they may deem meet, and to affix and set such Penalties as they may think right for any Neglect in the Contractor, and to fix and set up such moveable or fixed Dustbins or Conveniences wherein Dust and Ashes may be deposited in such of the said Streets as they shall judge necessary; and every Inhabitant and Occupier of any House shall allow to be taken away by the said Contractor all such Dust, Ashes, Cinders, and other Refuse from their respective Houses once at least in every Week.

for cleansing Footways.

CXLIX. And be it enacted, That every Occupier of any House within the City, and in respect of Houses let to Inmates every House Owner, shall, once in every Day before the Hour of Ten of the Clock in the Forenoon, scrape, sweep, and cleanse the Footway all along the Front of his House, or cause the same to be scraped, swept, and cleansed, and in default thereof shall for every such Offence forfeit and pay the Sum of Five Shillings.

Footways to be swept.

CL. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the City to be scraped, swept, or cleansed in such Manner and at such Times as they shall think fit.

Names of Inspectors to be painted on their Doors.

CLI. And be it enacted, That any Person appointed an Inspector of Pavements, or to be appointed from Time to Time by the Commissioners to act as an Inspector of Pavements within the City, shall reside within the District to which he is appointed, and shall and he is hereby required, within Fourteen Days after the Commencement of this Act, or within Seven Days next after his Appointment, (as the Case may be,) to cause to be painted in Oil Colours in a conspicuous Manner on the Door of his Dwelling House or Office his Christian and Surname, and the Title of his Office, and the Name of the District or Place to which he shall be appointed, and such Inscriptions shall be painted in Roman Letters at least One Inch in Height and of a corresponding Width; and such Inscriptions shall be renewed or repaired and repainted as often as Occasion shall require; and if any Person appointed or to be appointed Inspector as aforesaid shall refuse or neglect to cause such Inscription to be painted, or to be renewed when necessary, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Neglect or Misbehaviour of Inspectors, &c.

CLII. And be it enacted, That every Inspector or other Officer appointed under the Authority of this Act who shall neglect any of the Duties of his Office, or shall wilfully misbehave himself in the Execution thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

House projecting beyond Line of Street, when taken down, to be set back.

CLIII. And be it enacted, That if any Building which shall in any Part thereof project beyond the regular Line of the Street in which the same may be situate, or beyond the Front of the Building, Wall, or Railing on either Side thereof, shall at any Time be taken down to be rebuilt or altered, it shall be lawful for the Commissioners to require the same to be set backwards to such a Line and in such a Manner as the Commissioners shall direct for the Improvement of such Street, the Commissioners making full Compensation to the Owner of such Building for any Damage which he may sustain thereby.

Owners, &c. to remove future Projections on Notice from Commissioners.

CLIV. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar Door or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction that hereafter may be placed or made against or in front of any House or Building, to be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of any such House or Building to remove such Projection or Obstruction, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall within Fourteen Days after the Service of such Notice upon him remove such Projection or Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners.

Penalty on Owners for refusing to remove Projections, &c.

Commissioners may remove the same, and charge the Expense to the Owners.

CLV. And be it enacted, That if the Owner or Occupier of any such House or Building shall neglect or refuse, within Fourteen Days after Service of such Notice upon him, to remove such Projection or Obstruction, or to alter the same in such Manner as shall have been directed by the Commissioners, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for the Commissioners to cause the same to be removed or altered; and all the Charges for such Removal or Alteration shall be repaid to the Commissioners by such Owner or Occupier, and in default of Payment the same may be levied and recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

Commissioners may remove existing Projections, and make Compensation for the same.

CLVI. And with regard to all Projections or Obstructions of a like Kind as those before mentioned, which have been erected, placed, or made against or in front of any House or Building in any Street before the Commencement of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Projection or Obstruction to be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Projection or Obstruction shall be, Seven Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation (to be ascertained, in case of Dispute, by any Justice, in manner by this Act directed,) to every Person who shall incur any Loss or Damage by such Removal.

Ruinous or dangerous Houses to be taken down or

CLVII. And be it enacted, That if any House, Building, or Wall, or anything affixed therein or thereto, shall be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers, or to the Occupiers of any neighbouring House or Building, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing

Writing to be given to the Owner of such House, Building, or Wall, if he be known, and resident within the City, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof (if any), requiring such Owner or Occupier forthwith to take down, secure, or repair such House, Building, Wall, or other Thing, as the Case shall require; and if such Owner or Occupier shall not begin to repair, take down, or secure such House, Building, Wall, or other Thing within the Space of Three Days after any such Notice has been given, or put up as aforesaid, and complete such Repairs, or take down or secure such House, Building, Wall, or other Thing, as speedily as the Nature of the Case will admit, the said Surveyor may make Complaint thereof before Two Justices; and it shall be lawful for such Justices to order the Owner, or in his Default the Occupier (if any) of such House, Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same or such Part thereof as shall appear to them to be in a dangerous State, within a Time to be fixed by such Justices; and in case the same shall not be taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found to serve such Order upon, the Commissioners shall with all convenient Speed cause all or so much of such House, Building, Wall, or other Thing as shall be in a ruinous Condition, and dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of putting up every such Fence, and of taking down, repairing, rebuilding, or securing such House, Building, Wall, or other Thing, shall be paid by the Owner thereof.

secured by Owners, &c.

If Owner, &c. neglect, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

CLVIII. And be it enacted, That if such Owner can be found within the City, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly.

The Expenses to be levied by Distress.

CLIX. And be it enacted, That if such Owner cannot be found within the City, or sufficient Distress of his Goods and Chattels within the City cannot be made, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so by posting a printed or written Notice in a conspicuous Place on such House or Building or Wall, or on the Land whereon such House, Building, or Wall stood, may take such House, Building, or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such House, Building, or Land in the Manner provided by the Lands Clauses Consolidation Act, 1845, in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof; and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said House, Building, or Land for the Purposes of this Act.

If Owner cannot be found Commissioners may take the House or Ground, making Compensation pursuant to 7 & 8 Vict. c. 18.

CLX. And be it enacted, That if any such House, Building, or Wall, or anything affixed thereon or thereto, as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House, Building, Wall, or other Thing: Provided always, that the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House, Building, Wall, or other Thing, on Demand; provided further, that the Commissioners, although they may sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Commissioners may sell the Materials, restoring to the Owner the Overplus arising from the Sale.

CLXI. And be it enacted, That every Person who shall build or begin to build, or to take down or begin to take down, any House or Wall, or alter or repair, or begin to alter or repair, the outward Part of any House or Wall, shall cause to be put up a proper and sufficient Hoard or Fence or Scaffold, in all Cases in which the Footway shall be thereby obstructed or rendered inconvenient, with a convenient Platform and Handrail, if there shall be Room enough for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence or Scaffold, in such Cases as aforesaid, with such Platform and Handrail, standing and in good Condition, to the Satisfaction of the Commissioners, during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary, to prevent Accidents, cause such Hoard or Fence to be well lighted during the Night; and every such Person who shall fail to put up such Hoard or Fence or Scaffold, or such Platform, with such Handrail as aforessid, or who shall not, whilst the said Hoard or Fence is standing, keep the same well lighted during the Night, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Default.

Hoards to be erected during Repairs.

Penalty on not erecting Hoards, &c.

CLXII. And be it enacted, That it shall not be lawful for any Person to erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence in Writing first had and obtained from the Commissioners under the Hand of their Clerk or Surveyor; and every such Licence shall state the Name of the Street in which and the Purpose for which such Hoard or Fence or Inclosure is to be made, and the Size thereof, and the Time for which it is to be permitted to continue.

No Hoard to be erected without Licence from Commissioners.

CLXIII. And be it enacted, That for every such Licence there shall be paid to the Commissioners a Fee, according to a Scale to be prepared by the Commissioners, regulated with reference to the Space of Ground to be inclosed by such Hoard or Fence or covered by such Scaffold, and the Length of Time

Fee on Licence.

for which such Hoard or Fence or Scaffold is to continue: Provided always, that the Sum to be paid for such Licence shall not in any Case exceed the Sum of Ten Pounds.

If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Commissioners, the same may be removed.

CLXIV. And be it enacted, That if any Person shall erect or set up in any Street any Hoard or Fence or Scaffolding for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence from the Commissioners, or shall do any such Acts as aforesaid in any other Manner than as permitted by such Licence, or shall continue the same beyond the Time stated in such Licence, or shall fail to keep any Hoard, Fence, Platform, or Handrail in good Repair, he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Offence; and it shall be lawful for the Commissioners to cause such Hoard, Fence, or Scaffolding, or other Inclosure or Erection, to be pulled down, and the Materials thereof, and also all the Bricks, Mortar, Lime, or other Building Materials or other Matters or Things contained within the same or thereto belonging, to be removed to the common Pound of the City commonly called the Greenyard, there to be deposited and kept until the Owner thereof, or his known Servant, shall pay to the Person in whose Custody the same shall be the Charges of pulling down and removing the same; and in case the same shall not be claimed and the said Charges paid within the Space of Eight Days next after such Seizure thereof, it shall be lawful for the Commissioners to order the same to be sold, and by and out of the Proceeds of such Sale to pay the Costs and Charges thereby incurred, rendering any Surplus to the Owner or other Person by Law entitled thereto; and it shall be lawful for the Commissioners to remove to such Place as they shall think fit any Rubbish or other Matters which shall not be of sufficient Value to take to the Greenyard; and in case the Proceeds of such Sale shall be insufficient to cover the Costs, Charges, and Expenses incurred or occasioned by the pulling down of such Hoard or Fence or Scaffolding, or other Inclosure or Erection, and of removing the Materials thereof, and of other Materials, Matters, and Things, and of selling and disposing of such Materials, Matters, and Things, and of removing and carting away such Rubbish and Things as shall not be of sufficient Value to take to the Greenyard, the Deficiency shall be repaid by the Owner of such Materials, Matters, and Things, to the Commissioners, on Demand, and in default of Payment the same may be levied or recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

Persons hitherto entitled to receive by Prescription, &c. Fees for Hoards, &c. to receive Compensation.

CLXV. And be it enacted, That every Person who by virtue of his Office shall at the Time of the Commencement of this Act be entitled to receive, by Prescription, or under the Authority of any Act of Parliament or otherwise, any Fee, Gratuity, or other Sum of Money for or in respect of the granting of any Permission or Licence for the Erection or putting up of any Hoard, Fence, or Scaffold, or for the continuing the same, or for or in respect of placing any Obstruction in any Street, shall be entitled to have from the Mayor, Aldermen, and Commons an adequate Compensation for the Loss of such Fees, Gratuities, or other Sums of Money, Regard being had to the Extent or Duration of his Term or Interest therein, and all other Circumstances of the Case; and every such Person shall deliver to the Mayor, Aldermen, and Commons a Statement under his Hand, setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the Commencement of this Act, on account of the Fees, Gratuities, or other Sums of Money in respect whereof he shall claim such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement, according to the best of his Knowledge, Information, and Belief, and also setting forth the Sum claimed by him as such Compensation; and if such Person shall be dissatisfied with the Amount of Compensation offered by the Mayor, Aldermen, and Commons, he may appeal to the next General Quarter Sessions, who may make such Order as they shall think fit, and such Order shall be binding upon all Parties.

Compensation to be made to Persons sustaining Damage.

CLXVI. And be it enacted, That full Compensation shall be made out of the Rates to be levied under this Act, as the Commissioners shall by their Order direct, to all Persons sustaining any Damage by the Loss or Diminution in Value of their Offices under the Powers of this Act; and in case of Dispute as to the Amount the same shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845."

Penalty for entering Sewers, &c.

CLXVII. And be it enacted, That every Person shall be liable to a Penalty of Forty Shillings, who, not being an Officer in the Employ of or authorized by the Commissioners, shall enter any Sewer, or wilfully injure or damage or disarrange any Gully, Trap, or other Apparatus.

Power to Commissioners to make Rates for Purposes of this Act.

"Sewer Rate."

CLXVIII. And in order to raise the Money for the carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year, or oftener if they shall think it necessary, to direct, by Writing under the Hand of their Clerk, the Alderman or his Deputy and the major Part of the Common Councilmen of every Ward within the said City, within Fourteen Days after the Order of the Commissioners, to make One or more Rate or Rates, not exceeding in the whole the Sum of Four-pence in the Pound in any One Year, upon the Owners and Holders or Occupiers of Property within the City, in equal Proportions, to be called "The Sewer Rate," for the Purpose of constructing, altering, repairing, and cleansing the Sewers within the City, and for otherwise maintaining effectually the wholesome Sewerage and Drainage of the City, and also for the Purpose of securing, raising, and paying any Monies, and the Interest thereof, which may be borrowed on the Security of the said Sewer Rate, in pursuance of the Provisions of this Act; and in like Manner, once in every Year, or oftener if they shall think it necessary, to direct One or more Rate or Rates, not exceeding

exceeding in the whole the Sum of One Shilling and Sixpence in the Pound in any One Year, to be made upon the Owners and Holders or Occupiers of Property within the City, to be called "The Consolidated Rate," for the Purpose of forming, making, maintaining, keeping in repair, paving, lighting, sweeping, cleansing, and watering the Streets within the City, and of making and carrying into effect such Improvements within the City as the Commissioners are or shall or may from Time to Time or at any Time be authorized to make and carry into effect, and of constructing, altering, repairing, and cleansing the Sewers within the City, and for otherwise maintaining effectually the wholesome Sewerage and Drainage of the City, and also of defraying the Salaries, Gratuities, Wages, and Allowances of all Officers acting in the Execution of this Act, unless otherwise provided for, and all other incidental Costs, Payments, Charges, and Expenses attending the Execution of the Powers, Duties, and Authorities hereby imposed upon and given to the Commissioners, and which are not herein otherwise specially provided for, and for securing, raising, and paying any Monies, and the Interest thereof, which may be borrowed on the Security of the said Consolidated Rate, in pursuance of the Provisions of this Act; and in case a Rate shall not be made by the Alderman or his Deputy, and the major Part of the Common Councilmen of any Ward, within Fourteen Days after the Order of the Commissioners, or in case it shall be considered by the Commissioners that a fair and just Assessment has not been made in any Ward, or in any Precinct or Place, parochial or extra-parochial, (if any,) it shall be lawful for the Commissioners to direct an Assessor to make a fair and just Assessment on the net annual Value, the Expense whereof shall be added to the said Rate, and shall be paid by the Ward, Precinct, or Place in which such Rate shall not have been made, or in which the Commissioners shall consider that a fair and just Assessment shall not have been made.

"Consolidated Rate."

CLXIX. And be it enacted, That every such Rate as aforesaid shall be made by the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward upon every Person who shall inhabit, hold, occupy, possess, or enjoy any House or Building within the City, or partly within and partly without the City, (whether such Person shall be now liable in respect of such House or Building to be assessed to the Relief of the Poor, or be not liable to be assessed to the Relief of the Poor in respect thereof by reason of such House or Building being situated in any Precinct or extra-parochial Place, or otherwise,) according to the full net annual Value thereof respectively, (except in the several Cases herein-after mentioned,) the same to be ascertained in manner herein-after mentioned; and the said Rates shall from Time to Time be collected and paid yearly, half-yearly, or quarterly, or oftener, if the Commissioners shall think proper, and shall commence from such Time after this Act shall come into operation as the Commissioners shall think fit.

Rates to be levied on Persons inhabiting, holding, occupying, or enjoying any House, &c.

CLXX. And be it enacted, That where any House, with the Appurtenances held therewith, shall be situated partly in one and partly in another of the said Wards, the same shall, for the Purpose of making Rates by virtue of this Act, but for no other Purpose, be deemed to be wholly within the Ward in which the larger Part of the Space of Ground covered by or contained in the same shall be situated, and no Rate shall be paid in respect of the smaller Part thereof in the Ward wherein the same shall be situated; and where, from the equal Size of the Parts in each Ward of any such Space of Ground, or from uncertain Boundaries of the Wards, or from any other Cause, it shall be doubtful in which Ward the larger Part of such Space of Ground shall be situated, such House and Appurtenances shall be deemed to be wholly situated in such One of the Wards within which any Part thereof shall be situated as the Person assessed or rated in respect of the same shall elect.

Buildings, &c. partly in each of Two Wards to be assessed wholly in the Ward in which the larger Part is situated.

CLXXI. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor within the several Parishes within the City, except in such Cases as are herein-after mentioned.

How Value of Property to be ascertained.

CLXXII. And be it enacted, That for better enabling the Commissioners, or the Aldermen or their Deputies, and the major Part of the Common Councilmen of the several Wards, to make, levy, and assess the several Rates herein-before mentioned, every Assessor or Collector of Taxes or Rates, or other Officer having the Custody of any Tax, Rate, Assessment, or Duplicate thereof, shall and he is hereby required, upon the Request of the Commissioners, or the Alderman or his Deputy and the major Part of the Common Councilmen of any Ward, at any reasonable Time, to produce to such Person as the Commissioners, or such Alderman or his Deputy and the major Part of the Common Councilmen, shall appoint, any Book in which any such Tax, Rate, Assessment, or Duplicate thereof shall be entered, and to permit such Person to examine, copy out, or take such Extracts from the same as may appear to him to be necessary or expedient.

Commissioners to have the Power of inspecting Tax Assessments, &c.

CLXXIII. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates under this Act should be made, or in case any Person liable to be rated under this Act shall not be liable to be assessed to the Relief of the Poor in respect of any House or Building by reason of such House or Building being situated in any Precinct or extra-parochial Place, or otherwise, it shall be lawful for the Commissioners to cause a Valuation to be made of all or any Part of the rateable Property within the City, or, as the Case may be, of the Property in such Precinct or extra-parochial Place, by some competent Person, to be appointed by them for that Purpose, and the Rates to be made by the Aldermen or their Deputies and the major Part of the Common Councilmen of the Wards in the said City, for the Purposes of this Act, upon the Property so valued, shall be made upon such Valuation.

If Poor Rate an unfair Criterion, a Valuation to be made.

CLXXIV. And be it enacted, That before any such Valuation shall be made the Person appointed to make any such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and

Valuer to make a Declaration.

and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and the Date of making the same; and any Justice to whom Application may be made for that Purpose shall administer such Declaration.

Value of Property to be computed as defined by 6 & 7 W. 4. c. 96.

CLXXV. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value as defined by an Act made in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments.

Owners and Occupiers of Markets to be subject to the same Payments as Farmers or Lessees.

CLXXVI. And be it enacted, That the Owners and Occupiers of such public Markets within the City as for the Time being shall not be let on Farm or Lease shall be subject to the Payment of the same or the like Sums of Money as the Farmers or Lessees of such Markets respectively would have been liable to by virtue of this Act if the same respectively had been let on Lease or Farm; and such Sums of Money shall be recovered from the said Owners or Occupiers, and may be compounded for by them, in like Manner as the same might have been recovered and might have been compounded for by such Farmers or Lessees.

Provision as to the rating of empty Houses.

CLXXVII. And be it enacted, That if it shall happen that any House within the City shall at the Time of making any Rate be empty, untenanted, or unoccupied, then and in every such Case it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward to rate the said House; and in such Case, as well as in case the said House shall after the making such Rate become empty, untenanted, or unoccupied, not exceeding One Half of every such Rate shall be charged on such House, and be paid by the Owner or by the first Tenant or Occupier thereof, who shall and may and is hereby authorized to deduct and retain the same out of his Rent; and the Owner of such House is hereby required to pay the same, or to allow such Deduction and Payment, upon the Receipt of the Residue of his Rent; and the said Tenant or Occupier shall be and is hereby acquitted and discharged of and for so much of his Rent as the Rate so paid by him shall amount unto.

In Houses let out in Apartments, Lodgers to be deemed the Occupiers.

CLXXVIII. And be it enacted, That where any House in respect whereof any Rate shall be made under the Authority of this Act shall be let out in Apartments by the Owner thereof, any Lodger shall be deemed the Occupier thereof for the Purposes of this Act; and that every such Lodger who shall pay any such Rate or any Part thereof, or from whom the same or any Part thereof shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable or to be due and payable from him to such Owner; and the Receipt for such Payment shall be a sufficient Discharge for such Lodger to his Landlord for so much Money as he shall pay, or as shall be levied on him by virtue of this Act: Provided always, that no such Lodger shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of any Rate made under the Authority of this Act, and Arrears thereof, than the Amount of the Rent actually due or payable by such Lodger to the Owner of the Premises so occupied by him; provided also, that in all Cases where any Person shall remove from or quit any House which shall be rated by virtue of this Act such Person shall be liable to such Rate in proportion to the Time that he occupied the same; and in all Cases where any Person shall come into or occupy any House rated as aforesaid out of or from which any other Person who shall have been rated for the same shall be removed, or which at the Time of making any such Rate was empty or unoccupied, the Person coming into or occupying the same shall be liable to pay such Rate in respect thereof in proportion to the Time that he occupied the same; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward, or by the Commissioners.

Provision as to the rating of Houses let at small Rents, and for the better Recovery of the Rates.

CLXXIX. And be it enacted, That when the yearly Rent or Value of any House shall not exceed Twenty-five Pounds, or when any House shall be let to any weekly or monthly Tenants, or in several Apartments, whether furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than quarterly, then and in every such Case (but subject to the Proviso herein-after contained) it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward to compound, if they think proper, with the Owners of any such House, for the Payment of the Rates to be made by virtue of this Act, at such a reduced yearly Rental as the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward shall think reasonable, so that no such House be rated at less than Two Thirds or more than Four Fifths of the Rack Rent at which the same shall then be let, or of the annual Value of the said Premises; and the Owner of every such House as shall not exceed the yearly Rent of Twenty-five Pounds, or as shall be let to any weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, as aforesaid, and the several Rents whereof shall become due and be collected at any shorter Period than quarterly, is hereby required to enter into such Composition with the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward; and in case such Owner shall refuse to enter into such Composition he shall thenceforth be rated to and from Time to Time shall pay or cause to be paid the Rates charged upon such House by virtue of this Act unto the Collector or other Person who may be appointed by the Commissioners to receive and collect the same, who, upon Nonpayment thereof or of the Amount of such Composition is hereby authorized and empowered to levy the same by Distress and Sale of the Goods and Chattels of the Owner of the House aforesaid, wheresoever they may be found, or of the Person inhabiting the same, in such Manner as by this Act is provided for the Recovery of the Rates in other Cases: Provided always, that no such Owner shall be charged with or liable to pay for any increased Rent reserved

reserved or made payable to him for or on account of such Owner having agreed to pay the Rate heretofore chargeable upon the Occupier of such House; and provided also, that the Goods and Chattels of every Person renting or occupying any such House or any Part thereof the Rate whereof the Owner is hereby made liable and subject to as aforesaid shall be liable at all Times to be distrained and sold for Payment of such of the said Rates, and of all Arrears thereof, as became due upon the said House during the Time of his Occupancy only; but no such Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of any of the said Rates, or any Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier to the Owner of the House so occupied by him; provided also that every Occupier who shall pay any such Rate, or any Arrears thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent due and payable from him to the Owner of such House, unless there shall be some Agreement to the contrary between the Landlord and Tenant, and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay in the Manner directed by this Act; provided also, that when the yearly Rent or Value of any House which shall be let out furnished, either altogether or in separate Apartments, shall exceed Twenty-five Pounds, it shall not be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen, upon such Composition being made as aforesaid, to take less than the full Amount of the Rate which shall be assessed in respect of such House, but nevertheless such Composition shall be made in manner aforesaid for Payment of the whole of such Rate with and by the Owner of the said House.

Composition for Rates to extend to future Rates.

CLXXX. And be it enacted, That from and after any Composition at a reduced Rate shall have been made as herein-before is mentioned, the House therein comprised shall be rated according to the same reduced Rental until the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward shall think proper otherwise to rate the said House, and without any Notice to be given to the Owner of the same.

Persons receiving Rents to be deemed Owners.

CLXXXI. And in order to prevent Disputes touching the Designation of Owner of any House within the City, be it enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any House from the Tenant or actual Occupier thereof, shall be deemed and taken, for the several Purposes of this Act and every of them, to be the Owner thereof; and in all Cases in which Owners are made liable by this Act, such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any such House, from the Tenant or actual Occupier thereof, shall be liable as Owner thereof, unless the real Owner shall be declared by himself, or shall be distinctly and certainly known to be such to the Satisfaction of the Aldermen or his Deputy and the major Part of the Common Councilmen of the Ward; and such Receiver or Collector of such Rents is hereby authorized to pay the said Rates charged and payable for and on account of such House, and to deduct the same out of the Rents received or to be received by him.

When Owner not known it shall be sufficient to rate as "the Owner."

CLXXXII. And be it enacted, That whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward, or to the Person making any Rate, it shall be sufficient to rate such Owner in the Rate Book as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Ready furnished Houses how to be assessed.

CLXXXIII. And be it enacted, That the Owner of every House over and above the said yearly Rent of Twenty-five Pounds which is or shall or may be let out ready furnished to a Lodger, or, furnished or unfurnished, in separate Apartments, for Counting-houses, Offices, or other Purposes, shall be deemed and taken to be the Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates authorized by this Act to be made, raised, and levied, according to the yearly Value of the House; and that every Person renting or occupying any such ready furnished House as aforesaid, or any Apartment of any House, shall be liable and compellable to pay the said Rates, to be recovered in manner herein directed; and the Collector for the Time being thereof is hereby authorized and empowered, upon Nonpayment thereof, to levy the same by Distress and Sale of the Goods and Chattels of the Owner of the said House, wheresoever they may be found, or of the Person occupying or renting the same, in such Manner as by this Act is provided for the Recovery of the Rates in other Places; and that every such Occupier who shall pay any Rate, or from whom the same shall be recovered, in pursuance of this Act, shall and may deduct the same, together with the Costs of recovering and levying thereof which such Occupier shall have paid, from and out of the next Rent due and payable from him to such Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay or shall be levied on him by virtue of this Act; but no such Lodger shall at any Time be required to pay, or be subject or liable to pay, any greater Sum, for or towards the Discharge of the said Rates and Arrears thereof, than the Amount of the Rent actually due and payable by such Lodger to the Owner of the House so let out ready furnished to him: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

Rates to be vested in the Commissioners

CLXXXIV. And be it enacted, That every Rate shall be vested in the Commissioners, and shall be payable at such Times as the Commissioners shall order and direct.

Copy of Rate to be made, and deposited at the Office of

CLXXXV. And be it enacted, That the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward shall cause to be set down in Writing, and duly signed, a Copy of every Rate which they shall from Time to Time make by virtue of this Act, in which shall be expressed the Names of

Sewers, and be open to Inspection of Rate-payers.

of the Collectors or Persons who shall be appointed to collect the same, which Copy shall within Ten Days next after the making thereof be deposited in the Office of the Commissioners, where the same shall remain; and every Person liable to be rated by virtue of this Act shall and may have free Access thereto at all convenient Times, and be permitted to inspect and take Copies of or Extracts from the same, without Fee or Reward; and if any Person having the Custody of such last-mentioned Copy shall refuse or shall not permit any such Person as aforesaid to take Copies of or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on refusing to allow Inspection.

Power to Commissioners to rectify Errors in the Rates.

CLXXXVI. And be it enacted, That if it shall appear to the Commissioners that the Name of any Person who ought to be included in any Rate made under the Authority of this Act had been omitted therein, or that the Name of any Person hath been inserted in such Rate as Inhabitant, Holder, or Occupier of any House for or in respect of which some other Person ought to have been rated, or that any House is not rated according to the net Value thereof, to be ascertained as herein-before is mentioned, or that any other Alteration or Amendment of any such Rate may be necessary, then and in any of such Cases it shall be lawful for the Commissioners to add to or insert in such Rate the Name of the Person so omitted, together with the Sum for which he ought to be rated, and the Amount of such Rate in respect thereof, and also to insert and substitute the Name of such Person as may be the actual Inhabitant, Holder, or Occupier of any House, instead of and for the Name of the Person incorrectly inserted in such Rate as the Inhabitant, Holder, or Occupier thereof, and also to alter the Amount of the Sum at which any House shall be rated, and otherwise from Time to Time to alter and amend the said Rates or any of them as they may from Time to Time deem just and reasonable; and that every such Addition to, Insertion, Alteration, or Amendment in any such Rate shall be valid and effectual in Law to all Intents and Purposes, and the Monies charged to any Person in consequence thereof shall and may be demanded, received, and recovered in the same Manner as if the Name of such Person, or other Alteration or Amendment, had been inserted and made in such Rate when the same was originally made by the Commissioners: Provided always, that any Person who shall feel aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally in such Rate, or if no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable.

Persons aggrieved may appeal.

Provisions for rating public Buildings, and vacant Spaces of Ground.

CLXXXVII. And forasmuch as it is reasonable that all Churches, Chapels, Churchyards, Burial Grounds, Meeting Houses, Prisons, Hospitals for sick Persons, and public Buildings, and all vacant Spaces of Ground, should be rated in a due Proportion to the Rates hereby authorized to be made, be it enacted, That it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward, and they are hereby required, at such Time as the Rates herein-before directed to be made by them shall from Time to Time be made, to rate all Parish and other Churches, Chapels, Churchyards, Burial Grounds, Meeting Houses, Prisons, Hospitals for sick Persons, and public Buildings whatsoever, and all vacant Spaces of Ground, situate, lying, and being within the City (other than and except the Cathedral Church of *Saint Paul*, and the Churchyards and Ground within the Iron Rails encompassing the said Cathedral Church), at such Rate as the Commissioners shall order and direct for every Square Yard of such public Buildings and vacant Spaces of Ground, not exceeding the Rate of Nine-pence *per* Square Yard towards the Sewer Rate, and Three-pence *per* Square Yard towards the Consolidated Rate; and every such Rate so to be from Time to Time made upon any Parish or other Church, Chapel, Churchyard, Burial Ground, Meeting House, Prison, Hospital, or public Building as aforesaid, or upon any vacant Space of Ground, shall be paid by the Owner thereof, and in case of a Parish Church or Churchyard or Burial Ground, by the Overseers of such Parish, out of the Rates incidental to the Relief of the Poor; and in case the Owner of any such vacant Space of Ground shall not be known or cannot be found, then the said Rate to be thereon made shall be advanced by the Chamberlain out of the Cash of the said City in his Hands, and the said Ground shall be and remain a Security to the said Chamberlain and his Successors for Repayment of all Rates so to be by him advanced: Provided always, that Meeting Houses not licensed, and Meeting Houses used for any other Purpose than Divine Worship, shall be rated and assessed in the same Manner as other public Buildings.

Persons feeling aggrieved on Ground of Inequality, &c. may appeal to Commissioners.

CLXXXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may appeal to the Commissioners at their First Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment; and the Commissioners at their First Meeting, or any Adjournment thereof, are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the Commissioners shall seem reasonable.

Parties thinking themselves aggrieved by any Rate under this Act may appeal to the Quarter Sessions.

CLXXXIX. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Commissioners, he may appeal to the next General or Quarter Sessions; but no such Appeal against such Rate, or any Matter contained in or omitted from the same, or against the Determination of the Commissioners, shall be entertained at such General or Quarter Sessions unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given by the aggrieved Party to the Commissioners, but the same shall be adjourned to the next General or Quarter Sessions; nor shall any Appeal against the Determination of the Commissioners be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose

whose Favour such Determination shall have been made, and shall in either Case, within Five Days after such Notice, enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

Court to determine Appeal summarily, or adjourn it.

CXC. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Commissioners or Quarter Sessions may amend Rate, without quashing it.

CXCI. And be it enacted, That in any Appeal against any Rate made under the Authority of this Act the Commissioners or the General or Quarter Sessions shall and may amend such Rate, in like Manner as may be necessary for giving Relief, without quashing or altering such Rate with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for the Commissioners or the General or Quarter Sessions to order a new Rate to be made in manner herein directed.

Quarter Sessions may award Costs.

CXCII. And be it enacted, That the General or Quarter Sessions shall in any Appeal against any Rate made under the Authority of this Act, or against the Determination of the Commissioners, have the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in such Court for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within the City.

Rates may be prospective or retrospective.

CXCIII. And be it enacted, That it shall be lawful for the Commissioners to order any Rate to be made for the Purposes aforesaid prospectively to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively to raise Money to pay Charges and Expenses already incurred.

Rates how to be recovered.

CXCIV. And be it enacted, That in case any Owner or Occupier of any House in respect whereof he shall be rated or liable to pay any Rate made under the Authority of this Act shall refuse or neglect to pay the Money rated upon him, or which he may be liable to pay by virtue of this Act, it shall be lawful for any Justice and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the Commissioners or by their Collector, to summon every Person who shall have so refused or neglected as aforesaid to appear at a Time and Place to be mentioned in such Summons before any Justice, the Collector of such Rate having previously made Oath that he had duly demanded the said Rate, and that the same was then in arrear and unpaid; and it shall be lawful for any Person authorized by the Commissioners to serve every such Summons upon every Person so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person thereby intended to be summoned, or by leaving the same at his last or usual Place of Abode, or at or on the House for or in respect whereof the Rate mentioned in such Summons shall remain due and owing; and if any Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not show good and sufficient Cause to such Justice as may be then and there present that he is not chargeable with or liable to pay such Rate, then and in every such Case every such Person shall pay the Rate in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Rate shall not be paid upon such Return of Summons it shall be lawful for any Justice and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons by the Person who shall have served the same, and Proof on Oath that such Rate is actually due and owing, if the Person shall not attend, and if the Person shall attend, and shall not show sufficient Cause to the contrary, as aforesaid, then upon such Proof that such Rate is actually due, to grant a Warrant under his Hand and Seal authorizing or directing any Person to levy such Rate and all Arrears thereof, and the Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expenses of executing the same, by Distress of the Goods and Chattels of the Person so neglecting or refusing; and if within Five Days next after any Distress shall be made the said Rate, with all Arrears due thereon, together with all the Charges for the said Summons and Warrant, and the Charges and Expenses of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient to pay the said Rate, together with all Arrears due thereon, and the said Costs, Charges, and Expenses of the said Summons, Warrant, Distress, Removal, or keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expenses of appraising and selling the same, and shall return the Overplus (if any) to the Owner of such Goods and Chattels, upon Demand thereof made by him; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured or shall be removed, so that the Person appointed to collect the said Rate as aforesaid cannot distrain the same, or in case after such Distress and Appraisement of Sale as herein-before are directed the Proceeds thereof shall not be sufficient to pay the said Rate, and the Costs, Charges, and Expenses as aforesaid, then and in every such Case, upon Information thereof given to any Justice, it shall be lawful for such Justice and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Apprehension of any such Person making default in the Payment of such Rate and the Arrears thereof or of any Part thereof, and of such Costs, Charges, and Expenses, or any of them, and to commit such Person to the House of Correction for the City, there to remain, without

Defaulters to summoned.

Bail

Bail or Mainprize, for any Time not exceeding the Space of One Calendar Month, unless such Rate, and all Arrears thereof, and all Costs, Charges, and Expenses, or so much thereof as shall remain unsatisfied by any such Distress, or otherwise, shall be sooner paid.

Costs of Distresses as in 57 G. 3. c. 93.

CXCV. Provided always, and be it enacted, That in Cases where the Amount of such Rate shall not exceed the Sum of Twenty-five Pounds the Costs and Charges levied for the Distress shall not exceed the Costs and Charges specified in an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of Small Rents.*

Form of Warrant of Distress.

CXCVI. And be it enacted, That the Warrant of Distress for Nonpayment of any Rate or Composition to be made by virtue of this Act may be in the Form or to the Effect mentioned in the Schedule (D.) to this Act annexed.

In Cases of Persons removing their Goods, how Rates to be recovered.

CXCVII. And for the better enforcing the Payment of the several Rates to be made by virtue of this Act, be it enacted, That if any Person liable to pay any such Rate shall at any Time begin to remove his Goods or Furniture from the House in his Occupation, or to sell or dispose of such Goods or Furniture therein by public Auction, or to sell or dispose of or carry away his Goods or Furniture, without paying all Arrears then due or rated in respect of such House in which the current Quarter shall be considered as due, then and in any of the said Cases it shall be lawful for the Collector to collect and levy such Rate, and all Arrears due thereon, by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rate, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rate, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner of such Goods and Chattels respectively.

Actions may be brought for Rates exceeding 20*l.*

CXCVIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, if they shall think it expedient so to do, to bring, in the Name of their Clerk, any Action of Debt or special Action on the Case in any of the Superior Courts for any Rate to be made by virtue of this Act which shall exceed in Amount the Sum of Twenty Pounds, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Commissioners shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered.

Actions or Suits not to abate by the Death or Removal of the Clerk.

Clerk to be reimbursed all Expenses.

CXCIX. And be it enacted, That no Action or Suit to be commenced or prosecuted under the Authority of this Act in the Name of the Clerk to the Commissioners for the Time being shall abate or be discontinued by the Death, Suspension, or Removal of the Clerk, or by the Act of the Clerk without the Consent of the Commissioners, but that the Clerk shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that the Clerk shall be reimbursed out of the Monies to be raised by virtue of this Act all such Costs, Charges, and Expenses as he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant.

Rates may be remitted on account of Poverty or otherwise.

CC. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, on Complaint of any Person subject to the Payment of any Rate made under the Authority of this Act who shall think himself aggrieved thereby or incompetent to pay the same, to mitigate, reduce, or lessen the same as they in their Discretion shall think just and reasonable, and also to remit or excuse the Payment thereof or any Part thereof for any Cause which they shall deem sufficient, or for or on account of the Poverty or Indigence of any Person liable to pay the same, so complaining.

Money collected to be paid into the Chamberlain's Office.

CCI. And be it enacted, That every Collector of Rates to be appointed by the Commissioners shall from Time to Time pay the Monies arising therefrom, as he shall receive the same, to the Chamberlain of the City, and upon every such Payment the Chamberlain or one of his Clerks shall, without Fee or Reward, give a Receipt in Writing to such Collector for the same; and if such Collector shall at any Time keep and retain in his Hands of the Monies so to be collected by him the Sum of Fifty Pounds or upwards above Two Days (the Chamber of *London* being within that Time open to receive the same), then and so often such Collector shall forfeit and pay the Sum of Five Pounds for every Day he shall retain the said Sum of Fifty Pounds or upwards beyond the said Two Days.

Collectors to deliver in an Account in Writing under their Hands to the Commissioners.

CCII. And be it enacted, That every Collector shall, upon Three Days Notice in Writing, given to or left for him at his usual Place of Abode by the Clerk to the Commissioners, attend the Commissioners at such Time and Place as shall be appointed in such Notice, and then and there, if required, deliver to the Commissioners a true, exact, and perfect Account in Writing under the Hand of such Collector of all Sums of Money which he shall then have received by reason of the said Office, and also a true List of the Names of all Persons within the District or Ward wherein he collects who shall have refused or neglected to pay their said Rates, with a true Account of the several Sums of Money which such Persons shall respectively be in arrear, to the Intent that the same may be speedily got in and recovered; and if any Collector, after such Notice given as aforesaid, shall refuse or neglect to attend or deliver in his Accounts as aforesaid, or to produce and deliver in the Vouchers relating to the same, or to account for any Sum or Sums of Money by him collected or received, and to pay the same and every Part thereof as is herein-before directed, then and in every such Case such Collector shall for every such Refusal or Neglect forfeit and pay such Sum of Money as the Rates which he shall have been intrusted or authorized to collect shall amount unto, after deducting the Amount of the Sum by him actually paid

Penalty on Collectors in case of Refusal, &c.

to

to the Chamberlain, which Forfeiture shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of the Superior Courts, to be commenced and prosecuted in the Name of the Clerk of the Commissioners.

Collectors refusing to account may be summoned before a Justice, who may cause Amount to be levied by Distress.

CCIII. Provided always, and be it enacted, That if any Collector shall have in his Hands any Monies collected by him, and shall refuse to account for and pay the same as aforesaid, it shall be lawful for any Justice, by Warrant under his Hand and Seal, to cause such Collector to be brought before him, and to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of such Collector, or the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to him that any of the Monies which shall have been collected and raised by virtue of this Act shall then be in the Hands of such Collector, and that he refuses to pay the same, according to the true Intent and Meaning of this Act, the said Justice is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods or Chattels of such Collector can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, then the said Justice may and shall commit such Collector to the House of Correction for the City, there to be detained and kept, without Bail or Mainprize, until he shall pay the same, or such Composition as the Commissioners shall agree to accept in full, which Composition the Commissioners are hereby empowered to make.

If no sufficient Distress, Offender may be committed.

Commissioners to summon, &c. Collectors.

CCIV. And be it enacted, That every Collector shall, upon Three Days Notice in Writing under the Hand of the Clerk given to him or left for him at his usual Place of Abode, attend the Commissioners at such Time and Place as shall be appointed in such Notice, and then and there, if required, answer touching any Neglect of Duty or other Matter of Complaint against him; and if any such Collector shall refuse or neglect to attend on such Notice as aforesaid, it shall be lawful for the Commissioners and they are hereby authorized and required, by Warrant under their Hands and Seals, or the Hands and Seals of any Three or more of them, to cause such Collector to be brought before them, and to hear and determine the Matter of such Complaint in a summary Way; and if such Collector shall not show good Cause of Excuse to the Satisfaction of the said Commissioners for his neglecting or refusing to attend on such Notice as aforesaid, he shall for every such Neglect or Refusal forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of the Collector; and if no Goods and Chattels of such Collector can be found sufficient to answer and satisfy the same, and the Charges of such Distress and Sale, then the Commissioners, by their Warrant as aforesaid, may commit such Collector to the House of Correction for the City, there to be detained and kept for any Time not longer than One Month nor less than Fourteen Days.

Collectors refusing to attend may be taken by Warrant.

Penalty on Collector not showing good Cause for not attending.

Chamberlain to pay all Money ordered by Commissioners, and make Entries, which may be inspected.

Accounts to be laid before Parliament.

CCV. And be it enacted, That the Chamberlain of the City shall, out of the Monies collected and paid into the Chamber pursuant to this Act, pay all Sums of Money which the Commissioners shall from Time to Time draw upon him for or order him to pay; and the Chamberlain of the City shall keep regular and clear Entries, in Books to be provided for that Purpose, of all Receipts and Payments on account or in pursuance of this Act, to which Books every Person liable to the Payment of the said Rates shall have free Access at all convenient Times, with full Liberty to inspect and take Copies of or Extracts from the same, without Fee or Reward; and the Chamberlain of the City shall once in every Year have the said Accounts audited and passed by the Commissioners, and shall deliver Copies of the said Accounts to each House of Parliament within Three Months after the opening of every Session.

Rate Books to be received as Evidence.

CCVI. And be it enacted, That the Rates or Copies thereof herein-before directed to be delivered, and also the Books herein-before directed to be kept, and all Entries duly made therein, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such Rates, or such of them or such Part thereof as shall by such Entries appear to have been paid to the Collector.

Money may be borrowed on the Security of the Sewer Rate.

CCVII. And in order to raise Money to defray the Expenses incurred or to be incurred by the Commissioners in carrying into effect the Provisions of this Act as to the Sewerage and Drainage of the City, be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized to borrow or to take up at Interest on the Credit of the Rate herein-before authorized to be made and levied, and called the Sewer Rate, of and from any Persons who shall be willing to advance the same, the Sum or Sums of Money necessary for defraying the Costs, Charges, and Expenses incurred or to be incurred by them in making and carrying into effect the Sewerage and Drainage of the City; and for securing the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Commissioners may mortgage and assign over the said Sewer Rate or any Part thereof to the Persons who shall advance such Money, or their Trustees, as a Security for the Money to be borrowed, together with Interest for the same.

Money may be borrowed on the Security of the Consolidated Rate.

CCVIII. And in order to raise Money for defraying the Expenses incurred or to be incurred by the Commissioners in carrying into effect such Improvements within the City as they are or shall from Time to Time be authorized or empowered to make and carry into effect, and the other Provisions of this Act, and all other Expenses which are not expressly charged on the Sewer Rate, be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized to borrow and take up at Interest on the Credit of the Rate herein-before authorized to be made and levied, and to be called the Consolidated Rate, of and from any Persons who shall be willing to advance the same, the Sum or Sums of Money necessary for defraying the Costs, Charges, and Expenses incurred and to be incurred by them in the Sewerage and Drainage of the City, and in carrying such Improvements within the City, and the other Purposes of this Act, into full and complete Effect; and for securing the Repayment of such Sum or

Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Commissioners may mortgage and assign over the Consolidated Rate or any Part thereof to the Persons who shall advance such Money, or their Trustees, as a Security for the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

CCIX. And be it enacted, That every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Seven of the Commissioners, and may be according to the Form in Schedule (E.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

CCX. And be it enacted, That all Persons to whom such Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall be entitled one with another to their respective Proportions of the Rates or other Property comprised in such Mortgages, according to the respective Sums mentioned in such Mortgages to have been advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason or in respect of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively.

Commissioners may raise Money by Annuity.

CCXI. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money which may be borrowed under the Authority of this Act by granting Annuities for Lives instead of Mortgages as aforesaid, and for that Purpose for the Commissioners to charge the Rates granted by this Act, or either of them, with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

CCXII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Seven of the Commissioners, and may be in the Form in Schedule (F.) to this Act annexed, or to the like Effect.

For preventing improvident Grants.

CCXIII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

CCXIV. And be it enacted, That every Annuity so granted shall be paid out of the Rate on which the same shall be charged, according to the Grant of such Annuity, and shall have Priority after any Mortgages of the same Rate granted under this Act.

Expenses of Mortgages, &c.

CCXV. And be it enacted, That the Expenses of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

CCXVI. And be it enacted, That a separate Register of Mortgages on the Sewer Rate, and a like Register of Mortgages on the Consolidated Rate, and a like Register of Annuities, shall be kept by the Clerk of the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Annuity an Entry or Memorial, specifying the Number and Date thereof, and the Sum secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in the proper Register; and every such Register may be perused at all reasonable Times by any Mortgagee or Annuitant, or by any Person interested in such Mortgage or Annuity, without Fee or Reward.

Assignment of Mortgages and Annuities.

CCXVII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Annuity may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (G.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

CCXVIII. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the proper Register, in the same Manner as in the Case of the original Mortgage or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors and Administrators, to the full Benefit of the original Mortgage or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Annuity so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

CCXIX. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the Party entitled thereto, out of the Rate or other Funds on the Credit of which such Money shall have been borrowed.

Power to borrow Money at a lower Rate of Interest, to pay off Securities at a higher.

CCXX. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the said respective Rates or other Property, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

A Sinking Fund to be formed to pay off Monies borrowed on the Sewer Rate.

CCXXI. And be it enacted, That for the Purpose of providing a Fund for paying off the Principal Monies for the Time being by virtue of this Act, or any Mortgage granted in pursuance thereof, charged upon and owing to the Credit of the Sewer Rate, the Commissioners shall once in every Year out of the said Rate set aside such Sum as they shall think proper, being not less than Five Pounds *per Centum*

Centum nor more than Ten Pounds *per Centum* on the Amount of the Principal Monies by this Act raised, and any Mortgage granted in pursuance thereof, charged upon the said Rate; and the Sum so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied, in the Manner herein-after directed, in Payment, so so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of "The Commissioners of Sewers of the City of *London*—The Sewer Rate;" and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money; and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate, and so from Time to Time until the whole of the said Principal Monies shall be discharged.

Sinking Fund to be formed to pay off Monies borrowed on Consolidated Rate.

CCXXII. And be it enacted, That for the Purpose of providing a Fund for paying off the Principal Monies for the Time being by virtue of this Act, or any Mortgage granted in pursuance thereof, charged upon and owing on the Credit of the Consolidated Rate, the Commissioners shall once in every Year out of the said Consolidated Rate set aside such Sum as they shall think proper, being not less than Five Pounds *per Centum* nor more than Ten Pounds *per Centum* on the Amount of the Principal Monies borrowed upon the said Consolidated Rate; and the Sum so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies for the Time being charged upon and owing on the Credit of the said Consolidated Rate, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of "The Commissioners of Sewers of the City of *London*—The Consolidated Rate;" and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money; and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Consolidated Rate, and so from Time to Time until the whole of the said Principal Monies shall be discharged.

Mode of paying off Mortgages.

CCXXIII. And in order that no undue Preference may be given in paying off any Mortgage, be it enacted, That when and as often as the Commissioners shall be enabled and think it expedient to pay off One or more out of the Number of Mortgages of the Sewer Rate or of the Consolidated Rate, they shall cause the several Numbers of the Mortgages on such Rate to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk of the Commissioners shall, in the Presence of Seven or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by the Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice, and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

No Transfer or Release necessary from Mortgagee.

CCXXIV. And be it enacted, That from and after the Payment or Satisfaction of all the Principal and Interest Monies secured by any Mortgage made under the Powers of this Act, all the Estate, Property, Right, and Interest by such Mortgage vested in the Mortgagee, his Heirs, Executors, Administrators, or Assigns, shall, without any Transfer or Release, or any other Act or Deed whatsoever, immediately cease and determine.

Repayment of Money borrowed at a Time and Place agreed upon.

CCXXV. And be it enacted, That the Commissioners may, if they think proper, fix a Period for the Repayment of all Principal Monies borrowed on Mortgage under the Provisions of this Act, with the Interest thereof, and in such Case the Commissioners shall cause the Period to be inserted in the Mortgage Deed, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on Demand, be paid to the Party entitled to receive such Principal Money and Interest; and if no other Place of Payment be inserted in such Mortgage Deed, such Principal and Interest shall be payable at the Office of the Commissioners.

Repayment of Money borrowed when no Time or Place

CCXXVI. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, demand Payment of the Principal

has been agreed upon.

Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Commissioners may at any Time pay off the Money borrowed on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Creditor shall be delivered to the Clerk, or left at the Offices of the Commissioners, and if given by the Commissioners shall be given either personally to such Mortgagee or Creditor, or left at his usual or last known Place of Residence in *England*, or if such Mortgagee or Creditor be unknown to the Commissioners, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette*.

Mortgages in arrear may be enforced by the Appointment of a Receiver.

CCXXVII. And be it enacted, That it shall be lawful for any Mortgagee or other Person entitled to receive Payment of the Money secured by any Mortgage to enforce the Payment of the Principal Money and Interest due on any such Mortgage authorized by the Provisions of this Act by applying for the Appointment of a Receiver in the Manner herein-after mentioned; but in order to authorize the Appointment of such Receiver the Amount of Money owing to the Mortgagee or Creditor by whom the Application is made shall not be less than One thousand Pounds.

Receiver may be appointed, if Arrear remains unpaid for the Time prescribed.

CCXXVIII. And be it enacted, That if within Six Months after the Principal Money or any Interest owing upon any such Mortgage has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee or other Creditor as aforesaid (without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any of the Superior Courts,) may, if his Debt amount to the Sum of One thousand Pounds, alone, or if his Debt does not amount to that Sum he may in conjunction with other Mortgagees (whose Debts, being so in arrear after Demand as aforesaid, shall together with his Amount to the said Sum), require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Mode of appointing Receiver.

CCXXIX. And be it enacted, That every Application for a Receiver shall be made to Two Justices, and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Rate or other the Property or Monies liable to the Payment of such Interest, or Principal and Interest, as the Case may be, until such Interest, or Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates or other Property or Monies, be fully paid; and upon such Appointment being made all such Rates, Property, and Monies as aforesaid shall be paid to and received by the Person so to be appointed, who is hereby empowered to give good and sufficient Discharges for the same; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf the Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, shall have been so received, the Power of such Receiver shall cease.

Proof of Debts in Bankruptcy.

CCXXX. And be it enacted, That if any Person against whom the Commissioners may have any Claim or Demand shall become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk, in all Proceedings against the Estate of such Bankrupt or Insolvent, or, under any Fiat, Sequestration, or Act of Insolvency, against such Bankrupt or Insolvent, to represent the Commissioners, and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of the Clerk, and not of the Commissioners.

Service of Notice on Commissioners.

CCXXXI. And be it enacted, That any Summons, Notice, Writ, or other Proceeding at Law or in Equity required to be served upon the Commissioners may lawfully be served by delivering the same personally to the Clerk, or by leaving the same at the Office of the Commissioners.

Service of Notice on other Persons.

CCXXXII. And be it enacted, That any Notice which by this Act, or by any Act incorporated herewith, may be required to be given to any Person, may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate, at his usual Place of Residence or Business, or in case such Place is not known, by affixing or leaving the same on or at his last known Place of Residence or Business.

Authentication of Notices.

CCXXXIII. And be it enacted, That every Summons, Demand, or Notice, or other like Document given under the Provisions of this Act, may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by the Clerk.

Releases to Witnesses.

CCXXXIV. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for the Clerk, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hand and Seal of the Party giving the same.

Tender of Amends.

CCXXXV. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Provision for Damages not otherwise provided for.

CCXXXVI. And be it enacted, That in all Cases where the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, or any Damages, Costs, or Expenses are by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and

and determined by any Justice; and if the Amount so ascertained be not paid by the Commissioners or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Commissioners or other Party liable as aforesaid, and any Justice, on Application, shall issue his Warrant accordingly.

Where Two or more Persons are to do any Act or pay any Sum of Money, Commissioners may apportion the same.

CCXXXVII. And be it enacted, That where under the Authority of this Act Two or more Persons are or may be directed by the Commissioners to do or join in doing any Act, or to pay or join in paying any Sum of Money, Costs, or Expenses, or, where the Commissioners are authorized or shall think proper to permit Two or more Persons to join together in doing any Act, or paying any Sum of Money, Costs, or Expenses, it shall be lawful for the Commissioners to apportion the Matter to be done, or the Sum of Money, Costs, or Expenses to be paid between such Persons, in such Manner as they the Commissioners shall consider just and reasonable.

Occupier may recover from Owner or deduct from his Rent.

CCXXXVIII. And be it enacted, That if any Sum of Money which, under the Provisions of this Act, or by the Decision of the Commissioners, ought to be paid by the Owner of any House or Building or other Property, shall be paid by the Occupier of such House, Building, or other Property, or be levied on his Goods and Chattels, then the Person who shall be the Owner of such House or Building or other Property at the Time of such Payment or Levy shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any), paid by him, from any Rent due or to become due from him in respect of such House, Building, or Property, and the Payment shall be a good and sufficient Discharge to such Occupier against such Owner for so much Money as he shall have paid in the Manner directed by this Act or by the Commissioners, or shall have sustained the Loss of by reason of any Distress made under this Act, or such Occupier may recover the same from such Owner as aforesaid by Action of Debt or on the Case, to be brought in any of the Superior Courts or in any Court whatsoever: Provided always, that nothing herein contained shall be taken to affect any special Contract made or to be made between any Owner and Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property.

Method of proceeding before Justices in Questions of Damages.

CCXXXIX. And be it enacted, That where in this Act any Question of Compensation, Expenses, Charges, or Damages is referred to the Determination of any One Justice or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice or before Two Justices (as the Case may require), at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the Absence of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice or such Two Justices (as the Case may be) to hear and determine such Question, and for that Purpose to examine such Parties, or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justice or Justices, and he or they shall determine the Amount thereof.

Publication of Penalties.

CCXL. And be it enacted, That the Commissioners shall publish the short Particulars of the several Offences for which any Penalty is imposed by this Act, or by any Rule or Regulation of the Commissioners, affecting other Persons than the Officers or Servants of the Commissioners, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper pasted thereon, and shall cause such Board to be hung up or affixed in some conspicuous Place in the Office of the Commissioners, and where any such Penalties are of local Application shall cause such Boards or Papers to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference, and which Particulars shall be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publications.

CCXLI. And be it enacted, That if any Person shall pull down or injure any Board put up or required by this Act for the Purpose of publishing any Rule or Regulation or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expenses attending the Restoration of such Board.

Penalties to be summarily recovered before One Justice.

CCXLII. And be it enacted, That every Penalty or Forfeiture imposed by this Act, or by any Rule or Regulation made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before any Justice; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and on the Appearance of the Party complained against, or in his Absence, upon Proof of the due Service of such Summons, it shall be lawful for any Justice to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Justice to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justice shall think fit; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual as if an Information in Writing was exhibited.

Penalties may be levied by Distress.

CCXLIII. And be it enacted, That if upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not forthwith paid, the Amount of such Penalty and Costs may be levied by Distress, and any Justice may issue his Warrant of Distress accordingly.

CCXLIV. And

Justices may, until Return of Warrant of Distress, commit Offender to Prison, unless he gives Security.

CCXLIV. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before a Justice on the Day appointed for such Return, such Day not being more than Eight Days from the Time of making such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he shall think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice may, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Distress how to be levied.

CCXLV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expense of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCXLVI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Application of Penalties.

CCXLVII. And be it enacted, That the Justice by whom such Penalty or Forfeiture shall be imposed shall, where the Application is not otherwise provided for, award the same to the Commissioners, to be by them used and applied to any of the Purposes of this Act, as to them shall appear fit, and shall order the same to be paid over to the Chamberlain of the City.

Penalties to be sued for within Six Months.

CCXLVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Damages to be made good, in addition to Penalty.

CCXLIX. And be it enacted, That if through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this Act any Damage to the Property of the Commissioners shall have been committed by such Person he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damage, in case of Dispute, shall be determined by the Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on Demand, the same may be levied by Distress, and such Justices, or any One of them, may issue their or his Warrant accordingly.

Transient Offenders.

CCL. And be it enacted, That it shall be lawful for any Officer or Servant of the Commissioners, and for any Police Constable, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this Act, or any Rule or Regulation made in pursuance thereof, and whose Name and Residence shall be unknown to such Officer or Servant or Police Constable, and convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCLI. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (H.) to this Act annexed.

Proceedings not to be quashed for Want of Form.

CCLII. And be it enacted, That no Act, Order, or Proceeding in pursuance of this Act, or in relation to the Execution thereof, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts, except as herein specially provided.

Parties allowed to appeal to Quarter Sessions, on giving Security.

CCLIII. And be it enacted, That if any Person shall feel aggrieved by any Adjudication or Determination of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General or Quarter Sessions, but no such Appeal shall be entertained unless it be made within Four Months next after the making such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCLIV. And be it enacted, That at the General or Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions, and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid to the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable,

and

and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Penalty on giving false Evidence.

CCLV. And be it enacted, That if any Person upon his Examination upon Oath before any Court or Justice shall wilfully and corruptly give false Evidence, or if any Person shall take or make any false Oath or Affidavit with respect to any Matter or Thing relating to this Act, every such Person so offending, and being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by any Law in force Persons guilty of wilful and corrupt Perjury are subject and liable to.

Penalty on interrupting Workmen, &c. in Execution of Duties.

CCLVI. And be it enacted, That if any Person shall at any Time obstruct, hinder, or molest any Commissioner, or any Surveyor, Inspector, Collector, or other Officer, Workman, or Person whomsoever, who shall be employed by virtue of this Act, in the Performance or Execution of his Duty, every such Person so offending shall for the First Offence forfeit and pay the Sum of Five Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Five Pounds.

Penalty on Persons assaulting Collectors.

CCLVII. And be it enacted, That if any Person shall obstruct, assault, molest, or hinder any Collector or other Person employed to collect any Rate made under the Authority of this Act, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

For compelling Attendance of Witnesses.

CCLVIII. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice touching any Complaint for any Offence against this Act, either on the Part of the Prosecutor or of the Person accused, or if any Person shall be summoned as a Witness to give Evidence upon any Appeal, or any Adjournment thereof, by virtue of this Act, either on the Part of the Appellant or Respondent, and any such Person shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (which Oath such Justice is hereby authorized and required to administer) and to give Evidence before such Justice, or upon such Appeal or any Adjournment thereof, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence the Sum of Twenty Shillings.

Inhabitants may be Witnesses.

CCLIX. And be it enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings relating to or concerning the Execution of this Act any Inhabitant within the City shall be a competent Witness, and be admitted to give Evidence, notwithstanding such Inhabitant is charged with or liable to pay any Rate by virtue of this Act.

Commitments to be made to Giltspur Street Prison, &c.

CCLX. And be it enacted, That in every Case in which under the Authority of this Act any Person shall be ordered to be committed to Prison, such Person shall, unless the Justice shall otherwise direct, be committed to the *Giltspur Street* Prison, or to the House of Correction for the City.

Act not to prejudice the Metropolitan Commissioners of Sewers Act.

CCLXI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice the Provisions of any Act passed or to be passed in the present Session of Parliament for consolidating the Metropolitan Commissioners of Sewers, in relation to Sewers within the City of *London* and the Liberties thereof, and the Provisions of such Act as last aforesaid with reference to the Commissioners of Sewers of the City of *London* therein mentioned shall take effect with reference to the Commissioners of Sewers of the City of *London* constituted under this Act, instead of the said first-mentioned Commissioners.

Interpretation of Act.

CCLXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Gender:

Words importing the Masculine Gender only shall include Females:

"Month:"

The Word "Month" shall mean Calendar Month:

"Person:"

The Word "Person" shall include Corporations, whether aggregate or sole:

"Oath:"

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Person exempted by Law from the Necessity of taking an Oath; and the Power of administering Oaths shall include the Power of taking Affirmations:

"City:"

The Word "City" shall mean the City of *London* and the Liberties thereof, and shall include such Parts of *Holborn*, the *Minories*, and *Aldersgate Street* as are or have been usually treated as being within the Liberties of the City, and the Courts and Alleys leading into the same or communicating therewith, and also the North Side of *Eldon Street*, formerly called *Broker Row*, *Moorfields*, and the Courts and Alleys leading into the same or communicating therewith, and all Precincts and Places within the City of *London* or the Liberties thereof:

"Lord Mayor:"

The Expression "Lord Mayor" shall mean the Lord Mayor for the Time being of the City of *London*:

"Mayor and Commonalty and Citizens:"

The Words "Mayor and Commonalty and Citizens" shall mean the Mayor and Commonalty and Citizens of the City of *London*:

"Mayor, Aldermen, and Commons:"

The Words "Mayor, Aldermen, and Commons" shall mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled:

"Commissioners:"

The Expression "the Commissioners" shall mean the Commissioners of Sewers of the City of *London*:

"Clerk:"

The Word "Clerk" shall mean the principal Clerk for the Time being of the Commissioners:

"Rate:"

The Word "Rate" shall mean any Rate or Assessment made under the Authority of this Act:

"Permission:"

The Words "Permission of the Commissioners," or "Consent of the Commissioners," or "Licence of the Commissioners," shall respectively mean Permission, Consent, or Licence in Writing, signed by the

the Clerk or by such other Person as the Commissioners shall from Time to Time authorize to give or grant such Permission, Consent, or Licence respectively:

"Superior Courts:" The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*, and shall include the Mayor's Court and the Sheriff's Court of the City of *London:*

"General or Quarter Sessions:" The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace of the City of *London:*

"Justice:" The Word "Justice" shall include the Lord Mayor, or any Justice, Alderman, or the Recorder of the City of *London:*

"Two Justices:" When any Matter shall be authorized or required to be done by or before Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and sitting together in Petty Sessions, or the Lord Mayor or any One Alderman of the City of *London:*

"Land:" The Word "Land" shall extend to and comprise Messuages, Lands, Tenements, or Hereditaments of any Tenure, and shall include Houses and Buildings:

"House:" The Word "House" shall mean a Dwelling House:

"Building:" The Word "Building" shall extend to and comprise Houses, Warehouses, Manufactories, and all Buildings, of what Nature or Kind soever, and every Part thereof:

"Street:" The Word "Street" shall include any Square, Street, Court, Alley, Footpath, Footway, Highway, Lane, Road, Thoroughfare, or public Passage or Place:

"Court;" The Word "Court" shall mean any present or future Court, or Passage leading into a Court, or any present or future Alley, or other Way or Place, having a House or Houses or the principal Entrance into a House therein, but not having a Road or Carriageway:

"Passage:" The Word "Passage" shall mean any present or future Passage, Alley, or other Way or Place not having a House or Houses or the principal Entrance into a House therein, but merely leading into any Street or Court, or to any House in such Street or Court, and not being a Road or Carriageway:

"Public Place:" The Word "Public Place" shall mean any Place to which the Public have Power of Access, either by Day or by Night:

"Pavement:" The Word "Pavement" shall include Stone of all Kinds, Bricks, Tiles, Wood, Asphalte, or any other Preparation, or any Materials used in lieu of Paving Stones, by or with the Approbation of the Commissioners:

"Carriage:" The Word "Carriage" shall include any Coach, Omnibus, Chariot, Car, Fly, Cabriolet, Gig, Sociable, Waggon, Cart, Caravan, Timber Carriage, Dray, Sledge, Truck, Handcart, Wheelbarrow or Handbarrow:

"Cart:" The Word "Cart" shall include any Waggon, Caravan, Timber Carriage, Dray, or such like Vehicle:

"Cattle:" The Word "Cattle" shall include any Horse, Mare, Gelding, Foal or Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine:

"Offensive Matter:" The Words "any offensive Matter or Thing" shall include any Nightsoil, Offal, putrid Meat or Fish, Entrails of Fish, Carrion, dead Animals, Blood, Dung, Manure, Fish, Shells, Bones, broken Glass, China, or Earthenware, Dust, Ashes, Refuse of Vegetables or Fruit, Orange Peel, Soaplees, Soapsuds, or Gas Tar:

"Owner," The Word "Owner" shall mean any Person in the Possession or Receipt of Rent or Profit arising from any House, Building, or Land:

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual; and where the doing of any Act or Thing is made punishable by this Act, or by any of the Rules or Regulations to be made by the Commissioners in pursuance thereof, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Expenses of Act. CCLXIII. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Commissioners out of any Monies in their Hands at the Time of the passing of this Act, or which shall otherwise come to their Hands by virtue of this Act, in such Proportions and in such Manner as they shall think fit.

Commencement of Act. CCLXIV. And be it enacted, That this Act shall commence and come into operation on the First Day of *January* next after the passing thereof, and shall continue in force for Two Years next after the said First Day of *January* next, and thence to the End of the then next Session of Parliament.

On Expiration of this Act, 11 & 33 G. 3. and 10 G. 4. to be revived. CCLXV. Provided always, and be it enacted, That when this Act shall expire the several hereinbefore recited Acts passed in the Eleventh and Thirty-third Years of the Reign of His late Majesty King *George* the Third and in the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall revive and be of full Force and Effect.

Public Act. CCLXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

Certificate of Medical Practitioners.

To the Commissioners of Sewers of the City of London.

We, the undersigned Two duly qualified Medical Practitioners, residing in the Parish of in the City of London, [*or* I *A.B.*, Medical Officer of Health of the City of *London*,] having

having viewed the House, Building, or Land [*as the Case may be*] occupied by *C.D.* [*or* unoccupied, *as the Case may be*], situate in Street in the Parish of in the City of London, do hereby certify, that the same is in a filthy or unwholesome State [*or* that there is an Accumulation of offensive or noxious Matter, Refuse, Dung, or Offal on the said Piece of Land, *or* that there is a foul and offensive Drain, Privy, or Cesspool in or on the said House, Building, *or* Land, *as the Case may be*], and that the same is likely to be prejudicial to the Health of Persons whose Habitations are in the Neighbourhood of the same.

Witness our Hands [*or* my Hand], this Day of in the Year of our Lord One thousand eight hundred

(Signed) *E.F.*,
G.H.,
Members of the Royal College of Surgeons.
or A.B.,
Medical Officer of Health of the City of London.

SCHEDULE (B.)

Summons of Commissioners.

To *J.K.* and all other Persons whom this may concern.

London, to wit. } WHEREAS Complaint hath been this Day made before the Commissioners of Sewers of the City of London, setting forth that a certain House, Building, *or* Land situate in [*describing the Premises*], is in a filthy and unwholesome State [*or* that there is an Accumulation of offensive or noxious Matter, Dung, Refuse, or Offal on a certain Piece of Land situate in (*describing the Premises*), *or* that there is a foul and offensive Drain, Privy, or Cesspool in certain Premises occupied by one *X.Y.*, situate in (*describing the Premises*)]; and the Certificate in Writing under the Hands of *E.F.* and *G.H.*, Two duly qualified Medical Practitioners [*or* under the Hand of *A.B.*, the Medical Officer of Health of the City of London], certifying that the same is likely to be prejudicial to the Health of Persons whose Habitations are in the Neighbourhood thereof, having been also produced before the Commissioners at the Time of making the said Complaint: These are therefore to require you the said *J.K.*, the Owner, Lessee, or Occupier of the said House, Building, *or* Land [*as the Case may be*], to appear before the Commissioners of Sewers of the City of London at on the Day of next, at the Hour of of the Clock, to answer the Matter of the said Complaint.

Given under our Hands and Seals, the Day of in the Year of our Lord One thousand eight hundred and

L.M. (L.S.)
N.O. (L.S.)
Two of the Commissioners.

SCHEDULE (C.)

Order of Commissioners.

To *J.K.* [Owner *or* Occupier, *if any such there be*], and to all other Persons whom this Order may concern.

London, to wit. } WHEREAS on the Day of last Complaint was made before the Commissioners of Sewers of the City of London, that the House, Building, *or* Land occupied by one *X.Y.*, situate in Street in the Parish of in the said City of London [*describing the Premises*], was in a filthy and unwholesome State, *or* that there was an Accumulation of offensive or noxious Matter, Refuse, and Offal on a certain Piece of Land situate, *&c.* [*or* that there was a foul and offensive Drain, Privy, or Cesspool in certain Premises occupied by one *Y.Z.*, situate, *&c.*, *as the Case may be*]; and the Certificate in Writing under the Hands of *E.F.* and *G.H.*, being Two duly qualified Medical Practitioners [*or* under the Hand of *A.B.*, the Medical Officer of Health of the City of London], certifying that the same was likely to be prejudicial to the Health of Persons whose Habitations are in the Neighbourhood thereof, was produced before the Commissioners at the Time of the making of the said Complaint: And whereas *J.K.*, the Owner [*or* Occupier] of the said Dwelling House [*or* of the said Piece of Ground, *or* of the said Premises,] herein-before described, has this Day appeared before the Commissioners, in pursuance of a Summons duly served upon him in that Behalf, to answer the Matter of the said Complaint: [*or, if the Summons has been served, and the Party served has not attended,* And whereas it has been proved before the Commissioners that *J.K.*, the Owner [*or* Occupier] of the said Premises in the said Certificate mentioned, was served with a true Copy of the Summons requiring the said *J.K.* to appear this Day before the Commissioners to answer the said Complaint:] [*or, if the Summons has not been served,* And whereas it has been proved before the said Commissioners, *&c.*, that the said *J.K.*, the Owner [*or* Occupier] of the said Premises in the said Certificate mentioned, could not be found, and that a true Copy of a Summons requiring the said *J.K.* to appear this Day before the Commissioners to answer the said Complaint was left on the said Premises:] Now the Commissioners of Sewers of the City of London, having heard the said Complaint, and examined the Fact and all proper Witnesses, and the Existence of the Nuisance in the said Certificate described having been proved to their

their Satisfaction, do hereby, in pursuance of the Statute in that Case made and provided, order the said *J.K.*, the Owner [*or* Occupier, *as the Case may be,*] of the said Dwelling House [*or* of the said Piece of Ground, *or* of the said Premises occupied by *Y.Z.*], within Hours from the Service of this Order or a true Copy thereof on the said *J.K.* [*or, if Service cannot be forthwith effected upon him, then* within Hours from the Period when this Order, or a true Copy thereof, shall have been affixed upon some Part of the said Premises,] to whitewash, cleanse, and purify the said Dwelling House [*or* to remove or abate the said Accumulation of offensive or noxious Matter, Refuse, Dung, and Offal from the said unoccupied Piece of Land, *or* to cleanse the said foul and offensive Drain, Privy, or Cesspool]; and if Default shall be made by the said *J.K.* in obeying this Order, then the Commissioners authorize and require, order, and direct you [*the Persons named*] to enter upon the said Premises, and to cleanse, whitewash, and purify the said Dwelling House, *or* to remove or abate the said Accumulation of offensive or noxious Matter, Refuse, Dung, and Offal from the said Piece of Land, *or* to cleanse the said foul and offensive Drain, Privy, or Cesspool.

And for so doing this shall be your sufficient Warrant and Authority.

Given under my Hand, this Day of in the Year of our Lord One thousand eight hundred and

B.C.,
Clerk to the Commissioners of Sewers.

SCHEDULE (D.)

Form of Warrant of Distress.

London, to wit. } To the Commissioners of Sewers of the City of London, and to their Collectors of Rates, and to all Police Constables, Beadles, and Peace Officers for the said City:

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of a House, Building, *or* Land within the [*insert the Name of the Ward or District*], were and are rated and assessed or are liable to the Payment of the Sums of Money set at and opposite to their respective Names hereunder written, by virtue of a Rate duly made under and by virtue of the City of London Sewers Act, 1848, for the Purpose of [*insert the Purpose for which the Rate was made*]: And whereas the said Persons have refused or neglected to pay the several Sums of Money set at and opposite their Names hereunder written, due from them by virtue of such Rate; and the said several Sums of Money are still remaining due and unpaid, as appeareth upon Oath to me [the Mayor *or* One of the Aldermen *or* Justices of the said City], and the said several Persons having been summoned to appear to answer the Premises, as also appeareth to me [the said Mayor *or* Alderman *or* Justice] upon Oath, and they or either of them not having shown any sufficient Cause why such Sums of Money should not be paid by them respectively: Now these are therefore, in Her Majesty's Name, to will and require you or any of you forthwith to levy the said several Sums of Money due from the said Persons, and hereunder set at and opposite to their Names respectively, and also the Two several Sums of [*inserting the Amount of the Costs and Charges for the Summons and for the Warrant*], for the Costs and Charges of the said Summons and of these Presents, by Distress and Sale of their respective Goods and Chattels, such Goods and Chattels being kept for the Space of Five Days before the same are sold, rendering to them respectively the Overplus, if any, on Demand, the reasonable Charges of such Distress, and of any Removal, or keeping Possession, Appraisement, or Sale thereof, being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to me, to the end such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

	£	s.	d.
A.B.			
C.D.			
E.F. (the Landlord for divided Premises)			
G.H. (Landlord for in compounded for)			
K.L. (Tenant.)			

SCHEDULE (E.)

Form of Mortgage Deed.

The City of London Sewers Act, 1848.

Mortgage of Sewer [*or, as the Case may be,* Consolidated] Rate, No.

BY virtue of the City of London Sewers Act, 1848, we, Seven of the Commissioners of Sewers of the City of London, in consideration of the Sum of Pounds paid to us by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing and to be raised and collected by virtue of the said Act under the Name of the Sewer [*or, as the Case may be,* of the Consolidated] Rate, as the said Sum of Pounds doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rate, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds, with Interest for the same at per Cent. per Annum, shall be fully paid and satisfied [*the Principal Sum to be repaid at the End of Years from the Date thereof, in case any Period be agreed for that Purpose*]. In witness whereof we have hereunto set our Hands and Seals, this Day of .

SCHE-

SCHEDULE (F.)

Form of Grant of Annuity.

The City of London Sewers Act, 1848.

By virtue of the City of London Sewers Act, 1848, we, Seven of the Commissioners of Sewers of the City of London, in consideration of the Sum of Pounds paid to us by *A.B.* of for the Purposes of the said Act, do grant unto the said *A.B.* an Annuity or yearly Sum of Pounds to be issuing out of the Rates arising or accruing and to be raised and collected by virtue of the said Act under the Name of the Sewer [*or, as the Case may be,* of the Consolidated] Rates, to be paid to the said *A.B.* during the Term of his natural Life [*or, as the Case may be,* to the said his Executors, Administrators, or Assigns, during the natural Life of *or* during the natural Lives of and and the Life of the Survivor of them], upon the Day of and the Day of in every Year during his natural Life [*or, as the Case may be,* during the natural Life of the said *or* during the natural Lives of the said and and the Life of the Survivor of them], the first Payment thereof to be made upon the Day of next ensuing the Date hereof.

In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (G.)

Form of Transfer of Mortgage or Grant of Annuity.

The City of London Sewers Act, 1848.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or* a certain Grant of Annuity, Number *as the Case may be*], made by the Commissioners of and under the Authority of the City of London Sewers Act, 1848, to bearing Date the Day of for securing the Sum of Pounds and Interest [*or* for granting an Annuity of Pounds, *as the Case may be, or, if such Transfer be by Endorsement,* the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or* the Annuity thereby granted], and in and to the Rates, Money, and Property thereby assigned.

Dated this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (H.)

Form of Conviction.

London, to wit. } Be it remembered, That on the Day of in the Year of our Lord at in the City of London, *A.B.* [*or, if the Offender's Name be unknown, here describe his Person,*] is convicted before me, Mayor *or* One of the Aldermen of the said City, for that [*here describe the Substance of the Offence, and the Time and Place when and where the same was committed*], contrary to the City of London Sewers Act, 1848, or contrary to a Rule or Regulation made by the Commissioners of Sewers of the City of London in pursuance thereof; and I, Mayor, *or* the said Alderman, adjudge the said *A.B.* [*or the Person so described*] to forfeit and pay for such Offence [*or* for the Damage or Injury aforesaid, *if the Offence is to be subject to a Fine,*] the Sum of [*here insert the Penalty, state if it is to be paid forthwith, and when*], together with the Sum of for Costs of this Conviction, [*or, if to be imprisoned,*] do adjudge the said *A.B.* [*or the Person so described*] to be committed to [*naming the Gaol*] for the Space of [*insert the Time, and if the Commitment be for the Nonpayment of a Penalty add*] unless the said Sum shall be sooner paid.

Given under my Hand and Seal, the Day and Year first above mentioned.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be printed by the several Printers to the Queen's "most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy "thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, "and others."

Cap. 1.

AN Act to authorize the feuing of the Glebe Lands of the Parish of *Govan* in the County of *Lanark.* [9th *June* 1848.]

Cap. 2.

An Act for authorizing the Trustees of the Will of the late *Calmady Pollexfen Hamlyn* Esquire, under the Direction of the Court of Chancery, to pull down the Mansion or Dwelling House at *Paschoe* in the County of *Devon*, Part of the Estates devised by the said Will, and to rebuild the same, and to raise Money for those Purposes by Mortgage of the said Estates; and for making Provision for the Payment of the Principal Monies so raised; and for other Purposes. [30th *June* 1848.]

Cap. 3.

An Act for confirming an Exchange of certain Lands in the Parish of *Wilton* in the County of *Somerset*, heretofore Part of the Augmentation of the Perpetual Curacy of *Hill Bishops* otherwise *Bishops Hull* in the same County, for certain Lands in the Parish of *Staplegrove* in the same County, and for other Purposes. [22d *July* 1848.]

Cap. 4.

An Act to authorize the Sale to the Right Honourable *George Harry* Earl of *Stamford and Warrington* of certain Freehold and Leasehold Hereditaments in the County of *Salop* devised by the Will of *Polly Hale* Widow, deceased, and for directing the Investment of the Purchase Money in other Hereditaments, to be settled in like Manner. [14th *August* 1848.]

Cap. 5.

An Act to authorize Grants in Fee and Leases for long Terms of Years, for Building Purposes, of the devised Estate of *John Newton* Esquire, deceased, situate at *Gorton* in the Parish of *Manchester* in the County of *Lancaster.* [14th *August* 1848.]

Cap. 6.

An Act for enabling Sales, Leases, and Mortgages to be made of certain Estates in the County of *York* heretofore belonging to *John Fullerton.* [14th *August* 1848.]

Cap. 7.

An Act to enable the Trustees of the Will of *Edward Jessop* the elder to sell the Estates devised by such Will, and to lay out the Money to arise therefrom in the Purchase of other Estates, under the Direction of the Court of Chancery. [14th *August* 1848.]

Cap. 8.

An Act for enabling Leases and Sales to be made of an Estate at *Horton* in the Parish of *Bradford* in the County of *York*, holden upon the Trusts of the Will of *Jacob Hudson* deceased. [14th *August* 1848.]

Cap. 9.

An Act to enable Sir *William Miller* of *Glenlee* and *Barskimming*, Baronet, Heir of Entail in possession of the Lands and Estates of *Glenlee*, *Barskimming*, and others, lying in the Stewartry of *Kirkcudbright* and County of *Ayr*, to exchange certain Portions of the said Estates, and to sell certain Parts thereof, for the Payment and Extinction of the Debts, Obligations, and Burdens affecting the same. [14th *August* 1848.]

Cap. 10.

An Act for incorporating the Governors and Trustees of the United Charities of *Nathaniel Waterhouse*, appointed by virtue of an Act passed in the Seventeenth Year of the Reign of King *George* the Third, intituled *An Act for uniting and better regulating the Charities of* Nathaniel Waterhouse *within the Town and Parish of* Halifax *in the West Riding of the County of* York, and amending the Powers and Provisions of the said Act, and granting other Powers and Provisions enabling the Governors and Trustees of the said United Charities, when incorporated, to sell and to convey Parts of the Lands of the Charity Estates, make Exchanges of the Lands of the said Estates for other Lands, lease Mines, fell Timber, and effect Improvements; and for regulating the Application of the Revenues, Rents, and Income of the said Estates, and enlarging the charitable Uses of the said Charities, and for other Purposes concerning the same. [14th *August* 1848.]

Cap. 11.

An Act to provide for the better Administration of certain Charities in the Parish of *Sandbach* in the County of *Chester*, and the Distribution of the Income thereof, and for vesting the Estates and Property belonging to the Charities in new Trustees, and to enable the Trustees to grant Leases of the Charity Estates; and for other Purposes. [31st *August* 1848.]

Cap. 12.

An Act to alter and amend an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, for enabling the Trustees of the Will of *Francis* late Duke of *Bridgewater* to carry into execution certain Articles of Agreement entered into by them with the Right Honourable *Francis Egerton* now Earl of *Ellesmere*. [31st *August* 1848.]

Cap. 13.

An Act for the Sale of the Glebe Lands belonging to the Rectory of *Woolwich* and the Parish Church of *Saint Mary Woolwich* in the County of *Kent*, and to confirm the Building Leases of such Lands, and for Endowment of a new Ecclesiastical District; and for other Purposes. [31st *August* 1848.]

Cap. 14.

An Act for extending certain Powers of an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for enlarging the Powers contained in the Will of Sir* John Ramsden *Baronet, deceased, to grant Leases of the Hereditaments in the Townships of* Huddersfield, Honley, Dalton, *and* Almondbury, *devised by such Will, and for other Purposes*, to the Hereditaments in the Parishes of *Almondbury*, *Kirkheaton*, and *Huddersfield* comprised in the Settlement made on the Marriage of *John Charles Ramsden* Esquire, deceased; and for other Purposes. [31st *August* 1848.]

Cap. 15.

An Act to authorize the granting of Building Leases for Ninety-nine Years of Parts of the Trust Estates of the Will of the late *Charles Robert Blundell* Esquire, situate in the Parishes of *Sefton*, *Walton on the Hill*, and *North Meols* in the County of *Lancaster*, and to lease waste Lands and Coal and other Mines, and to exchange certain detached and intermixed Lands, other Parts of the said Trust Estates. [31st *August* 1848.]

Cap. 16.

An Act for granting Building and other Improvement Leases of the settled Estates of the Right Honourable *George Augustus Frederick Charles* Earl of *Sheffield*, situate in the Parishes of *Newhaven* and *Bishopstone* in the County of *Sussex*. [31st *August* 1848.]

Cap. 17.

An Act to amend a Settlement made by the Most Honourable the Marquess and Marchioness of *Londonderry* and the Honourable Viscount *Seaham*; and for other Purposes therein mentioned. [31st *August* 1848.]

Cap. 18.

An Act for compromising certain Suits and Claims affecting Parts of the Estates of the late Marquess of *Antrim*, and for settling certain Lands intermixed with Parts of such Estates. [31st *August* 1848.]

Cap. 19.

An Act for vesting the Two undivided Sixth Shares of *Christopher Alderson*, a Lunatic, and *Mary Alderson* Spinster, a Person of unsound Mind, as Two of the Six Children of *Christopher Alderson Alderson* deceased, in certain Freehold Estates in the Counties of *Middlesex*, *Hertford*, and *York*, in Trustees, in whom the other Four undivided Sixth Shares are now vested, upon trust for Sale. [31st *August* 1848.]

Cap. 20.

An Act to alter and amend certain Powers of leasing contained in the last Will and Testament of the late Most Honourable *John Crichton Stuart* Marquess of *Bute* and Earl of *Dumfries* deceased. [31st *August* 1848.]

Cap. 21.

An Act for altering an Act made and passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria*, for enabling the Master and Brethren of the Hospital of *Saint Mary the Virgin* within the Borough of *Newcastle-upon-Tyne* to grant Leases of their Estates; and for other Purposes. [31st *August* 1848.]

Cap. 22.

An Act for the Relief of the Right Honourable *Richard* Earl of *Glengall* in respect of his Estates in the Counties of *Waterford* and *Tipperary* in *Ireland*, and for vesting the same Estates in Trustees for effecting such Relief. [4th *September* 1848.]

INDEX

TO THE

PUBLIC GENERAL ACTS, 11° & 12° VICTORIÆ.

The Asterisk (*) signifies that the Act relates exclusively to Ireland.

ABOLITION of the Traffic in Slaves, for carrying into effect the Treaty for, between Her Majesty and the Republic of the Equator - - Cap. 116
——— for carrying into effect the Agreements for, between Her Majesty and the Imaum of Muscat - - 128
Accounts (Parochial and Union), to make Provision for the Audit of, and the Allowance of certain Charges therein - 91
——— of the Commissioners of Woods, to regulate and simplify the Mode of keeping - 102
Actions (Vexatious), to protect Justices of the Peace from, for Acts done by them in execution of their Office - 44
Administration of Criminal Justice, for Removal of Defects in - 46
Administration of the Criminal Law, for further Amendment of - 78
Administration of Justice, to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, with respect to Persons charged with indictable Offences - - 42
——— to facilitate the Performance of the Duties of Justices of the Peace out of Sessions with respect to summary Convictions and Orders - - 43
Administration of Oaths (Court of Chancery), empowering certain Officers of the High Court of Chancery to administer Oaths and take Declarations and Affirmations - - 10
Affirmations, for empowering certain Officers of the High Court of Chancery to take - - 10
Aliens, to authorize the Removal of, from the Realm, for One Year, and to the End of the then next Session of Parliament - 20
America. *See* Colonies. North America.
Annuities, for raising the Sum of 2,000,000*l.* by Exchequer Bills, or by the Creation of, for the Service of 1848 - - 125
Application of Sums to the Service of 1848:
8,000,000*l.* - Cap. 4
3,000,000*l.* - - 33
Appropriation of Supplies - 126
Archbishops and Bishops, and other Persons, enabled to compromise Suits touching their Rights of Patronage as to Ecclesiastical Benefices in certain Cases *76
Army; annual Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - 11
——— to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of the Royal Military Asylum, and in improving such Asylum - - 103
Ashton-under-Lyne, to confirm the Incorporation of the Borough of - - - 93
Assessionable Manors Commissioners, to confirm the Awards of, and for other Purposes relating to the Duchies of Cornwall and Lancaster - - 83
Auditors (District), to prevent, from taking Proceedings in certain Cases - - - 114

Bankrupts, empowering the Commissioners of the Court of Bankruptcy to order the Release of, from Prison, in certain Cases 86
Baronies, to repeal the Provisions of the Acts which give Remedies against, in respect of Robbery *69
Battersea Fields, to enlarge the Powers of 9 & 10 Vict. c. 38. empowering the Commissioners of Woods to form a Royal Park in - 102
Beer, for regulating the Sale of, and of other Liquors on the Lord's Day - - - 49
Borough Police Superannuation Fund, for authorizing - - 14
Boroughs, to confirm the Incorporation of certain - - 93
Bridges. *See* Roads and Bridges.
British Colonies. *See* Colonies.
British Guiana, for aiding the Colony of, in raising Money for the Promotion of Immigration of free Labourers - Cap. 22
British Spirits Warehousing. *See* Spirits.

Caledonian Canal, for incorporating the Commissioners of, and for vesting the Crinan Canal in the said Commissioners - 54
Canada; to repeal so much of 3 & 4 Vict. c. 35. to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, as relates to the Use of the English Language in Instruments relating to the Legislative Council and Legislative Assembly of the Province of Canada - 56
Cattle, or other Animals, to prohibit the Importation of, for the Purpose of preventing the Introduction of contagious or infectious Disorders - 105
——— to prevent until 1st September 1850 the spreading of contagious or infectious Disorders among - - - 107
Certificates under the Act for authorizing the Advance of Money for the Improvement of Land by Drainage, to simplify the Forms of - - 119
Chancery, empowering certain Officers of the High Court of, to administer Oaths, and take Declarations and Affirmations - 10
——— to regulate certain Offices in the Petty Bag in the High Court of, the Practice of the Common Law Side of that Court, and the Enrolment Office of the said Court - - 94
——— for the Appointment of additional Taxing Masters for the High Court of, and to regulate the Appointment of the principal Assistants to the Masters in the Superior Courts of Law *132

Channel Islands and the Isle of Man, for rendering certain Newspapers published in, liable to Postage - - Cap. 117
Chelsea Out-Pensioners, to amend the Acts for rendering effective the Service of, and to extend them to the Pensioners of the East India Company - - 84
Churches (Building), to continue until 20th July 1853 Her Majesty's Commission for building new Churches - - 71
Civil Bills, to amend certain Acts in force in Ireland in relation to Appeals from Decrees and Dismisses on, in the County of Dublin and County of the City of Dublin - - *34
Civil Services, for consolidating the Office of Paymaster of, with the Office of Paymaster General 55
Collectors of Grand Jury Cess, to remove Difficulties in the Appointment of - - *26
Colonies (British) on the Continent of South America, in the West Indies, and the Mauritius, for guaranteeing the Interest on such Loans, not exceeding 500,000*l.*, as may be raised in, for certain Purposes - 130
Commissioners of Land Tax, Appointment of additional - 62
Commissions of Sewers (Metropolitan), to consolidate, and continue in force for Two Years 112
Common Pleas, for dispensing with the Evidence of the Proclamations on Fines levied in the Court of - - 70
Commons Inclosure, to authorize the Inclosure of certain Lands, in pursuance of the Reports of the Inclosure Commissioners 27, 109
——— to further extend the Provisions of the Act for the Inclosure and Improvement of Commons - - 99
Companies. *See* Joint Stock Companies.
Consolidated Fund, to apply the Sum of 8,000,000*l.* out of, to the Service of 1848 - - 4
——— to apply the Sum of 3,000,000*l.* out of, to the Service of 1848 33
——— to apply a Sum out of, and certain other Sums, to the Service of 1848 - - 126
Constabulary Force, to amend the Acts relating to, and to amend the Provisions for the Payment of Special Constables - *72
Contagious or Infectious Disorders, to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of - Cap. 105
——— to prevent the spreading of, among Sheep, Cattle, and other Animals, until 1st September 1850 - - - 107
——— to explain and amend 9 & 10 Vict. c. 96. for the Prevention of contagious and epidemic Diseases - - 123
Controverted Elections, to remove certain Doubts as to the Law for the Trial of - - 18
——— to amend the Law for the Trial of Election Petitions 98
Copper, to reduce the Duties on 127
Corn Markets and Corn Trade, to repeal so much of 23 & 24 G. 3. (I.) for punishing such Persons as shall by Violence obstruct the Freedom of, and for making Satisfaction to the Parties injured, as relates to the making of Satisfaction to the Parties injured - - *69
Cornwall (Duchy of). *See* Assessionable Manors Commissioners.
County Cess, to facilitate the Collection of - - *32
——— *See* Poor Rate Poundage.
Crime and Outrage, for the better Prevention of, in certain Parts until 1st Dec. 184 - *2
Criminal Justice, for Removal of Defects in Administration of 46
Criminal Law, for further Amendment of the Administration of - 78
Crinan Canal. *See* Caledonian Canal.
Crown and Government Security, for the better Security of the Crown and Government of the United Kingdom - - 12
Customs, to repeal the Duties of, upon the Importation of Sugar, and to impose new Duties - 97

Dealers in Spirits. *See* Spirits.
Debt, to amend the Law of Imprisonment for, and to improve the Remedies for the Recovery of Debts, in certain Cases - *28
Debtors (Insolvent) in India, to consolidate and amend the Laws relating to - - 21
Debts, to extend the Provisions of 11 G. 4. & 1 W. 4. c. 47., for consolidating and amending Laws for facilitating the Payments of, out of Real Estate - 87
——— to make Provision for the Payment of Parish Debts - 91
Declarations, for empowering certain Officers of the High Court of Chancery to take - - 10
Decrees and Dismisses on Civil Bills in the County and County of the City of Dublin, to amend certain Acts in force in relation to Appeals from Cap. *34
Desertion. *See* Army.
Diplomatic Relations with the Sovereign of the Roman States, for enabling Her Majesty to establish and maintain - 108
Diseases (Contagious and Epidemic), to explain and amend 9 & 10 Vict. c. 96. for the Prevention of - - - 123
Disorders (Contagious or Infectious), to prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of 105
——— to prevent the spreading of, among Sheep, Cattle, and other Animals, until 1st September 1850 - - - 107
Distillation of Spirits from Sugar, Molasses, and Treacle, to permit 100
Distress, to amend 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for the Relief of, by Employment of the labouring Poor, and to indemnify those who have acted in such Proceedings - - *106
District Auditors, to prevent, from taking Proceedings in certain Cases - - - 114
Divisional Justices. *See* Justices.
Drainage, to provide additional Funds for Loans for - - *51
——— to simplify the Forms of Certificates under 9 & 10 Vict. c. 101. for authorizing the Advance of Money for the Improvement of Land by - - 119
Dublin, to remove Doubts as to the Jurisdiction of the Divisional Justices of, relating to the Recovery of Poor Rates, and other Cases - - - *26
——— to amend certain Acts in force in relation to Appeals from Decrees and Dismisses on Civil Bills in the County and County of the City of - - *34
——— Police, for the further Amendment of the Acts relating to *113
Duties. *See* Copper. Lead. Post Horses. Spirits. Stamp Duties. Sugar.

East India Company, to extend the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners to the Pensioners of - 84

Ecclesiastical Commissioners empowered to allow Sums paid paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under 3 & 4 W. 4. c. 37., for the Purpose of a certain Tax thereby imposed on such Property - - Cap. *80
——— to carry into effect the Arrangements of, for making better Provision for the Cure of Souls in the Parish of Wolverhampton - - 95
Ecclesiastical Districts, to amend the Law relative to the Assignment of - - - 37
Ecclesiastical Jurisdiction, for continuing until 1st August 1849 certain temporary Provisions in 10 & 11 Vict. c. 98. concerning - - - 67
Ecclesiastical Patronage, to enable Archbishops and Bishops and other Persons to compromise Suits touching their Rights of Patronage as to Ecclesiastical Benefices, in certain Cases *76
——— *See* Leicester. Stoneleigh.
Ecclesiastical Persons. *See* Poor Rate Poundage.
Ecclesiastical Unions and Divisions of Parishes, to amend the Laws relating to - - - *41
Education of the Infant Poor, to amend the Law for the Formation of Districts for - - 82
Elections (Controverted), to remove certain Doubts as to the Law for the Trial of - - 18
——— to amend the Law for the Trial of Election Petitions 98
Electors (Parliamentary), to regulate the Times of Payment of Rates and Taxes by - - 90
Enrolment Office of the Court of Chancery, to regulate - 94
Entail, for the Amendment of the Law of - - - 36
Epidemic Diseases. *See* Diseases.
Equator (Republic of the), for carrying into effect the Treaty between Her Majesty, and the, for the Abolition of the Traffic in Slaves - - - 116
Estates (Incumbered), to facilitate the Sale of - - - *48
Evicted Destitute Poor, for the Protection and Relief of - *47
Exchequer Bills, raising 17,946,500*l.* by, for the Service of 1848 - 16
——— raising 2,000,000*l.* by, or by the Creation of Annuities, for the Service of 1848 - 125
Exchequer Bills, for consolidating the Office of Paymasters of, with the Office of Paymaster General - - Cap. 55
Excise, to alter the Laws and Regulations of, respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders; and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise - - 121

Fever, to amend and continue, until 1st November 1849, 9 & 10 Vict. c. 6. to make Provision for the Treatment of poor Persons afflicted with - - *131
Fines, for dispensing with the Evidence of the Proclamations on, levied in the Court of Common Pleas at Westminster - - 70
Fisheries, for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries *92
Fleet Prison; to amend 5 & 6 Vict. c. 22. for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison - 7

Game Certificates; to enable Persons having a Right to kill Hares to do so by themselves or Persons authorized by them, without being required to take out a Game Certificate - 29, 30
General Act:—Local Acts, preliminary Inquiries - - 129
Grand Jury Cess, to remove Difficulties in the Appointment of Collectors of - - - *26
Great Yarmouth, for disfranchising the Freemen of - - 24
Greenwich Out-Pensioners, to amend the Acts for rendering effective the Services of, and to extend the same to the Pensioners of the East India Company - 84
Guiana (British), for aiding the Colony of, in raising Money for the Promotion of Immigration of free Labourers - - 22

Habeas Corpus Suspension, until 1st March 1849 - - *35
Hackney Carriage Acts. *See* Post Horses.
Hares, to enable Persons having a Right to kill, to do so by themselves or Persons authorized by them, without being required to take out a Game Certificate 29, 30
Health (Public), for promoting - 63
Highlands, to alter the Mode of assessing the Funds leviable in the County of Inverness for making and maintaining certain Roads and Bridges and other Works in - - Cap. 40
Highway Rates, to continue, until 1st October 1849, 4 & 5 Vict. c. 59. for authorizing the Application of, to Turnpike Roads - 66
Hundreds, to repeal the Provisions of Acts which give Remedies against, in respect of Robbery *69
Hunningham. *See* Stoneleigh.

Importation. *See* Cattle. Sheep. Spirits. Sugar.
Imprisonment for Debt, to amend the Law of, and to improve the Remedies for the Recovery of Debts - - - *28
Improvements (Metropolitan), to facilitate the raising of Monies for 102
Inclosure of certain Lands, to authorize, in pursuance of Reports of the Inclosure Commissioners 27, 109
——— and Improvement of Commons, to further extend the Provisions of the Act for - - 99
Incumbered Estates, to facilitate the Sale of - - *48
Indemnity Act, annual - - 19
Indictable Offences. *See* Administration of Justice.
Infant Poor, to amend the Law for the Formation of Districts for the Education of - - 82
Infectious Disorders. *See* Contagious or Infectious Disorders.
Insolvent Debtors Court, to authorize the Application of Part of the unclaimed Money in, for enlarging the Court House of the said Court - - - 77
Insolvent Debtors (India), to consolidate and amend the Law relating to - - - 21
Inverness (County of), to alter the Mode of assessing the Funds leviable in, for making and maintaining certain Roads and Bridges in the Highlands - 40
Isle of Man, for rendering certain Newspapers published in, liable to Postage - - - 117

Joint Stock Companies unable to meet their pecuniary Engagements, to amend the Acts for facilitating the winding up the Affairs of, and also to facilitate the Dissolution and winding up of Joint Stock Companies and other Partnerships - 45

Jurisdiction (Ecclesiastical), to continue until 1st August 1849 certain temporary Provisions in 10 & 11 Vict. c. 98. concerning Cap. 67
Justice (Criminal), for the Removal of Defects in the Administration of - - - 46
Justices (Divisional) of the Police District of Dublin Metropolis, to remove Doubts as to the Jurisdiction of, relating to the Recovery of Poor Rates, and other Cases - - *26
Justices of Peace out of Sessions, to facilitate the Performance of the Duties of, with respect to Persons charged with indictable Offences - - - 42
——— to facilitate the Performance of the Duties of, with respect to summary Convictions and Orders - - - 43
——— to protect them from vexatious Actions for Acts done by them in execution of their Office 44
Justiciary, to facilitate and simplify Procedure in the Court of - 79
Juvenile Offenders, for the more speedy Trial and Punishment of - *59

Labouring Poor. *See* Poor.
Lancaster (Duchy of). *See* Assessionable Manors Commissioners.
Land, to extend the Powers given by former Acts for purchasing or hiring, in connexion with or for the Use of Workhouses - *25
——— to simplify the Forms of Certificates under 9 & 10 Vict. c. 101. authorizing the Advancement of Money for the Improvement of, by Drainage - - 119
Land Tax, to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - 62
Landed Property, to facilitate the Transfer of - - *120
Law of Entail, for Amendment of 36
Lead, to reduce the Duties on - 127
Leicester (Right Hon. Thomas William Coke, Earl of), to effect an Exchange of Ecclesiastical Patronage between Her Majesty and 61
Licences. *See* Post Horses.
Loan Fund Institution, to vest in Her Majesty the Property of, and to dissolve - - - *115
Loan Societies, to continue, until 1st October 1849, 3 & 4 Vict. c. 110. to amend the Laws relating to Loan Societies - - 64
Loans for Drainage and other Works of public Utility, to provide additional Funds for - - *51
Local Acts, for amending 9 & 10 Vict. c. 106. for making preliminary Inquiries in certain Cases of Application for - Cap. 129
Lock-up Houses on the Borders of Counties, to provide for the Expenses of erecting and maintaining - - - 101
London Bridge Approaches Fund, to amend 10 & 11 Vict. c. 115. for varying the Priorities of the Charges made on, and to facilitate certain Improvements 124
Lord Lieutenant, or other Chief Governor or Governors of Ireland, empowered to apprehend such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government - - - *35
Lord's Day, for regulating the Sale of Beer and other Liquors on the 49
Lower Canada. *See* Canada.

Man (Isle of), for rendering certain Newspapers published in, liable to Postage - - 117
Marine Forces (Royal), annual Act for the Regulation of, while on shore - - 15
Markets. *See* Corn Markets.
Marshalsea Prison; to amend 5 & 6 Vict. c. 22. for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison 7
Mauritius. *See* Colonies.
Metropolitan Commissions of Sewers, to consolidate, and continue in force for Two Years - 112
Metropolitan Improvements, to facilitate the raising of Monies for 102
Military Asylum (Chelsea). *See* Royal Military Asylum.
Militia, to suspend until 1st October 1849 the making of Lists, and the Ballots and Enrolments for - - - 65
——— annual Act for the Pay, Cloathing, &c. of the disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers - 75
Millbank Prison, for amending 6 & 7 Vict. c. 26. for regulating - 104
Mines, for amending the Law for the leasing of - - *13
Molasses, to permit the Distillation of Spirits from - - 100
Money Order Department of the Post Office, for regulating - 88
Monument (Scotland). *See* National Monument.
Muscat (Imaum of), for carrying into effect the Agreements between Her Majesty and, for the more effectual Suppression of the Slave Trade - Cap. 128
Mutiny Act, annual, for the Army 11
——— for the Royal Marine Forces while on Shore - - 15

National Monument; to alter and amend 3 G. 4. c. 100. to incorporate the Contributors for the Erection of a National Monument in Scotland to commemorate the Naval and Military Victories obtained during the late War - - 23
Naval Medical Supplemental Fund Society, to authorize for Ten Years the Regulation of the Annuities and Premiums of the - - - 58
Newspapers; for rendering certain Newspapers published in the Channel Islands and the Isle of Man liable to Postage - 117
New Zealand Islands, to suspend for Five Years the Operation of certain Parts of 9 & 10 Vict. c. 103. for making further Provision for the Government of, and to make other Provision in lieu thereof - - 5
North America, to make further Provision for One Year for the Carriage of Passengers to, by Sea - - - 6
Norwich (Diocese of), for the Severance and Consolidation of certain Benefices in - - 61
Nuisances, to renew and amend 9 & 10 Vict. c. 96. for the more speedy Removal of certain - 123

Oaths, for empowering certain Officers of the High Court of Chancery to administer - 10
——— (Unlawful), to continue for Two Years, and to amend, 2 & 3 Vict. c. 74., to extend and render more effectual for Five Years 4 G. 4. c. 87. to amend 50 G. 3. c. 102. for preventing the administering and taking of - - *89
Offenders (Juvenile), for the more speedy Trial and Punishment of - - - *59
Offices, to continue for Three Years the Duties on Profits arising from - - - 8
Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for - 18

Out-Pensioners (Chelsea and Greenwich), to amend the Acts for rendering effective the Service of, and to extend them to the Pensioners of the East India Company - - Cap. 84
Outrage, for the better Prevention of, in certain Parts, until 1st Dec. 1849 - - - *2

Parishes, to amend the Laws relating to the Ecclesiastical Unions and Divisions of - - *41
——— to make Provision for Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein - 91
Parliamentary Electors, to regulate the Times of Payment of Rates and Taxes by - - 90
Passengers, to make further Provision for One Year, &c. for the Carriage of, by Sea, to North America - - 6
——— for limiting, in certain Cases, the Number of, to be conveyed in Steam Vessels - 81
Patronage to Ecclesiastical Benefices, enabling Archbishops and Bishops, and other Persons, to compromise Suits touching their Rights of, in certain Cases *76
Paymaster General, for consolidating the Offices of Paymasters of Exchequer Bills, and Paymaster of Civil Services, with the Office of, and for making other Provisions in regard to the consolidated Offices - 55
Penalties under the Post Horse, Stage, and Hackney Carriage Acts, to explain the Law respecting Proceedings for - - 118
Pensioners of the East India Company, to extend to, the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners - - 84
Petitions (Election), to amend the Law for the Trial of - 98
Petty Bag, to regulate certain Offices in, in the High Court of Chancery - - - 94
Police (Borough) Superannuation Fund, for authorizing - 14
——— (Dublin), for the further Amendment of the Acts relating to - - *113
Poor, providing for the Burial of *25
——— to amend the Procedure in respect of Orders for the Removal of, and Appeals therefrom - - - 31
——— for the Protection and Relief of the destitute Poor evicted from their Dwellings - *47
Poor, to amend the Law for the Formation of Districts for the Education of Infant Poor - Cap. 82
——— to continue until 1st October 1849, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor - - - 85
——— to amend 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for the Relief of Distress, by Employment of the labouring Poor, and to indemnify those who have acted in such Proceedings - *106
——— to alter the Provisions relating to the Charges for the Relief of, in Unions - - - 110
——— to amend 9 & 10 Vict. c. 66. for amending the Laws relating to the Removal of - 111
——— to amend, and continue until 1st November 1849, 9 & 10 Vict. c. 6. to make Provision for the Treatment of poor Persons afflicted with Fever *131
Poor Rates, to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of Dublin Metropolis relating to the Recovery of *26
Poor Rate Poundage; to empower Lessees of Tithe Rent-charge to deduct a Proportion of Poor Rate Poundage from Rent; and also to empower the Ecclesiastical Commissioners in Ireland to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under 3 & 4 W. 4. c. 37. for the Purpose of a certain Tax thereby imposed upon such Property - - *80
Postage, for rendering certain Newspapers published in the Channel Islands and the Isle of Man liable to - - 117
Post Horses, to explain and amend the Law as to the Licence required for letting, in Ireland, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom - - 118
Post Office, for the further Regulation of the Money Order Department of - - - 88
Prisons, to amend 5 & 6 Vict. c. 22. for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison - Cap. 7
——— to facilitate the raising of Money by Corporate Bodies for building or repairing - 39
——— for amending 6 & 7 Vict. c. 26. for regulating the Prison at Millbank - - 104
Proclamations on Fines levied in the Court of Common Pleas at Westminster, for dispensing with the Evidence on - - 70
Property, to continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices - 8
Public Health, for promoting - 63
Public Works, to facilitate the Completion of, in certain Cases *1
——— amending the above Act *17
——— *See* Drainage.

Queen, to enable Her Majesty to exchange the Advowson of the Vicarage of Stoneleigh (Warwick) for the Advowsons of the Rectory of Yoxall (Stafford) and the Perpetual Curacy of Hunningham (Warwick) 57
——— to effect an Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of Leicester - 61
——— for enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of the Roman States 108
——— to vest in Her Majesty the Property of the Irish Reproductive Loan Fund Institution *115
——— for carrying into effect the Treaty between Her Majesty and the Republic of the Equator for the Abolition of the Traffic in Slaves - 116
——— for carrying into effect the Agreements between Her Majesty and the Imaum of Muscat for the more effectual Suppression of the Slave Trade - 128
Queen's Bench; amending 5 & 6 Vict. c. 22. for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison - 7

Railways, to give further Time for making certain - - 3
Rates, to regulate the Times of Payment of, by Parliamentary Electors - - 90

Real Estate, to extend the Provisions of 11 G. 4. & 1 W. 4. c. 47. for consolidating and amending the Laws for facilitating the Payment of Debts out of Cap. 87
Recovery of Debts, and of the Possession of Tenements, situate in Cities and Towns, to improve the Remedies for - *28
Regent's Quadrant, to empower the Commissioners of Her Majesty's Woods to remove the Colonnade in the - - 50
Registration, to authorize the Lords of Council and Session to regulate the Rates or Dues of, to be charged by the Keepers of the Registers of Sasines, Reversions, &c. - - - 74
Removal of Aliens from the Realm, to authorize for One Year, and to the End of the then next Session of Parliament - 20
Removal of the Poor, to amend the Procedure in respect of Orders for, and Appeals therefrom 31
—— to amend 9 & 10 Vict. c. 66. for amending the Laws relating to - - - - 111
Reproductive Loan Fund Institution, to vest the Property of, in Her Majesty, and to dissolve *115
Retailers of Spirits. *See* Spirits.
Reversions. *See* Registration.
Roads and Bridges, and other Works in the Highlands, to alter the Mode of assessing the Funds leviable in the County of Inverness, for making and maintaining certain - - 40
Robbery, to repeal the Provisions of the Acts which give Remedies against any Hundreds or Baronies in respect of - *69
Roman States, for enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of - - 108
Royal Military Asylum, to authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of, and in improving - - 103
Sale of Beer Regulation, for regulating the Sale of Beer and other Liquors on the Lord's Day 49
Salford, to confirm the Incorporation of the Borough of - 93
Salmon, and Fish of the Salmon Kind, to explain the Acts for preventing the Destruction of the Breed of - - 52
—— for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries - - - *92
Sasines (Registers of). *See* Registration.
Savings Banks, to amend the Laws relating to - - Cap. *133
Sewers, to consolidate and continue in force for Two Years the Metropolitan Commissions of - 112
Sheep, to prohibit the Importation of, for the Purpose of preventing the Introduction of contagious or infectious Disorders - 105
—— to prevent, until 1st Sept. 1850, the spreading of contagious or infectious Disorders among 107
Slaves, for carrying into effect the Treaty between Her Majesty and the Republic of the Equator for the Abolition of the Traffic in - - 116
—— for carrying into effect the Agreement between Her Majesty and the Imaum of Muscat for the more effectual Suppression of the Slave Trade - 128
South America. *See* Colonies.
Special Constables, to amend the Provisions for the Payment of *72
Spirits or Strong Waters, to alter the Duties payable on the Importation of - - - - 60
—— to permit the Distillation of, from Sugar, Molasses, &c. 100
—— to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders - - - 121
—— to amend the Laws respecting the Warehousing of British Spirits, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and Rectified Spirits, to be exported on Drawback from any Part of the United Kingdom; and respecting certain Spirit Mixtures, and the Removal of Goods subject to Excise Regulations from Customs Warehouses - 122
Stage Carriage Acts. *See* Post Horses.
Stamp Duties granted by 5 & 6 Vict. c. 82. to continue for Three Years, and to make Regulations for collecting and managing the same - - - - 9
Steam Navigation, for the further Regulation of, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels - - 81
Stock in Trade Exemption from Liability to be rated to the Relief of the Poor to continue until 1st October 1849 - - 85
Stoneleigh, to enable Her Majesty to exchange the Advowson of the Vicarage of, for the Advowsons of the Rectory of Yoxall and the Perpetual Curacy of Hunningham - Cap. 57
Sugar, to repeal the Duties of Customs upon the Importation of, and to impose new Duties in lieu thereof - - - - 97
—— to permit the Distillation of Spirits from - - - 100
Summary Convictions and Orders. *See* Administration of Justice.
Sunday. *See* Lord's Day.
Supplies, Appropriation of - - 126

Taxes, to regulate the Times of Payment of, by Parliamentary Electors - - - 90
—— *See* Land Tax. Property. Trades.
Taxing Masters. *See* Chancery.
Tenements, to improve the Remedies for the Recovery of the Possession of, situate in Cities and Towns, in certain Cases *28
Tithe Rent-charge, to empower Lessees of, to deduct a Proportion of Poor Rate Poundage from Rent *80
Tobago, for granting Relief to the Island of - - - - 22
Trades, to continue for Three Years the Duties on Profits arising from - - - - - 8
Transfer of Landed Property, to facilitate - - - - *120
Treacle, to permit the Distillation of Spirits from - - 100
Treaties. *See* Equator. Muscat.
Trinidad, for aiding the Colony of, in raising Money for the Promotion of Immigration of free Labourers - - 22
Trout; for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries - *92
Trustees Relief; for extending to Ireland 10 & 11 Vict. c. 96. for better securing Trust Funds, and for the Relief of Trustees *68
Turnpike Roads, to continue, until 1st October 1849, 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to - 66
—— to continue until 31st July 1849 certain Acts for regulating *73
—— to continue certain Turnpike Acts for limited Periods - 96

Unions; to make Provision for the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein - 91

Unions, to alter the Provisions relating to the Charges for the Relief of the Poor in - - Cap. 110
Unlawful Oaths. *See* Oaths.
Upper Canada. *See* Canada.

Vexatious Actions, to protect Justices of the Peace from, for Acts done by them in execution of their Office - - 44

Wakefield, } to confirm the Incorpo-
Warrington } ration of the Boroughs of 93
West Indies. *See* Colonies.
West India Relief Commissioners authorized to grant further Time for the Repayment of Monies advanced by them in certain Cases 38
Westminster (City), to facilitate the Completion of certain Improvements in - - Cap. 124
Windsor, making certain Alterations and Improvements in the Approaches to the Castle and Town of - - 53
Wolverhampton, to confirm the Incorporation of the Borough of 93
——— to carry into effect the Arrangements of the Ecclesiastical Commissioners for England for making better Provision for the Cure of Souls in the Parish of 95
Woods, Commissioners of, empowered to remove the Colonnade in the Regent's Quadrant - 50
——— empowered to make certain Alterations and Improvements in the Approaches to the Castle and Town of Windsor - 53
Woods, Commissioners of, to enlarge the Powers of 9 & 10 Vict. c. 38. empowering them to form a Royal Park in Battersea Fields; to facilitate the raising of Monies authorized to be raised by them for Metropolitan Improvements; and to regulate and simplify the Mode of keeping their Accounts - Cap. 102
Workhouses, to extend the Powers given by former Acts for purchasing or hiring Land in connexion with or for the Use of - - - *25
Works. *See* Public Works.

Yarmouth (Great), for disfranchising Freemen of Borough of - 24
Yoxall. *See* Stoneleigh.

THE

STATUTES at Large, &c.

Anno Regni VICTORIÆ, Britanniarum Reginæ, Duodecimo & Decimo Tertio.

'AT the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, *Anno Domini* 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith: And from thence continued by several Prorogations to the First Day of *February* 1849; being the Second Session of the Fifteenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.'

CAP. I.

An Act to consolidate the Boards of Excise and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision for the Collection of such Revenue.

[27th *February* 1849.]

'WHEREAS by Her Majesty's Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland* certain Persons therein named have been constituted and appointed, and now are, Commissioners of Excise for the Collection and Management of the whole of Her Majesty's Revenue of Excise arising in and throughout the whole of the said United Kingdom, and the Islands and Territories thereunto respectively belonging, and by the same Letters Patent the same Persons have also been constituted and appointed, and now are, Commissioners of Stamps and Taxes: And whereas it is expedient that the several Revenues, Duties, Matters, and Things under the Care and Management of the said Commissioners of Excise and of the said Commissioners of Stamps and Taxes respectively should be and remain under the Care and Management of One consolidated Board of Commissioners, to be called "The Commissioners of Inland Revenue:"' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Persons so as aforesaid appointed and now being Commissioners of Excise and Commissioners of Stamps and Taxes respectively shall, without any further Commission or Authority than this Act, become and be One consolidated Board of Commissioners, and be called "The Commissioners of Inland Revenue;" and from henceforth all the several Revenues, Duties, Matters, and Things which at the Time of the passing of this Act are collected by or are under the Care and Management of the said Commissioners of Excise and of the said Commissioners of Stamps and Taxes respectively shall respectively be collected by and shall be under the Care and Management of the Commissioners of Inland Revenue constituted by this Act, or to be appointed as herein-after directed, in the same Manner as such Revenues, Duties, Matters, and Things respectively have heretofore been collected by or have been under the Care and Management of the said Commissioners of Excise and of the said Commissioners of Stamps and Taxes respectively; and all such Revenues and Duties shall be denominated and be deemed to be Inland Revenue.

The Boards of Commissioners of Excise and Commissioners of Stamps and Taxes to be One Consolidated Board of Commissioners of Inland Revenue.

II. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, whenever She or they shall signify Her or their Will and Pleasure that the several Persons by this Act constituted Commissioners of Inland Revenue shall cease to be such Commissioners, and from Time to Time afterwards, to appoint, under the Great Seal of the said United Kingdom, such Persons as She or they shall think fit to be Commissioners of Inland Revenue; and that as well the said Commissioners to be appointed by Her Majesty, Her Heirs or Successors, as aforesaid, as the said Commissioners by this Act constituted Commissioners of Inland Revenue, shall respectively be and remain Commissioners of Inland Revenue during Her Majesty's Pleasure, and no longer.

Her Majesty to appoint Commissioners of Inland Revenue, who are to hold their Offices during Her Majesty's Pleasure.

Powers and Authorities vested in the Commissioners of Excise and Commissioners of Stamps and Taxes respectively to be exercised by the Commissioners of Inland Revenue.

III. And be it enacted, That the said Commissioners of Inland Revenue shall have, use, and exercise all such Powers and Authorities, judicial and otherwise, as are now given to or vested in or as might be used and exercised by the whole or any Number of the said Commissioners of Excise or of the said Commissioners of Stamps and Taxes respectively under or by virtue of any Act or Acts in force at or immediately before the passing of this Act; and all such Powers and Authorities shall be and are hereby given to and vested in the Commissioners of Inland Revenue, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all Clauses, Regulations, Provisions, Penalties, and Forfeitures in any Act or Acts relating thereto respectively, were severally repeated and re-enacted in this Act and made Part thereof; and all Rules, Orders, Regulations, Acts, Matters, and Things which shall be made or done by the said Commissioners of Inland Revenue, and which by any Act or Acts in force as aforesaid are or were required or authorized to be made or done, or which might be made or done by the Commissioners of Excise, or the Commissioners of Stamps and Taxes, or any Number of such Commissioners respectively, shall be and be deemed to be as good, valid, and effectual in Law, to all Intents and Purposes, as if made or done by the said Commissioners of Excise or the said Commissioners of Stamps and Taxes, or any Number of such Commissioners respectively, under or in pursuance of any such Act or Acts as aforesaid; and all Persons shall be subject and liable to the same Pains, Penalties, and Forfeitures, for doing or omitting to do any Act, Matter, or Thing contrary to any Rules, Orders, or Regulations of the said Commissioners of Inland Revenue, as such Persons respectively would have been subject and liable to for doing or omitting to do the same Act, Matter, or Thing contrary to any Rules, Orders, or Regulations of the Commissioners of Excise or the Commissioners of Stamps and Taxes respectively under or by virtue of any Act or Acts in force as aforesaid; and all Rules, Orders, and Regulations heretofore made by the said Commissioners of Excise or the said Commissioners of Stamps and Taxes respectively, in force at the Time of the passing of this Act, and which are not altered or varied by this Act, or contrary to any of the Provisions thereof, shall respectively remain and continue in full Force and Effect until the same shall be abrogated, annulled, altered, or varied by the said Commissioners of Inland Revenue.

Powers given by this Act may be exercised by any Three or other prescribed Number of the Commissioners of Inland Revenue.

IV. And be it enacted, That all the Powers and Authorities which by this Act are given to or vested in the Commissioners of Inland Revenue, or which shall or may at any Time hereafter be given to or vested in the said last-mentioned Commissioners, shall be and the same are hereby given to and vested in, and shall and may lawfully be used, exercised, and put in force by, any Three or more of the said Commissioners of Inland Revenue: Provided always, that where by any Act or Acts of Parliament or otherwise any Act, Matter, or Thing is expressly directed or authorized to be done by any particular or prescribed Number less than Three of the Commissioners of Excise or of the Commissioners of Stamps and Taxes, or where any Act, Matter, or Thing shall at any Time hereafter be so directed or authorized to be done by any such Number less than Three of the Commissioners of Inland Revenue, every such Act, Matter, or Thing being done by such particular or prescribed Number of the Commissioners of Inland Revenue shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Chief Office of Inland Revenue, where to be held.
7 & 8 G. 4. c. 53.

V. And be it enacted, That the Commissioners of Inland Revenue shall sit and keep their Chief Office at such Place as the Commissioners of Her Majesty's Treasury shall in that Behalf from Time to Time appoint, within the Limits described, designated, or referred to as the Limits of the Chief Office of Excise by an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland; and such Office of the said Commissioners of Inland Revenue shall be deemed and called "The Chief Office of Inland Revenue;" and the said Limits shall be deemed to be the Limits of the said Chief Office of Inland Revenue for all the Ends, Intents, and Purposes for which they are described, designated, or referred to as the Limits of the Chief Office of Excise in or by the said recited Act, or any other Act or Acts now in force.

Offices of Receiver General of Excise and Receiver General of Stamps and Taxes consolidated into One Office of Receiver General of Inland Revenue.

VI. 'And whereas the Two several Offices of Receiver General of Excise and Receiver General of 'Stamps and Taxes are now vested in One and the same Person, and it is expedient to consolidate such 'Offices into One Office:' Be it therefore enacted, That from and after the passing of this Act the said Two several Offices of Receiver General of Excise and Receiver General of Stamps and Taxes shall be and they are hereby consolidated into One Office of Receiver General of the said respective Revenues and Duties, and such consolidated Office shall be and the same is hereby vested in the Person in whom the said Two several Offices at the Time of the passing of this Act are vested as aforesaid; and such Person, as well as every other Person who shall at any Time hereafter be appointed to the said consolidated Office of Receiver General, shall be termed "The Receiver General of Inland Revenue," and shall hold his said Office during the Pleasure of the Commissioners of Her Majesty's Treasury for the Time being, and no longer.

Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes consolidated into One Office.

VII. 'And whereas the Two several Offices of Accountant General of Excise and Accountant 'and Comptroller General of Stamps and Taxes are now vested in One and the same Person, and it is 'expedient to consolidate the said last-mentioned Offices into One Office:' Be it therefore enacted, That from and after the passing of this Act the said Two several Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes shall be and they are hereby consolidated into One Office of Accountant and Comptroller General of the said respective Revenues and Duties, and such consolidated Office shall be and the same is hereby vested in the Person in whom the said last-mentioned Two several Offices at the Time of the passing of this Act are vested as aforesaid; and such Person, as well as every other Person who shall at any Time hereafter be appointed to the said consolidated

consolidated Office of Accountant and Comptroller General, shall be termed "The Accountant and Comptroller General of Inland Revenue," and shall hold his said Office during the Pleasure of the Commissioners of Her Majesty's Treasury for the Time being, and no longer.

Powers and Authorities to be exercised by the Receiver General and Accountant and Comptroller General of Inland Revenue respectively.

VIII. And be it enacted, That the said Receiver General of Inland Revenue shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Receiver General of Excise and the Receiver General of Stamps and Taxes respectively, under or by virtue of any Act or Acts in force at the Time of the passing of this Act, or otherwise howsoever; and the said Accountant and Comptroller General of Inland Revenue shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Accountant General of Excise and the Accountant and Comptroller General of Stamps and Taxes respectively under or by virtue of any such Act or Acts as aforesaid, or otherwise howsoever; and all such respective Powers and Authorities shall be and are hereby given to and vested in the said Receiver General of Inland Revenue and the said Accountant and Comptroller General of Inland Revenue respectively, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all Clauses, Regulations, Provisions, Penalties, and Forfeitures relating thereto respectively, were severally repeated and re-enacted in this Act, and made Part thereof.

Office of Comptroller and Auditor of Excise may be abolished, and the Accounts of the Excise Revenue be passed before the Commissioners for auditing the Public Accounts.

IX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, whenever they shall think fit, to abolish the Office of Comptroller and Auditor of Excise created under or by virtue of an Act passed in the Fourth Year of Her present Majesty's Reign, intituled *An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise*; and when and so soon as the said Office shall be so abolished so much of the said recited Act as directs that the Accountant General of Excise shall annually prepare and pass before the said Comptroller and Auditor of Excise Accounts of the Produce of the Revenue of Excise shall be and the same is hereby repealed; and the Accounts of the Revenues and Duties of Excise commencing from and after the Abolition of the said Office shall be rendered to and passed before the Commissioners for auditing the Public Accounts, in like Manner as other Public Accounts are now rendered and passed under and by virtue of the Laws and Regulations now in force; and the said Commissioners for auditing Public Accounts shall, for the Purposes aforesaid, have all the Powers and Authorities now possessed and exercised by them as Commissioners for auditing Public Accounts.

All Commissions, &c. of Officers under the Commissioners of Excise and the Commissioners of Stamps and Taxes to remain in force, and the Persons holding the same to be Officers of Inland Revenue.

X. And be it enacted, That all Commissions, Deputations, and Appointments at any Time heretofore granted to any Officers of or under the Commissioners of Excise or of or under the Commissioners of Stamps and Taxes, and in force at the Time of the passing of this Act, shall respectively remain and continue in full Force and Effect until the same shall be revoked or recalled by lawful Authority; and the Persons holding such Commissions, Deputations, and Appointments shall have full Power and Authority to execute the Duties of their respective Offices and Appointments, and to enforce all Laws, Regulations, Penalties, and Forfeitures relating to the Revenues and Duties for which they have respectively been appointed, as fully and effectually, to all Intents and Purposes, as they might or could do before or at the Time of the passing of this Act; and all Officers who at the Time of the passing of this Act hold their respective Offices during the Will and Pleasure of the Commissioners of Excise or of the Commissioners of Stamps and Taxes shall hereafter hold such Offices subject to the Will and Pleasure of the Commissioners of Inland Revenue, and all such Officers shall be deemed to be Officers of Inland Revenue, and be under the Control and Authority of the said Commissioners of Inland Revenue.

Bonds and Securities to remain in force, and to extend to the Duties under the Care of the Commissioners of Inland Revenue.

XI. And be it enacted, That all Bonds and Securities to Her Majesty, or to the Commissioners of Excise, or the Commissioners of Stamps and Taxes, or to any Officer or Person in their respective Employ, which have been heretofore given or entered into by any Persons whatsoever, either as Principals or Sureties, for securing the due accounting for or the Payment of any Duties or other Monies under the Care or Management of the Commissioners of Excise or of the Commissioners of Stamps and Taxes, or for the good Conduct of any Officer, Clerk, or other Person, or for any other Purpose whatever relating to the said Duties or Monies or any of them respectively, shall remain and continue in full Force and Effect until the Conditions of such Bonds or Securities, or the Purposes for which the same were given or entered into, shall have been duly performed, fulfilled, or accomplished; and all such Bonds and Securities, and the Conditions thereof respectively, shall extend and be deemed and construed to extend, and shall be applied, to all or any other of the Revenues, Duties, Matters, and Things which under or in pursuance of this Act are or shall be placed under the Care of the Commissioners of Inland Revenue, as well as to the particular Revenues, Duties, Matters, and Things mentioned in such Bonds and Securities, or the Conditions thereof respectively.

Provisions of 6 & 7 W. 4. c. 28. and 1 & 2 Vict. c. 61. to extend to Revenues, &c. placed under Management of Commissioners of Inland Revenue.

XII. 'And whereas an Act was passed in the Seventh Year of the Reign of His late Majesty King 'William the Fourth, intituled *An Act to enable Persons to make Deposits of Stock or Exchequer Bills 'in lieu of giving Security by Bond to the Postmaster General and Commissioners of Land Revenue, 'Customs, Excise, Stamps, and Taxes*, and an Act was passed in the Second Year of Her present 'Majesty's Reign to amend the said last-mentioned Act:' Be it enacted, That the Provisions of the said recited Acts shall extend and be deemed and construed to extend to all and singular the Revenues, Duties, Matters, and Things which now are or at any Time hereafter shall be placed under the Care or Management of the Commissioners of Inland Revenue; and that any Public Stock or Exchequer Bills which shall at any Time hereafter be required to be transferred or deposited by way of Security in pursuance of the said recited Acts, with relation to any of the Revenues, Duties, Matters, or Things aforesaid, may respectively be transferred in the Books of the Governor and Company of the Bank of *England*, or deposited in the Bank of *England*, by or on behalf of the Person or Persons or Body Corporate from whom

Deposits of Stock, &c. as Securities in lieu of Bonds to be made in

the Name of Chairman of Inland Revenue.

whom such Security may be required, into or in the Name of the Chairman for the Time being of the Commissioners of Inland Revenue, and into or in the Name or Names of such Person or Persons or Body Corporate, or of any Person or Persons appointed by him or them.

Chairman of Inland Revenue empowered to transfer Stock deposited in the Name of the Chairman of Excise and of Stamps and Taxes respectively.

XIII. And with regard to any Public Stock or Exchequer Bills which at the Time of the passing of this Act may be standing in the Books of the Governor and Company of the Bank of *England*, or deposited in the Bank of *England*, in pursuance of the said recited Acts or either of them, in the Name of the Chairman for the Time being of the Commissioners of Excise or of the Commissioners of Stamps and Taxes, and of any other Person or Persons, be it enacted, That it shall be lawful for the Chairman for the Time being of the Commissioners of Inland Revenue and he is hereby fully authorized and empowered to sell and transfer, or re-transfer or deliver up, all or any of such Stock or Exchequer Bills respectively, upon the Certificate of any Two or more of the Commissioners of Inland Revenue, to the Purport or Effect in the said Acts respectively mentioned in that Behalf, in such and the like Cases and in like Manner as the Chairman for the Time being of the Commissioners of Excise or of the Commissioners of Stamps and Taxes might lawfully have done if this Act had not been passed.

Lands and Buildings now vested in the Secretary of Excise in trust for the Public Service to be vested in the Secretary of Inland Revenue upon the like Trusts.

XIV. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments in the United Kingdom which have heretofore been purchased, acquired, or taken for the Use and Service of the Revenue of Excise, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, and which at or immediately before the passing of this Act are or were vested in the Secretary for the Time being of the Commissioners of Excise, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the Revenue of Excise, shall from and immediately after the passing of this Act become and be and remain and continue vested in the Secretary for the Time being of the Commissioners of Inland Revenue, and his respective Successors, as such Secretaries as last aforesaid, according to the Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the Inland Revenue, with, under, and subject to the like Powers for the selling, exchanging, letting, demising, or otherwise disposing of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments as are expressed and contained with relation thereto in any Act or Acts of Parliament now in force.

Commissioners of Inland Revenue may appoint Officers to be Collectors and Receivers of several Branches of Inland Revenue.

XV. And be it enacted, That it shall be lawful for the Commissioners of Inland Revenue to nominate and appoint from Time to Time such of the Persons appointed or to be appointed Collectors or Officers for the Receipt of any Branch or Description of the Revenues or Duties under the Care or Management of the said Commissioners of Inland Revenue as the said last-mentioned Commissioners shall think proper to be also Collectors or Officers for the Receipt of any One or more or all of the other Branches or Descriptions of the Revenues or Duties aforesaid within and for such Counties, Districts, or Circuits of Receipt as the said Commissioners of Inland Revenue shall appoint in that Behalf; and all such Collectors and Officers so to be nominated and appointed as aforesaid for the Receipt of Two or more Branches or Descriptions of the said Revenues or Duties shall have, use, and exercise all the Powers and Authorities vested by Law in the several Collectors and Officers for the Receipt of the same Revenues and Duties respectively.

Licences how to be granted and signed.

XVI. ‘ And whereas under and by virtue of divers Acts of Parliament now in force certain Licences ‘ are required to be taken out and obtained from the Commissioners of Excise and the Commissioners of ‘ Stamps and Taxes respectively by Persons using, exercising, or carrying on certain Trades, Professions, ‘ Callings, Occupations, or Businesses, or trading or dealing in, or vending, selling, or retailing, certain ‘ Goods, Wares, or Commodities, or keeping or using certain Articles, and by other Persons and for other ‘ Purposes in the said Acts specified; and it is expedient to provide for the granting and signing of such ‘ Licences:’ Be it enacted, That all or any of such Licences as aforesaid shall and may lawfully be granted and signed by such Person or Persons as the Commissioners of Inland Revenue shall appoint or authorize in that Behalf; and every such Licence which shall be so granted and signed shall be as valid and effectual for all Purposes whatsoever as it would have been if the same had been granted or signed by or under the Hands and Seals of the said Commissioners of Inland Revenue, or any Number of them, anything in any Act or Acts contained to the contrary thereof in anywise notwithstanding.

Terms used in former Acts, and in written Documents, relating to the Revenues of Excise or Stamps and Taxes, how to be construed after the passing of this Act.

XVII. And for the better effectuating and carrying out the Purposes and Objects of this Act, be it enacted, That wherever in any Act of Parliament, or in any Bond or Security, or in the Condition thereof respectively, or in any Deed or other Instrument or Writing, or in any Rules, Orders, or Regulations relating to or concerning the several Revenues or Duties of Excise or Stamps and Taxes, or any Matter or Thing which at the Time of the passing of this Act is under the Care or Management of the Commissioners of Excise or the Commissioners of Stamps and Taxes, the several Terms and Expressions hereinafter mentioned, or any of them, occur, such Terms and Expressions, so far as the same or any of them may relate to any Duties or Sums of Money, or any Fines, Penalties, or Forfeitures, which shall accrue or be incurred or be or become payable or in arrear, or to any Act, Matter, or Thing to be done or omitted to be done, or which shall take effect at any Time after the passing of this Act, shall respectively be construed and read (where such Construction shall be necessary for or shall tend to effect or promote the Purposes and Objects aforesaid, and shall not be repugnant to or inconsistent with the Facts of the Case, or the Matter which may be in question,) as if the substituted Terms and Expressions hereinafter mentioned were respectively inserted in such Act, Bond, Security, Condition, Deed, Instrument, or Writing, Rules, Orders, and Regulations respectively, in lieu of the said several other Terms and Expressions which have been used and do occur therein respectively; (that is to say,) for and in lieu of the several

several Terms and Expressions "Commissioners of Excise," "Commissioners of Stamps and Taxes," "Commissioners of Stamps," and "Commissioners for the Affairs of Taxes" respectively, or any other Term or Expression by which the said respective Commissioners, or any of them, are designated, the Term "Commissioners of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Secretary of the Commissioners of Excise" and "Secretary of the Commissioners of Stamps and Taxes" respectively, or any other Term or Expression by which the said several Offices of Secretary are respectively designated, the Term "Secretary of the Commissioners of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Solicitor of Excise," "Solicitor of Stamps and Taxes," and "Solicitor of Stamps" respectively, or any other Term or Expression by which the said several Offices of Solicitor are respectively designated, the Term "Solicitor of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Receiver General of Excise," "Receiver General of Stamps and Taxes," and "Receiver General of Stamp Duties" respectively, or any other Term or Expression by which the said several Offices of Receiver General are respectively designated, the Term "Receiver General of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Accountant General of Excise" and "Accountant and Comptroller General of Stamps and Taxes" respectively, or any other Term or Expression by which the said several Offices of Accountant General and Accountant and Comptroller General are respectively designated, the Term "Accountant and Comptroller General of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Chief Office of Excise," "Head Office for Stamps and Taxes," and "Head Office for Stamp Duties" respectively, or any other Term or Expression by which the said several Chief or Head Offices are respectively designated, the Term "Chief Office of Inland Revenue" shall be read and substituted; and in all Proceedings at Law or in Equity touching or concerning the said Revenues, Duties, or Sums of Money, Fines, Penalties, or Forfeitures, or any other of the several Matters or Things aforesaid, every such Act, Bond, or Security, or the Condition thereof respectively, and every such Deed, Instrument, or Writing, Rule, Order, or Regulation as aforesaid respectively, may, if necessary for the Purposes and Objects aforesaid, be pleaded as if such substituted Terms and Expressions respectively were inserted therein for and in lieu of the said other Terms and Expressions which may have been used therein respectively.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. II.

An Act to continue, until the First Day of *September* One thousand eight hundred and forty-nine, an Act of the last Session,* for empowering the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government. [27th *February* 1849.]

* 11 & 12 *Vict. c.* 35.

CAP. III.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine. [9th *March* 1849.]

CAP. IV.

An Act to amend the Laws relating to the Appointment of Vice Guardians of Unions in *Ireland*. [9th *March* 1849.]

'WHEREAS by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, and by a further Act passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland, the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* are authorized and empowered, in certain Cases in the said Acts specified, to dissolve the Board of Guardians of any Union in *Ireland*, and in lieu thereof to appoint paid Officers to carry into execution the Provisions of the said Acts; and it is by the said Acts further provided, that such paid Officers when appointed shall, unless the Commissioners shall sooner revoke or determine their Appointment, hold their Offices for the Time of One Year from the Date of their Appointment, and thenceforth till the Time of the next Election of Guardians for such Union, and no longer: And whereas the said Commissioners did, before the Twenty-fifth Day of *March* which was in the Year One thousand eight hundred and forty-eight, dissolve the Boards of Guardians of certain Unions in *Ireland*, and did before the said Day in the said Year appoint paid Officers to carry into execution the Provisions of the said Acts in each of the said Unions respectively, and the Powers of the said paid Officers, or their Successors, as the Case may be, will under the Provisions of the said Acts cease and determine on the Twenty-fifth Day of *March* next, in this present Year One thousand eight hundred and forty-nine: And whereas it is expedient that in certain of the said Unions the paid Officers so appointed as aforesaid, or their Successors, as the Case may be, should continue in Office for a Period subsequent to the 1 & 2 Vict. c. 56. 10 & 11 Vict. c. 31.

'Twenty-

'Twenty-fifth Day of *March* next, as herein-after is provided, and that the Re-election of a Board of 'Guardians in each of the said last-mentioned Unions should be postponed for such further Period:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which the Board of Guardians of any Union in *Ireland* shall have been dissolved, and paid Officers shall have been appointed to carry into execution the Provisions of the said Acts, before the Twenty-fifth Day of *March* which was in the Year One thousand eight hundred and forty-eight, it shall be lawful for the said Commissioners, by an Order under their Seal, to direct the Continuance in Office of the said paid Officers or of their Successors, as the Case may be, until the First Day of *November* in the present Year One thousand eight hundred and forty-nine, and on the Issue of such Order in the Case of any Union or Unions the paid Officers of each such Union or their Successors, as the Case may be, shall continue in Office until the said First Day of *November* in the present Year One thousand eight hundred and forty-nine, unless their Appointment be sooner revoked and determined by the said Commissioners, and no longer, and shall have all the same Powers and Authorities as are given to such paid Officers during their Continuance in Office under the Provisions of the said Acts, anything in the said Acts to the contrary notwithstanding.

In Cases in which Boards of Guardians have been dissolved, and paid Officers appointed, Commissioners empowered to continue them for a certain Time.

As to Elections of Guardians in certain Cases.

II. And be it enacted, That no Election of Guardians of any Union in regard to which any such Order under Seal of the said Commissioners shall have been issued shall take place at the annual Period for the general Election of Guardians in the said first-recited Act provided, that is to say, on the Twenty-fifth Day of *March* in the present Year One thousand eight hundred and forty-nine, or in Fourteen Days thereafter, and that all Notices of such Election, and all other Proceedings therein, shall on the Issue of such Order under Seal of the said Commissioners be abated and discontinued, and be of no Validity or Effect whatever; but in all Cases in which the Commissioners shall not issue such Order under their Seal the annual Election of Guardians shall take place, and the Powers of the paid Officers shall cease and determine as in the above-recited Acts is provided, that is to say, on the Twenty-fifth Day of *March* in the present Year One thousand eight hundred and forty-nine.

Commissioners may discontinue paid Officers in certain Cases.

III. And be it enacted, That it shall be lawful for the said Commissioners at all Times, in any Case in which the Board of Guardians of a Union shall have been heretofore or shall be at any Time hereafter dissolved, and in which paid Officers shall have been or shall be appointed as aforesaid, to issue an Order under their Seal directing the Discontinuance in Office of such paid Officers, and the Re-election of a Board of Guardians, and on the Issue of such Order under the Seal of said Commissioners such Election of a Board of Guardians shall take place according to the Directions of the said Commissioners, and all the Powers and Authorities of such paid Officers shall cease and determine at the Time fixed for that Purpose in the Order of the said Commissioners; provided that in the Case of any Union the Board of Guardians of which shall have been dissolved, and in which paid Officers shall have been appointed as aforesaid, before the Twenty-fifth Day of *March* which was in the Year One thousand eight hundred and forty-eight, the said Commissioners shall by Order under their Seal direct such Election of Guardians to take place, and shall direct the Discontinuance of such paid Officers to take effect on some Day not later than the First Day of *November* in the present Year One thousand eight hundred and forty-nine.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

CAP. V.

An Act to authorize an Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*. [9th *March* 1849.]

'WHEREAS it is expedient to authorize an Advance of Money for the Relief of certain distressed 'Poor Law Unions in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, to issue out of the growing Produce of the Consolidated Fund of the said United Kingdom any Sum or Sums of Money, not exceeding Fifty thousand Pounds, for affording Relief to certain distressed Poor Law Unions in *Ireland*, which Sum or Sums shall be paid to such Person or Persons, at such Time or Times, and under such Conditions and Restrictions, as the said Commissioners of Her Majesty's Treasury shall direct.

Treasury may issue Fifty thousand Pounds for Relief of distressed Poor Law Unions in Ireland.

CAP. VI.

An Act to repeal an Act of the Twenty-first Year of *George* the Second, for holding the Summer Assizes at *Buckingham*; and to authorize the Appointment of a more convenient Place for holding the same. [9th *March* 1849.]

21 G. 2. c. 12.

'WHEREAS by an Act passed in the Session of Parliament holden in the Twenty-first Year of the 'Reign of His late Majesty King *George* the Second, intituled *An Act for holding the Summer 'Assizes for the County of* Buckingham *at the County Town of* Buckingham, it was enacted, that from 'and after the First Day of *June* One thousand seven hundred and forty-eight all the Commissions of 'Assize and Nisi Prius, and all General Commissions of Oyer and Terminer, and all Commissions of 'General

'General Gaol Delivery, which should thereafter be appointed to be held and executed for the said 'County next after the Term of *Holy Trinity*, should be held and executed in each Year at and in the 'said Town of *Buckingham*, and at no other Place within the said County of *Buckingham*, any Law, 'Statute, Usage, Matter, or Thing to the contrary notwithstanding: And whereas by an Act passed in 'the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty 'King *William* the Fourth, intituled *An Act for the Appointment of convenient Places for the holding* 3 & 4 W. 4. c. 71. '*of Assizes in* England *and* Wales, after reciting that the Places at which the Assizes were then held 'in various Counties in *England* and *Wales* were inconvenient to the Inhabitants thereof, and that it 'would conduce to the more cheap, speedy, and effectual Administration of Justice to appoint other 'Places instead thereof for the holding of Assizes, it was amongst other things declared and enacted, 'that His Majesty, by and with the Advice of His Most Honourable Privy Council, should have Power 'from Time to Time to order and direct at what Place or Places in any County in *England* or *Wales* 'the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the 'Despatch of Civil and Criminal Business, should be holden: And whereas since the passing of the 'first above-recited Act up to the present Time the Summer Assizes for the said County have been 'regularly held in the Town of *Buckingham*: And whereas the holding of the said Assizes at the said 'Town is inconvenient to the Inhabitants of the said County at large; and it would conduce to the more 'cheap, speedy, and effectual Administration of Justice if some other Place or Places were appointed for Provisions of the first-recited Act requiring the Summer Assizes to be held in the Town of Buckingham repealed. 'the holding of the said Assizes, but by reason of the said first above-recited Act that Object cannot 'be effected under the Provisions of the secondly above-recited Act:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said first above-mentioned Act as is herein-before recited shall be and the same is hereby repealed.

II. And be it enacted, That all the Powers and Provisions of the said Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth shall extend and apply to the said County of *Buckingham*, and every Place therein, any Law, Statute, Matter, or Thing to the contrary notwithstanding. Provisions of 3 & 4 W. 4. c. 71. extended to the County of Buckingham.

CAP. VII.

An Act to authorize the Inclosure of certain Lands in pursuance of the Fourth Annual General Report of the Inclosure Commissioners for *England* and *Wales*. [9th *March* 1849.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate* 8 & 9 Vict. c. 118. '*the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands,* '*and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions,* '*and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the* '*Revival of such Powers in certain Cases,* issued Provisional Orders for and concerning the several 'proposed Inclosures mentioned in the Schedule to this Act, and have, in the annual General Report 'of their Proceedings, certified their Opinion that such Inclosures would be expedient; but the same Inclosures mentioned in Schedule may be proceeded with. 'cannot be proceeded with without the Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Inclosure Act, 1849." Short Title.

The SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Langwathby Moor	Cumberland	26th January 1846.
Pyrton	Oxford	24th January 1848.
Chorley Green	Chester	11th May 1848.
Bell, Swan, and Silverlace Greens	Suffolk	29th July 1848.
Bickerton Hills	Chester	5th August 1848.
Bramerton Common	Norfolk	18th September 1848.
Headley	Southampton	18th September 1848.
Oakworth Common	York	18th September 1848.
Buckland Newton	Dorset	18th September 1848.
Abbots Wood	Southampton	4th October 1848.
Black Torrington	Devon	4th October 1848.
Westwell Leacon	Kent	4th October 1848.

Inclosure.	County.	Date of Provisional Order.
Holster Yard	Devon	4th October 1848.
Cowley Open Fields, The Marsh, Bullingdon Green, and Elder Stubbs.	Oxford	31st October 1848.
Cradley	Hereford	16th November 1848.
Oatlands, Botley, and Osney	Oxford	16th November 1848.
Firbank Fells	Westmorland	5th January 1849.
Oxton	Nottingham	5th January 1849.
Dent	York, W. R.	5th January 1849.
Mansfield Woodhouse Forest	Nottingham	5th January 1849.
Cadishead Moss	Lancaster	5th January 1849.
Cefn Ertham Common	Brecknock	29th January 1849.

CAP. VIII.

An Act to remove Doubts as to the Appointment of Overseers in Cities and Boroughs. [22d *March* 1849.]

'WHEREAS Doubts have been entertained as to the proper Authority for the Appointment of Overseers of the Poor of the Parishes comprised within certain Cities and Boroughs under the Provisions of the Act of the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, and it is expedient that such Doubts should be removed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every City, Town Corporate, or Borough the Justices of the Peace having Jurisdiction therein shall have the exclusive Right of appointing the Overseers of the Poor of the several Parishes, Townships, or other Places separately maintaining their own Poor, or of any Parts thereof, within the said Cities, Towns Corporate, and Boroughs respectively, in like Manner and with the same Effect as the Justices of any County now have in respect of the Overseers of the Poor of any Parish within such County, and they are hereby required from Time to Time to make such Appointments accordingly.

43 Eliz. c. 2. Justices of the Peace having Jurisdiction in certain Cities and Boroughs to have the exclusive Right of appointing Overseers.

II. And be it enacted, That so much of the said Act as renders the Mayor, Alderman, and head Officer of any City, Town, or Place Corporate liable, upon the Default of the Nomination of Overseers therein, to lose and forfeit for every such Default Five Pounds, shall be and the same is hereby repealed.

Repeal of Part of the 43 Eliz. c. 2. s. 10.

III. And be it enacted, That the Appointments of any Overseers of the Poor in such Cities, Towns Corporate, or Boroughs heretofore made by Justices of the Peace therein, without the Concurrence of the Mayor or other head Officer thereof, shall be deemed and taken to be valid, and that every Rate or Assessment made or to be made, and every other Act and Thing done or to be done by any Overseers so appointed, shall, if otherwise lawful, be valid for all Purposes.

Appointments of Overseers in Cities, &c. by Justices rendered valid.

IV. Provided nevertheless, and be it enacted, That this Act shall not apply to the City of *London*, nor to any of the Parishes comprised therein, nor to the Appointment of the Overseers of any Parish, Township, or Place where such Appointment is regulated by the Provisions of any Local Act.

Saving London and Places under Local Acts.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. IX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and fifty. [3d *April* 1849.]

[*This Act is the same, except as to Dates, as* 10 & 11 *Vict. c.* 19.]

CAP. X.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [3d *April* 1849.]

[*Number of Forces,* 103,254. *This Act is the same, except as to Dates, the Number of Forces, and the Sections here inserted, as* 11 & 12 *Vict. c.* 11.]

President of Court-martial.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment or Body of Troops composed of Detachments of different Regiments to which the Prisoner belongs; nor in the Case of a General

General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Swearing and summoning Witnesses.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend in a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding a Regiment by the Clerk of any such Court or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse or to the Horse of any other Soldier, or any Loss or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement; provided that when any Court-martial, whether General, Garrison or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Apprehension of Deserters in the United Kingdom.

XLVI. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act), whether such Prison be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment, to the end that such Secretary at War may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall

In the Colonies.

not

not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

Soldiers not to be taken for Debts under 30*l.*

LII. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution issued out of or from any County or inferior Court, or by any Judge or Officer thereof, either for Contempt of Court or otherwise, or by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Enlistment and Re-enlistment abroad.

LIX. 'And whereas it is expedient that Provision should be made for enlisting and attesting of 'Soldiers desirous of re-enlisting and others desirous of enlisting abroad:' Be it therefore enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary at War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Allowance to Innkeepers.

LXX. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually

receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint, and Oath made thereof by any Two Witnesses, before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Supply of Carriages.

LXXII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from their being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation as far as the same can be done.

Supply of Carriages in Cases of Emergency.

LXXIV. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

XCV. And

XCV. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Acts had extended to *Scotland* and *Ireland*, anything in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Recovery of Penalties.

11 & 12 Vict. c. 43.

CAP. XI.

An Act to amend the Laws in *England* and *Ireland* relative to Larceny and other Offences connected therewith. [3d *April* 1849.]

'WHEREAS by an Act passed in the Eighth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, it was among other things enacted, that every Person convicted of Simple Larceny, or of any Felony thereby made punishable like Simple Larceny, should (except in the Cases therein-after otherwise provided for) be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be otherwise punished as by the said Act provided: And whereas by an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, it was among other things enacted, that every Person convicted of Simple Larceny, or of any Felony thereby made punishable like Simple Larceny, should (except in the Cases therein-after otherwise provided for) be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be otherwise punished as by the same Act provided: And whereas it is expedient to abolish the Punishment of Transportation for the Offence of Simple Larceny, and for Felonies by the said Acts made punishable like Simple Larceny:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *May* One thousand eight hundred and forty-nine so much of the recited Provisions of the said Acts respectively as makes any Person convicted of Simple Larceny, or of any Felony by such Acts respectively made punishable like Simple Larceny, (except in the Cases therein-after otherwise provided for,) liable to be transported beyond the Seas for the Term of Seven Years, shall be repealed, but every Person so convicted shall be liable, at the Discretion of the Court, to be otherwise punished as by the said Acts respectively is provided.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Punishment of Transportation taken away in the Case of Simple Larceny.

II. Provided always, and be it enacted, That if any Person shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her, or by her Husband, or by any Person on behalf of him or her or her Husband, in case the Value of the Article or Articles stolen shall exceed the Sum of Five Pounds, every such Offender, being convicted thereof, shall be liable to be punished as if this Act had not been passed.

Tenants, &c. stealing from Houses, &c. if the Value exceed 5*l.*, punishable as before.

III. Provided also, and be it enacted, That where any Person has been twice convicted of any of the Offences punishable upon summary Conviction under the Provisions contained in the said recited Acts, or an Act of the Eleventh Year of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders*, or an Act of the Twelfth Year of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland, or an Act of the Eighth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to malicious Injuries to Property*, or an Act of the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to malicious Injuries to Property*, (whether each of the Convictions has been in respect of an Offence of the same Description or not, and whether such Convictions, or either of them, be before or after the passing of this Act,) if the Person so twice convicted shall afterwards commit the Offence of Simple Larceny, or any Offence by the said firstly and secondly recited Acts respectively made punishable like Simple Larceny, such Offender, being convicted thereof, shall be liable to be punished as if this Act had not been passed.

Larceny, &c., after Two previous summary Convictions, punishable as before.

10 & 11 Vict. c. 82.

11 & 12 Vict. c. 59.

7 & 8 G. 4. c. 30.

9 G. 4. c. 56.

IV. And be it enacted, That in any Indictment against any Person who shall have been twice convicted of Offences punishable upon summary Conviction as aforesaid it shall be sufficient to state that such Person

In Indictments against Persons twice convicted,

it shall be sufficient to state the Fact, and certified Copies of Convictions to be Evidence.

Person was at certain Times and Places so twice convicted as aforesaid, without otherwise describing the Offences of which such Person was so convicted as aforesaid, and a Copy of any such Conviction, certified by the proper Officer of the Court of General or Quarter Sessions to which such Conviction shall have been transmitted or returned, or proved to be a true Copy, shall be sufficient Evidence to prove such Conviction, and such Conviction shall be presumed to be unappealed against unless the contrary be shown.

CAP. XII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[3d *April* 1849.]

[*This Act is the same, except as to Dates and the Sections here inserted, as* 11 & 12 *Vict. c.* 15.]

Swearing and summoning Witnesses.

XVII. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVIII. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate, or by the Officer officiating as such, or by the Officer confirming the Proceedings, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Power to commute Corporal Punishment.

XXX. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral

Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. And be it enacted, That every Marine who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Stoppages.

XXXVI. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any other Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of or Destruction of, or Damage or Injury to, Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power of Imprisonment by different Kinds of Courts-martial.

XXXIX. And be it enacted, That a General or District or Garrison Court-martial may sentence any Marine to Imprisonment with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided that when any Court-martial, whether General, Garrison, or District or Divisional, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Apprehension of Deserters.

L. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough, and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison), whether such Prison be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody, and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, and

proceeded

proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Marines not to be taken for Debts under 30*l.* or for not supporting Family.

LVI. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by reason of the Warrant of any Justice or other Process for not supporting or leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Marine shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution whatsoever, or by the Order or Decree of any Court or of any Judge or Officer thereof, for Contempt, or on any Account whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine, or left at his last Quarters or Place of Residence before such listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Allowance to Innkeepers.

LXX. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ninepence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint and Oath made thereof by any Two Witnesses

Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

Supply of Carriages.

LXXI. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Recovery of Penalties.

LXXXVI. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be

enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*; provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Act had extended to *Scotland*, anything in the said recited Act to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

CAP. XIII.

An Act to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish. [11th *May* 1849.]

'WHEREAS poor Persons are sometimes lodged and maintained under Contracts or Agreements for certain Payments in Houses and Establishments not being the Workhouses of any Union or Parish, nor subject to the effective Control of any Guardians or Overseers or other parochial Authorities, and no sufficient Powers are vested in any Authority to regulate the Houses or Establishments wherein such Persons are lodged and maintained, and it is expedient that such Powers should be given:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for administering the Laws for Relief of the Poor in *England*, and they are hereby required, from Time to Time as they shall see Occasion, to make and issue all such Rules, Orders, and Regulations for the Management and Government of any House or Establishment wherein any poor Person shall be lodged, boarded, or maintained, for Hire or Remuneration, under any Contract or Agreement entered into by the Proprietor, Manager, or Superintendent of such House or Establishment, or on his Behalf, with any Guardians, Overseers, or other Persons having the ordering or Management of the Poor in any Union or Parish, or for the Education of any poor Children therein, in like Manner and to the same Extent as the said Commissioners are by Law empowered to do in the Case of any Workhouse belonging to any Union or Parish; and all such Rules, Orders, and Regulations shall have the like Effect as other Rules, Orders, and Regulations of the said Commissioners, and shall be obeyed accordingly, with the like Penalties on any Neglect or Disobedience thereof, to be enforced upon summary Conviction, as Penalties under the Act of the Fifth Year of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, may now be enforced.

The Poor Law Board to issue Rules and Regulations to Houses where the Poor are maintained under Contract.

4 & 5 W. 4. c. 76.

II. Provided nevertheless, and be it enacted, That nothing herein contained shall extend to any County Lunatic Asylum or Hospital registered or House licensed for the Reception of Lunatics, nor to any Hospital, Infirmary, School, or other Institution supported by public Subscriptions, and maintained for Purposes of Charity only.

Act not to extend to Lunatic Asylums and Hospitals.

III. And be it enacted, That the said Commissioners may direct their Rules, Orders, and Regulations to any Person being or acting as the Proprietor, Manager, or Superintendent, or as an Officer or Assistant, in any such House or Establishment as aforesaid, and the same shall come into operation so soon as the said Commissioners shall therein declare, and shall be binding upon the Person named therein, and, if they shall so direct, upon every Person who shall afterwards succeed to him in the same Capacity.

Rules and Regulations to be directed to the Manager or Officer of the Establishment.

IV. And be it enacted, That the said Commissioners shall be empowered, if at any Time they shall see just Cause, to prohibit, by Order under their Seal, the Reception or Retention of any poor Person, or any Class of poor Persons, in any such House or Establishment, and thereupon it shall not be lawful for any such Proprietor, Manager, or Superintendent, or other Officer or Assistant, to receive or retain any poor Person therein, contrary to the Terms of such Order, so long as it shall be in force, nor for any Guardians, Overseers, or other such Persons as aforesaid to send any poor Person to such House or Establishment, contrary to such Order, provided that no such Guardians, Overseers, or other such Persons as aforesaid, nor any Officer of any Union or Parish, shall incur any legal Responsibility in respect of the Neglect of such Order, until a Copy thereof shall have been sent to the Guardians of the Union or Parish, or to the Overseers of the Parish, or other such Persons as aforesaid, in the Manner in which Orders of the said Commissioners are now sent to Guardians or Overseers.

Poor Law Board may prohibit the Reception or Retention of Poor in any such House.

V. And be it enacted, That the said Commissioners may, by Order under their Seal, remove from his Office or Service any Officer, Servant, or Assistant in any such House or Establishment whom they shall deem unfit or incompetent to discharge the Duties of his Situation, or who shall at any Time refuse or wilfully neglect to obey and carry into effect any of the Rules, Orders, or Regulations issued by the said Commissioners under their Seal for the Regulation of such House or Establishment, or of the Officers or Inmates

Poor Law Board may remove any Officer of such House.

Inmates thereof; and thereupon such Officer, Servant, or Assistant shall forthwith cease to act in his Office, Service, or Employment, and shall be entitled to claim and recover a rateable Proportion of his Salary, Wages, or other Remuneration up to the Time of his being so removed, but no more, from the Person liable to pay the same, subject to any Defence at Law which may then be open to the Person from whom the same shall be claimed.

Poor Law Board may regulate Contracts.

VI. And be it enacted, That the said Commissioners may from Time to Time issue any Order which they may deem necessary for regulating the Mode in which any Contract shall be entered into for the lodging, boarding, or Maintenance of any poor Person, with the Proprietor, Manager, or Superintendent of such House or Establishment as aforesaid, or the Terms or the Duration of any such Contract; and if after the issuing of any such Order any Contract or Agreement be entered into with such Proprietor, Manager, or Superintendent, or any Person on his Behalf, not in accordance with such Order, the same shall be voidable, and, if the said Commissioners shall so direct, the same shall be void and of no Effect; and all Payments made under or in pursuance of any Contract or Agreement not made and entered into in conformity with such Order as aforesaid, at any Time after the said Commissioners shall have declared the same to be void as aforesaid, and shall have given Notice of such Declaration to the Guardians, Overseers, or other such Persons as aforesaid, shall be disallowed in the passing and auditing of their Accounts, or the Accounts of any of their Officers by whom such Payments shall have been made or charged.

Persons may be appointed to inspect Houses, &c. Remuneration to such Persons.

VII. And be it enacted, That the said Commissioners may, if they think fit, appoint a Person either temporarily or permanently to visit any such House or Establishment, and to inspect the same, and the poor Persons received and maintained therein, and to make a Report to such Commissioners upon any Visit and Inspection; and such Person shall be paid by the Guardians or Overseers, as the Case may be, of the several Unions or Parishes from which poor Persons shall have been sent, and shall be at the Time of such Visitation maintained therein, such Remuneration as the said Commissioners shall by Order under their Seal direct.

Power to Justices to visit Houses.

VIII. And be it enacted, That it shall be lawful for any Justice of the Peace acting in and for the Jurisdiction in which such House or Establishment shall be situated to visit, inspect, and examine the same, at such Times as he shall think proper, for the like Purpose and with the same Power as any Justice has now by virtue of the Act herein-before mentioned of the Fifth Year of His late Majesty in respect of the Workhouse of any Union or Parish; and it shall be lawful for the General Board of Health, where they shall think proper, by Order under the Seal of the said Board and the Hands of any Two or more Members thereof, to authorize a Superintending Inspector to visit and inspect from Time to Time, or at such Time or Times as such Board shall direct, any such House or Establishment, and to ascertain the State and Condition of the same, and of the poor People therein, and to report thereon to the Board; and it shall be lawful for such Superintending Inspector accordingly so to visit and inspect, and to ascertain such State and Condition, and to examine any Officer, Servant, Assistant, or Inmate of such House or Establishment in relation thereto; and the Powers and Provisions of the Public Health Act, 1848, in relation to the Examination of Persons for the Purposes of an Inquiry under such Act by a Superintending Inspector, shall extend and be applicable to the Examination of such Officers, Servants, Assistants, and Inmates.

Power to General Board of Health to appoint a Superintending Inspector to visit Houses, and examine Officers, &c.

Interpretation of Act.

IX. And be it enacted, That the several Words used in this Act shall be construed in the same Manner as in the said Act of the Fifth Year of His late Majesty, and the Statutes explaining and amending it, and all the Provisions, Enactments, and Regulations contained in the said Act and the said subsequent Statutes shall be extended to this Act, so far as the same may be applicable, and subject to the Provisions herein contained.

Extent of Act.

X. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session.

CAP. XIV.

An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates. [11th *May* 1849.]

43 Eliz. c. 2. 5 & 6 W. 4. c. 50.

'WHEREAS Provision is already made by Law for the Recovery of the Sum or Sums at which any Person is rated or assessed to the Relief of the Poor, or is rated or assessed in any Rate for the Highways, in *England* or *Wales*, by Distress and Sale of his Goods and Chattels, and in default of such Distress by Commitment to Prison until the same shall be paid; but no Provision is made for levying the Costs and Expenses incurred by the Overseers of the Poor or the Surveyors of Highways in the Recovery of the same respectively:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful hereafter for all Justices of the Peace, if in their Discretion they shall so think fit, in any Warrant of Distress they shall make and issue for the levying of any Sum or Sums to which any Person or Persons is or are now or may hereafter be rated or assessed in or by any Rate or Assessment for the Relief of the Poor or for the Highways in *England* or *Wales*, or in or by any other Rate or Assessment which by Law now or hereafter is or shall be directed to be enforced or recovered in the same Manner as a Poor Rate, or in any Warrant for the levying of any Arrears of the same, to order that a Sum, such as they may deem reasonable, for the Costs and Expenses which such Overseers or Surveyors,

Where a Warrant of Distress is granted for a Poor Rate or Highway Rate, &c. the Costs of obtaining it may also be levied.

Surveyors, or the Persons applying for such Warrant, shall have incurred in obtaining the same, shall also be levied of the Goods and Chattels of the Person or Persons against whom such Warrant shall be granted, together with the reasonable Charges of the taking, keeping, and selling of the said Distress.

Imprisonment in default of Distress. 43 Eliz. c. 2.

II. 'And whereas by an Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, it is amongst other things enacted, that in default of Distress for a Poor Rate it shall be lawful for Two Justices of the Peace to commit the Party against whom the Distress Warrant shall have issued to the Common Gaol of the County, there to remain without Bail or Mainprize until Payment: And whereas it is desirable to limit the Time within which a Person assessed to a Poor Rate, or any other of the Rates or Assessments aforesaid, may be imprisoned for Nonpayment of the same:' Be it therefore enacted, That so much of the said recited Act as relates to the Commitment of any Person to the County Gaol for Nonpayment of any Poor Rate, or for Default of Distress whereon to levy the same, shall be and the same is hereby repealed; and every Person now undergoing any such Imprisonment under or by virtue of the said recited Act shall be discharged from such Imprisonment so soon as he or she shall have been imprisoned Three Calendar Months, or shall sooner pay the Sum or Sums with which he or she is charged; and that hereafter, when to any Warrant of Distress for the levying of any Sum or Sums to which any Person or Persons is or are now or may hereafter be rated or assessed in or by any Rate or Assessment herein-before mentioned it shall be returned by the Constable or Person having the Execution of such Warrant that he could find no Goods or Chattels, or no sufficient Goods or Chattels, whereon to levy such Sum or Sums, together with the Costs of or occasioned by the levying of the same, it shall be lawful for any Two or more Justices of the Peace before whom the same shall be returned, or for any Two or more Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, if in their Discretion they shall so think fit, to issue their Warrant of Commitment against the Person with relation to whom such Return shall be so made as aforesaid, in the Form (D.) in the Schedule to this Act annexed, or in any Form to the like Effect, and thereby order such Person to be imprisoned in the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless the Sum or Sums therein mentioned shall be sooner paid; and every such Warrant of Commitment made or issued for Default of Distress as aforesaid shall be made as well for the Nonpayment of the Costs and Expenses so as aforesaid incurred in obtaining such Warrant of Distress, if the same shall be so ordered as aforesaid, and the Costs attending the said Distress, and also the Costs and Charges of taking and conveying the Party to Prison, (the Amount of such several Costs, Expenses, and Charges being stated in such Warrant of Commitment,) as for the Nonpayment of the Sum or Sums alleged to be due for the said Rates respectively.

So much of 43 Eliz. c. 2. as relates to Commitments for Nonpayment of Rates, or for Default of Distress, repealed. Power to order Imprisonment not exceeding Three Months in default of Distress.

One Warrant of Distress may be issued against several Rate-payers, &c.

III. And be it enacted, That for the saving of Expense in the levying of any Sum or Sums for Rate and Costs as aforesaid it shall be lawful to make and issue One Warrant of Distress against any Number of Persons neglecting or refusing to pay the same, in the Form in the Schedule to this Act annexed; but nothing herein shall be deemed or construed to authorize Justices in like Manner to grant or issue One Warrant of Commitment against several Persons in default of Distress as aforesaid.

To whom Warrants of Distress or Commitment to be directed.

IV. And be it enacted, That the Warrants aforesaid may be directed to the Churchwardens and Overseers of the Poor, or the Overseers of the Poor, or the Surveyors of the Highways, respectively, and to the Constable of the Parish or Township, and to any other Person or Persons, or to any One or more of them, as by the Justices granting the same shall be deemed fit.

Summons, and how served;

V. And be it enacted, That every Summons to be issued against any Person for Nonpayment of any Sum for which he or she is or shall be so rated or assessed as aforesaid shall be directed to such Person, and may be in the Form (B.) in the Schedule to this Act annexed, or in any Form to the like Effect; and the same may be served by any Churchwarden or Overseer of the Poor, or Surveyor of the Highways, respectively, or Constable or other Person, to whom it shall be delivered for that Purpose, upon the Person to whom it is so directed, by delivering the same to the Party personally or by leaving the same with some Person for him or her at his or her last Place of Abode; and the Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose if necessary to the Service of the said Summons; and if, upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justices then present that such Summons was duly served as aforesaid a reasonable Time before the Time so appointed for his or her Appearance as aforesaid, it shall be lawful for such Justices of the Peace in their Discretion, if they shall so think fit, to proceed *ex parte*, in the same Manner to all Intents and Purposes as if such Party had personally appeared before them in obedience to the said Summons.

if not obeyed, the Justices may proceed ex parte.

On Payment or Tender of Rate and Costs Proceedings to cease.

VI. And be it enacted, That in all Cases where any Proceedings have been or shall hereafter be taken to compel Payment of any Sum for which any such Person is or shall be so rated or assessed as aforesaid, if at any Time before such Person shall be committed to and lodged in Prison for Nonpayment thereof, or for or by reason of its being returned to such Warrant of Distress as aforesaid that there are no Goods or Chattels or no sufficient Goods or Chattels of such Person whereon the same may be levied as aforesaid, such Person shall pay or tender to the Churchwardens or Overseers of the Poor, or any of them, or to the Surveyor of Highways respectively, or other Person authorized to collect or receive such Rate, the Sum so sought to be recovered, together with the Amount of all Costs and Expenses up to that Time incurred in the Proceedings so taken to compel Payment thereof as aforesaid, then and in every such Case the Person to whom such Sum and Costs shall be so paid or tendered shall receive

receive the same, and thereupon no further Proceedings for the Recovery of the same shall be had or taken.

Costs already recovered or proceeded for deemed legal.

VII. And be it enacted, That in all Cases where such Costs and Expenses as aforesaid shall have been paid and received, or any Proceedings taken or Imprisonment had for Nonpayment of the same, such Payment and Receipt, and such Proceedings or Imprisonment, shall be deemed legal to all Intents and Purposes, and no Action or other Proceeding shall be had or proceeded in for or in respect of the same.

Forms in Schedule valid.

VIII. 'And whereas it may be convenient, and save Expense and Litigation, if Forms to be used 'for the Purpose of levying the Sums aforesaid should be given:' Be it enacted, That the Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law.

Imprisonment for Nonpayment of Church Rate limited.

IX. 'And whereas it is desirable to limit the Time within which a Person assessed to a Church Rate 'may be imprisoned for Nonpayment of the same:' Be it enacted, That every Person now undergoing any such Imprisonment shall be discharged from such Imprisonment so soon as he or she shall have been imprisoned Three Calendar Months, or shall sooner pay the Sum or Sums with which he or she is charged; and that hereafter no Person shall be imprisoned for the Nonpayment of any Church Rate for any Time exceeding Three Calendar Months.

SCHEDULE.

(A. 1.)

Complaint of the Overseers or Surveyors against One Rate-payer.

} Be it remembered, That on the Day of in the Year of our
to wit. } Lord the [Churchwardens and Overseers of the Poor, *or* the Surveyors of the Highways] of the Parish of in the County of aforesaid, by *C.D.*, One of the said [Overseers *or* Surveyors], complained to the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], that *A.B.* of the said [*Parish*], being a Person duly rated and assessed to [the Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish, in and by a Rate* made on the Day of in the Year in the Sum of hath not paid the same or any Part thereof, but hath refused so to do: Wherefore the said [Churchwardens and Overseers *or* Surveyors] by *C.D.* aforesaid, pray that the said *A.B.* may be summoned to appear before Two of Her Majesty's Justices of the Peace, to show Cause why he hath not paid and refuses to pay the said Sum.

C.D.

Made and exhibited before me at in the
County of on this Day of 1849.
E.F.

* *Or*, in and by several Rates made on and on in the several Sums of and of .

(A. 2.)

Complaint against several Rate-payers.

} Be it remembered, That on the Day of in the Year of our
to wit. } Lord the [Churchwardens and Overseers of the Poor, *or* the Surveyors of the Highways] of the Parish of in the [*County*] of aforesaid, by *C.D.*, One of the said [Overseers *or* Surveyors], complain to the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], that the several Persons whose Names are mentioned and set out in the Schedule hereunder written, being Persons duly rated and assessed to [the Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish, in and by the Rates in the said Schedule mentioned, in certain Sums set down opposite to their respective Names in the said Schedule, have not respectively paid the said Sums or any Part thereof, but have respectively refused so to do: Wherefore the said [Churchwardens and Overseers, *or* Surveyors], by *C.D.* aforesaid, pray that said several Persons may respectively be summoned to appear before Two of Her Majesty's Justices of the Peace, to show Cause respectively why they have not paid and refuse to pay the said Sums respectively.

SCHEDULE.

Names of the Ratepayers.	Residence.	Under Rate dated the 1849.	Arrears due under Rate dated the 1848.	Total Sum due.
		£ s. d.	£ s. d.	£ s. d.
A.B.	(here state it)	1 7 0	1 7 0	2 14 0
I.K.		0 13 0	- - -	0 13 0
L.M.		- - -	0 18 6	0 18 6
N.P.		0 14 3	0 14 3	1 8 6

C.D.

Made and exhibited before me at in the
County of on this Day of 1849.
E.F.

(B.)

Summons upon the Complaint.

To *A.B.* of

WHEREAS Complaint hath this Day been made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] of by the [Churchwardens and Overseers of the Poor, *or* Surveyors of the Highways] of the Parish of in the said [*County*], that you, being a Person duly rated and assessed to [the Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish, in and by a Rate made on the Day of 1849, in the Sum of , hath not paid the same or any Part thereof, but hath refused so to do: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon, at before such Two or more Justices of the Peace for the said [*County*] as may then be there, to show Cause why you have not paid and refuse to pay the same, otherwise you shall be proceeded against by Default as if you had appeared, and be dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *E.F.*

Take notice, that you have already incurred the under-mentioned Costs; viz.

	s.	d.
Clerk to the Justices - - - - -		
Overseer [*or* Surveyor], for obtaining the Summons - -		
Constable, for serving ditto - - - -	1	0
Ditto, Travelling Expenses at Three-pence per Mile - -		
Total -		

If the Amount of these Charges, together with the Rate claimed, be paid to the Overseer [*or* Surveyor] before the Day on which the Summons is returnable, all further Proceedings will be stopped.

(C. 1.)

Warrant of Distress against One Rate-payer.

To the Overseers of the Poor [*or* to the Surveyors of the Highways] of the Parish of in the [*County*] of and to the Constable of and to all other Peace Officers in the said [*County*].

WHEREAS on last past a Complaint was made before *E.F.*, One of Her Majesty's Justices of the Peace in and for the [*County*] of by the [Churchwardens and Overseers of the Poor, *or* Surveyors of the Highways] of the Parish of in the said [*County*], that *A.B.*, being a Person duly rated and assessed to the Relief of the Poor [*or* to the Maintenance of the Highways] of the said Parish in and by a Rate made on in the Sum of had not paid the same or any Part thereof, but had refused so to do; and now at this Day, to wit, on at the Parties aforesaid appear before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County [*or* the said Churchwardens and Overseers, *or* Surveyors, by *C.D.*, One of the said Overseers, *or* Surveyors, appear before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County; but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to us on Oath that the said *A.B.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day before such Two or more Justices of the Peace as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now having heard the Matter of the said Complaint, and it being now duly proved to us upon Oath [in the Presence and Hearing of the said *A.B.*] that an Assessment for the [Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish of and for other Purposes chargeable thereon according to Law, dated the was duly made, allowed, and published, and that the said *A.B.* is therein and thereby assessed at the Sum of aforesaid,* and that the said Sum hath been duly demanded of the said *A.B.*, but that he hath not paid, and hath refused and still refuses to pay the same; and the said *A.B.* now not showing to us any sufficient Cause for not paying the same, These are therefore to command you in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of [*Five*] Days after the making of such Distress the said Sum, and the Sum of for the Costs incurred by the said [Churchwardens and Overseers, *or* Surveyors] in obtaining this Warrant, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale you retain the said Sums of and rendering the Overplus, on Demand, to the said *A.B.*, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if no such Distress can be found that then you certify the same unto us, to the end that such further Proceedings may be had herein as to the Law doth appertain.

Given under our Hands and Seals, this Day of in the Year of our Lord. at in the [*County*] aforesaid. *E.F.*
G.H.

* "And that a certain other Assessment for the Relief," *&c. to the Asterisk, if there be Arrears.*

(C. 2.)

Warrant of Distress against several Rate-payers.

To the Overseers of the Poor *or* the Surveyors of the Highways of the Parish of in the [*County*] of and to the Constables of and to all other Peace Officers in the said [*County*].

WHEREAS on last past a Complaint was made before *E.F.*, One of Her Majesty's Justices of the Peace in and for the [*County*] of by the [Churchwardens and Overseers of the Poor, *or* the Surveyors of the Highways] of the Parish of in the said [*County*], that the several Persons whose Names are mentioned and set forth in the Schedule hereunder written, being Persons duly rated and assessed to [the Relief of the Poor, *or* Maintenance of the Highways] of the said Parish, in and by the Rates in the Schedule in that Complaint and in this Warrant underwritten, in certain Sums set down opposite to their respective Names in the said Schedule, had not respectively paid the said Sums or any Part thereof, but had respectively refused so to do; and now at this Day, to wit, on at the said [Churchwardens and Overseers, *or* Surveyors] by *C.D.*, One of the said Overseers, *or* Surveyors, and *A.B.*, *I.K.*, and *L.M.*, some of the said Parties in the said Schedule mentioned, appear before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*]; but the said *N.P.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to us on Oath that the said *N.P.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day before such Two or more Justices of the Peace as should now be here, to answer the said Complaint, and to be further dealt with according to Law; and now having heard the Matter of the said Complaint against the said several Parties, and it being now duly proved to us upon Oath, in the Presence of the Parties so appearing as aforesaid, that an Assessment for [*the Relief of the Poor*] of the said Parish of and for other Purposes chargeable therein according to Law, dated the was duly made, allowed, and published, and that the said several Persons whose Names are mentioned and set out in the Schedule hereunder written are therein and thereby assessed at the Sums set down opposite to their respective Names in the said Schedule, and that the said several Sums have been duly demanded of them respectively, but they have not nor hath any of them paid the said Sums or any of them, or any Part thereof respectively, but they have refused and still do refuse to pay the same respectively, and have not, nor hath any of them, showed to us sufficient Cause for not paying the same; These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the several Persons whose Names are mentioned and set out in the Schedule hereunder written; and if within the Space of *Five* Days after the making of such Distresses respectively the said several Sums set opposite to their respective Names at which they were so rated and assessed as aforesaid, and the said several Sums for Costs incurred by the said [Churchwardens and Overseers, *or* Surveyors] also set opposite to their respective Names, together with the reasonable Charges of taking and keeping the said Distress in each Case, shall not be paid, that then you do sell the Goods and Chattels of the Party so making Default so by you distrained, and out of the Money arising by such Sales respectively you retain the Sums so set opposite to the Name of each Party whose Goods you shall have so sold, rendering to him the Overplus, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if in any of the Cases mentioned in the Schedule hereunder written no such Distress can be found, that then you certify the same unto us, to the end that such further Proceedings may be had herein as to the Law doth appertain.

SCHEDULE.

Names of Rate-payers.	Residence.	Under Rate dated 1849.	Arrears due under Rate dated 1848.	Costs.	Total.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
A.B. - -	(here state it)	1 7 0	1 7 0	0 6 0	3 0 0
I.K. - -	- - -	0 13 0	- - -	0 2 0	0 15 0
L.M. - -	- - -	- - -	0 18 6	0 3 0	1 1 6
N.P. - -	- - -	0 14 3	0 14 3	0 5 0	1 13 6

Given under our Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

E.F.
G.H.

(D.)

Warrant of Commitment in default of Distress.

To the Overseers of the Poor [*or* the Surveyors of the Highways] of the Parish of in the [*County*] of and to the Constable of and to all other Peace Officers in the said [*County*], and to the Keeper of the [*House of Correction*] at in the said [*County*].

WHEREAS on last past a Complaint was made before *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the said [*County*] of by the [Churchwardens and Overseers of the Poor, *or* Surveyors of the Highways] of the Parish of in the said [*County*], that *A.B.*, being a Person duly rated to the [Relief of the Poor, *or* Maintenance of the Highways] of the said Parish, in and by a Rate made on in the Sum of had not paid the same or any Part thereof, but had refused so to do; and afterwards on at the Parties aforesaid appeared before *E.F.* and *G.H.*, Esquires, Two of Her Majesty's Justices of the Peace in and for the said County [*or* the said Churchwardens and Overseers, *or* Surveyors, by *C.D.*, One of the said Overseers, *or* Surveyors, appeared before *E.F.* and *G.H.*, Esquires, Two of Her Majesty's Justices of the Peace in and for the said County; but the said *A.B.*, although duly called, did not appear by himself, his Counsel or Attorney, and it was then satisfactorily proved to the said Justices that the said *A.B.* had been duly served with the Summons in that Behalf, which required him to be and appear there at that Day before such Two or more Justices of the Peace as should then be there, to answer the said Complaint, and to be further dealt with according to Law]; and then having heard the Matter of the said Complaint, and it being then duly proved to the said Justices upon Oath [in the Presence and Hearing of the said *A.B.*] that an Assessment for the [Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish of dated the was duly made, allowed, and published, and that the said *A.B.*, was therein and thereby assessed at the Sum of aforesaid, and that the said Sum had been duly demanded of the said *A.B.*, but that he had not paid, and had refused and still refused to pay the same, and the said *A.B.* then not showing to the said *E.F.* and *G.H.* any sufficient Cause for not paying the same, the said Justices thereupon then issued a Warrant to commanding them to levy the said Sum of and the Sum of for the Costs incurred in obtaining that Warrant, by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it now appears to me, the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*], as well by the Return of the said to the said Warrant of Distress as otherwise, that the said hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the said Sums above mentioned could be found: These are therefore to command you the said [Churchwardens and Overseers, *or* Surveyors] and Constable and Peace Officers, or some or one of you, to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper, together with this Precept: And I do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him for the Space of unless the said Sums of and together with the Sum of for the Costs attending the said Distress, and the further Sum of being the Costs and Charges of this Commitment, and of taking and conveying the said *A.B.* to Prison, making in the whole the Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

CAP. XV.

An Act to amend an Act of the Fifty-fourth Year of King *George* the Third, for the Recovery of small Sums due for Wages in *Ireland*. [11th *May* 1849.]

54 G. 3. c. 116.

'WHEREAS by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King 'George the Third, intituled *An Act to repeal the several Laws for Recovery of small Sums due 'for Wages in* Ireland, *and to make other Provisions for Recovery of such Wages*, Justices of the Peace 'and Chief Magistrates within their respective Jurisdictions are authorized to hear Complaints respecting 'the Nonpayment of Wages not exceeding Six Pounds, and to adjudicate thereon by summary Process: 'And whereas Doubts have been entertained how far the Sums recoverable by Servants, Artificers, or 'Labourers, as defined by said Act, working by Task or by the Job or by Contract, come within the 'Provisions of the said Act, and it is expedient that such Sums should be recoverable in like Manner as 'Wages under the said Act, and also that the Amount of Sums recoverable under the said Act or this 'Act, whether for Wages, Damages, or Compensation for the Detention thereof, or Costs, should be 'extended to the Amount of like Sums as in the said Act mentioned of the present Currency of the 'United Kingdom of *Great Britain* and *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Amount of Sums recoverable under the Provisions of the said Act, whether for Wages, Damages, or Compensation for the Detention thereof, or Costs, shall be extended to the Amount of like Sums as in the said Act mentioned,

Sums recoverable under recited Act or this Act extended to like Sums of the present Cur-

tioned of the present Currency of the United Kingdom of *Great Britain* and *Ireland;* and further, that all Sums due or payable in *Ireland* to any Servant, Artificer, or Labourer, as defined by the said Act, whose Demand, whether originally greater or not, shall not exceed Six Pounds of the present Currency, for any Labour done or performed by Task or by the Job or by Contract, shall be recoverable by summary Process, in the same Manner and subject to the same Conditions and Limitations as are contained in the said herein-before recited Act, as amended by this Act, in respect to Wages.

rency; and Wages for Task Work to be recoverable before Justices as other Wages for Labour.

II. And be it enacted, That all Sums due or payable in *Ireland* for the Hire of any Horse, Ass, Mule, Bullock, or other Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle drawn by any Horse, Ass, Mule, Bullock, or other Animal, for the Purpose of any labouring Work, (not being for the Carriage of any Passenger or Passengers,) where the Demand (whether consisting wholly of any such Sums as last aforesaid, or partly of any such Sums and partly of Wages, or whether originally of greater Amount or not,) shall not exceed Six Pounds of the present Currency, shall be recoverable by summary Process, in the same Manner and subject to the same Conditions and Limitations as are contained in the said herein-before recited Act, as amended by this Act, in respect to Wages.

The Hire of Horses, Carts, &c. to be recoverable in like Manner.

III. Provided always, and be it enacted, That in case any Party be desirous of appealing to the Quarter Sessions against the Decision of the Justice or Justices or Chief Magistrate, either in any of the Cases in this Act provided for, or in any of the Cases in the said recited Act mentioned and provided for, such Appeal shall not be entertained unless it be made within One Week next after the making of such Decision, nor unless within Four Days after so appealing Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to or left at the Place of Abode of the Party against whom such Appeal shall be brought, nor unless the Appellant at the Time of or forthwith after making such Appeal enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Proceedings required for an Appeal.

IV. And be it enacted, That, subject to the Alterations hereby made, the said recited Act and this Act shall be construed together as One Act.

This and recited Act One.

V. ‘ And whereas by an Act of the Seventh Year of the Reign of Her present Majesty, intituled *An ‘ Act to facilitate the Recovery by summary Process of small Sums due to the Teachers of Schools in ‘* Ireland, it is provided that Sums due or payable to any Teacher of a School in *Ireland* for Instruction ‘ given therein shall be recoverable in the same Manner and subject to the same Conditions and Limit- ‘ ations as are contained in the said first-recited Act in respect to Wages :’ Be it enacted, That the Provisions of this Act for amending the said first-recited Act in relation to the Amount of the Sums recoverable under the same, and in relation to Appeals, shall be extended and applied to Proceedings for the Recovery of Sums due or payable to Teachers of Schools under the Provisions of the said Act of the Seventh Year of Her Majesty's Reign.

Provisions of this Act extended to Proceedings for Sums due to Teachers of Schools under 7 & 8 Vict. c. 8.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XVI.

An Act to protect Justices of the Peace in *Ireland* from vexatious Actions for Acts done by them in the Execution of their Office. [11th *May* 1849.]

‘ WHEREAS it is expedient to protect Justices of the Peace in *Ireland* in the Execution of their ‘ Duty :’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Action hereafter to be brought against any Justice of the Peace in *Ireland* in any of Her Majesty's Superior Courts of Law at *Dublin* for any Act done by him in the Execution of his Duty as such Justice, with respect to any Matter within his Jurisdiction as such Justice, shall be an Action on the Case as for a Tort; and in the Declaration it shall be expressly alleged that such Act was done maliciously, and without reasonable and probable Cause; and if at the Trial of any such Action, upon the General Issue being pleaded, the Plaintiff shall fail to prove such Allegation, he shall be nonsuit, or a Verdict shall be given for the Defendant.

For an Act by a Justice of Peace in Ireland within his Jurisdiction the Action shall be on the Case, and it shall be alleged to have been done maliciously, &c.

II. And be it enacted, That for any Act done by a Justice of the Peace in a Matter of which by Law he has not Jurisdiction, or in which he shall have exceeded his Jurisdiction, any Person injured thereby, or by any Act done under any Conviction or Order made or Warrant issued by such Justice in any such Matter, may maintain an Action against such Justice in the same Form and in the same Case as he might have done before the passing of this Act, without making any Allegation in his Declaration that the Act complained of was done maliciously, and without reasonable and probable Cause : Provided nevertheless, that (in any Case where a Conviction may be quashed either upon Appeal or upon Application to Her Majesty's Court of Queen's Bench) no such Action shall be brought for anything done under such Conviction or Order until after such Conviction or Order shall have been quashed, either upon Appeal or upon Application to Her Majesty's Court of Queen's Bench; nor shall any such Action be brought for anything done under any such Warrant which shall have been issued by such Justice to procure the Appearance of such Party, and which shall have been followed by a Conviction or Order in the same Matter, until after such Conviction or Order shall have been so quashed as aforesaid; or if such last-mentioned Warrant shall not have been followed by any such Conviction or Order, or if it be a Warrant upon an Information for an alleged indictable Offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such Person, either personally

For Act done without or exceeding his Jurisdiction, an Action may be maintained without such Allegation; but not for an Act done under a Conviction or Order, till after Conviction or Order quashed; nor for an Act done under a Warrant to compel Appearance, if a Summons were

previously served and not obeyed.

sonally or by leaving the same for him with some Person at his last or most usual Place of Abode, and he did not appear according to the Exigency of such Summons, in such Case no such Action shall be maintained against such Justice for anything done under such Warrant.

If One Justice make a Conviction, &c., no Action to be brought against another granting Warrant on it.

III. And be it enacted, That where a Conviction or Order shall be made by One or more Justice or Justices of the Peace, and a Warrant of Distress or of Commitment shall be granted thereon by some other Justice of the Peace *bonâ fide* and without Collusion, no Action shall be brought against the Justice who so granted such Warrant, by reason of any Defect in such Conviction or Order, or for any Want of Jurisdiction in the Justice or Justices who made the same, but the Action (if any) shall be brought against the Justice or Justices who made such Conviction or Order.

No Action against Justices for issuing Distress Warrant for Poor Rate by reason of Defect, &c.

IV. And be it enacted, That where any Poor Rate shall be made, allowed, and published, and a Warrant of Distress shall issue against any Person named and rated therein, no Action shall be brought against the Justice or Justices who shall have granted such Warrant by reason of any Irregularity or Defect in the said Rate, or by reason of such Person not being liable to be rated therein; and that in all Cases where a discretionary Power shall be given to a Justice of the Peace by any Act or Acts of Parliament, no Action shall be brought against such Justice for or by reason of the Manner in which he shall have exercised his Discretion in the Execution of any such Power.

If a Justice refuse to do an Act, the Court of Queen's Bench may by Rule order him to do it, and no Action shall be brought against him for doing it.

V. And whereas it would conduce to the Advancement of Justice, and render more effective and 'certain the Performance of the Duties of Justices, and give them Protection in the Performance of 'the same, if some simple Means, not attended with much Expense, were devised by which the Legality 'of any Act to be done by such Justices might be considered and adjudged by a Court of competent 'Jurisdiction, and such Justice enabled and directed to perform it without Risk of any Action or other 'Proceeding being brought or had against him:' Be it therefore enacted, That in all Cases where a Justice or Justices of the Peace shall refuse to do any Act relating to the Duties of his or their Office as such Justice or Justices, it shall be lawful for the Party requiring such Act to be done to apply to Her Majesty's Court of Queen's Bench in *Ireland*, upon an Affidavit of the Facts, for a Rule calling upon such Justice or Justices, and also the Party to be affected by such Act, to show Cause why such Act should not be done; and if after due Service of such Rule good Cause shall not be shown against it, the said Court may make the same absolute, with or without or upon Payment of Costs, as to them shall seem meet; and the said Justice or Justices upon being served with such Rule absolute shall obey the same, and shall do the Act required; and no Action or Proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices for having obeyed such Rule, and done such Act so thereby required as aforesaid.

After Conviction, &c. no Action for anything done under a Warrant upon it.

VI. And be it enacted, That in all Cases where a Warrant of Distress or Warrant of Commitment shall be granted by a Justice of the Peace upon any Conviction or Order which, either before or after the granting of such Warrant, shall have been or shall be confirmed upon Appeal, no Action shall be brought against such Justice who so granted such Warrant for anything which may have been done under the same by reason of any Defect in such Conviction or Order.

If an Action be brought where Act prohibits, a Judge may set aside the Proceedings.

VII. And be it enacted, That in all Cases where by this Act it is enacted that no Action shall be brought under particular Circumstances, if any such Action shall be brought it shall be lawful for a Judge of the Court in which the same shall be brought, upon Application of the Defendant, and upon an Affidavit of Facts, to set aside the Proceedings in such Action, with or without Costs, as to him shall seem meet.

Limitation of Action.

VIII. And be it enacted, That no Action shall be brought against any Justice of the Peace for anything done by him in the Execution of his Office, unless the same be commenced within Six Calendar Months next after the Act complained of shall have been committed.

Notice of Action.

IX. And be it enacted, That no such Action shall be commenced against any such Justice of the Peace until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to him, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney, in which said Notice the Cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the Back thereof shall be endorsed the Name and Place of Abode of the Party so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney if such Notice have been served by such Attorney.

Venue.

Defendant may plead General Issue, &c.

X. And be it enacted, That in every such Action brought in any of the Superior Courts of Law, the Venue shall be laid in the County where the Act complained of was committed; and the Defendant shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action.

Tender, and Payment of Money into Court.

XI. And be it enacted, That in every such Case after Notice of Action shall be so given as aforesaid, and before such Action shall be commenced, such Justice to whom such Notice shall be given may tender to the Party complaining, or to his Attorney, such Sum of Money as he may think fit as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made such Tender, or in addition to such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit, and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if the Jury at the Trial shall be of opinion that the Plaintiff is not entitled to Damages beyond the Sum so tendered or paid into Court, or beyond the Sums so tendered and paid into Court, then they shall give a Verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if any, so paid into Court,

Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs to be taxed, and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause.

In what Cases nonsuit, or Verdict for Defendant.

XII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the County or Place laid as Venue in the Declaration, then and in every such Case such Plaintiff shall be nonsuit, or the Jury shall give a Verdict for the Defendant.

Damages.

XIII. And be it enacted, That in all Cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or Payment of any Penalty or Sum of Money under any Conviction or Order as Parcel of the Damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover Damages for any such Imprisonment, he shall not be entitled to recover the Amount of such Penalty or Sum so levied or paid, or any Sum beyond the Sum of Two-pence as Damages for such Imprisonment, or any Costs of Suit whatsoever, if it shall be proved that he was actually guilty of the Offence of which he was so convicted, or that he was liable by Law to pay the Sum he was so ordered to pay, and (with respect to such Imprisonment) that he had undergone no greater Punishment than that assigned by Law for the Offence of which he was so convicted, or for Nonpayment of the Sum he was so ordered to pay.

Costs.

XIV. And be it enacted, That if the Plaintiff in any such Action shall recover a Verdict, or the Defendant shall allow Judgment to pass against him by Default, such Plaintiff shall be entitled to Costs in such Manner as if this Act had not been passed; or if in such Case it be stated in the Declaration that the Act complained of was done maliciously and without reasonable and probable Cause, the Plaintiff, if he recover a Verdict for any Damages, or if the Defendant allow Judgment to pass against him by Default, shall be entitled to his full Costs of Suit, to be taxed as between Attorney and Client; and in every Action against a Justice of the Peace for anything done by him in the Execution of his Office the Defendant, if he obtain Judgment upon Verdict or otherwise, shall in all Cases be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client.

Extent of Act.

XV. And be it enacted, That this Act shall extend only to *Ireland*.

Commencement of Act.

XVI. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

After Commencement of this Act the following Statutes or Parts of Statutes repealed.

XVII. And be it enacted, That from and after the Time this Act shall so commence and take effect as aforesaid the following Statutes and Parts of Statutes, except so far as they may repeal other Statutes, shall be and shall be deemed and taken to be repealed; that is to say, so much of an Act of Parliament made and passed in *Ireland* in the Tenth Year of the Reign of His Majesty King *Charles* the First, intituled *An Act for Ease in pleading against troublesome and contentious Suits prosecuted against Sheriffs, Justices of Peace, Mayors, Constables, and certain other Officers, for the lawful Execution of their Office,* as relates to Actions against Justices of the Peace; and so much of an Act made and passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the rendering Justices of the Peace and Governors and Deputy Governors of Counties and Places in* Ireland *more safe in the Execution of their Office; and for indemnifying Constables and others acting in obedience to the Warrants of such Justices of the Peace, Governors, and Deputy Governors respectively,* as relates to Actions against Justices of the Peace; and a certain other Act made and passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to render Justices of the Peace more safe in the Execution of their Duty;* and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable.

10 Car. 1. st. 2. c. 16. (I.)
43 G. 3. c. 143.
43 G. 3. c. 141.

Act to apply to Persons protected by the repealed Statutes.

XVIII. And be it enacted, That this Act shall apply for the Protection of all Persons for anything done in the Execution of their Office, in all Cases in which, by the Provisions of any Act or Acts of Parliament, the several Statutes or Parts of Statutes herein-before mentioned, and by this Act repealed, would have been applicable if this Act had not passed.

Act may be amended, &c.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XVII.

An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland*. [11th *May* 1849.]

2 & 3 Vict. c. 79.

'WHEREAS by an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in* Ireland, 'it is amongst other things enacted, "that if during the Space of Five Years from the passing of the

‘ “ said Act any Officer or Constable of Police shall make Oath in Writing, to be by him taken and
‘ “ subscribed before a Justice of the Peace within his Jurisdiction, (which Oath every such Justice is
‘ “ thereby empowered to administer and receive,) that he, the said Officer or Constable, has good Reason
‘ “ to believe that Spirits are retailed or sold without a Licence, or kept for Sale without Licence, in any
‘ “ Room, House, or other Place within the said District, at or over the outer Door of which Room,
‘ “ House, or Place no Sign or Notice is posted or written, importing that the Owner or Occupier thereof
‘ “ is licensed to sell Spirits, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to
‘ “ authorize and empower, within the Police District of *Dublin* Metropolis any Justice or Superintendent
‘ “ Inspector of Police, and in any other Part of *Ireland* any Justice or Sub-Inspector or Chief Constable
‘ “ of Police, to enter into any such Room, House, or other Place as aforesaid at or over the outer
‘ “ Door of which no such Sign or Notice shall be posted or written:” And whereas certain other
‘ Provisions of the like temporary Nature are contained in the said recited Act imposing Penalties on
‘ Persons who shall be convicted of having been found in such unlicensed Premises, and to have been
‘ drinking or tippling therein, or who shall delay to admit Justices and others seeking to enter such
‘ Premises for the Purposes of executing such Warrant, or who shall maliciously or without probable
‘ Cause make such Oath, or enter such Premises, or apprehend Persons who shall not be or shall not have
‘ recently been tippling therein, and also to define what shall be sufficient Evidence for the Purpose of
‘ such Conviction in the Manner in the said Act specified: And whereas the said recited Provisions of
7 & 8 Vict. c. 82. ‘ the said Act were by an Act of the Seventh and Eighth Years of the Reign of Her present Majesty
‘ continued in force for the further Period of Five Years, and will expire on the Twenty-fourth Day of
‘ *August* in this present Year, and it is expedient to continue the same:’ Be it therefore enacted by the
Recited Provisions of said Act continued for Five Years. Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Provisions of the said Act shall be and continue in force for the further Period of Five Years from the said Twenty-fourth Day of *August* in this present Year.

Recited Act to apply to this Act, save, &c. II. And be it enacted, That in every respect, save where it is expressly altered by this Act, the said first-recited Act, and every Clause, Matter, and Thing therein contained, shall be and remain in full Force, and shall apply to this Act, as if the same were herein re-enacted.

Act may be amended, &c. III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XVIII.

An Act for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs. [11th *May* 1849.]

‘ WHEREAS certain Meetings of Justices of the Peace called Petty Sessions of the Peace are holden
‘ in and for certain Divisions of the several Counties of *England* and *Wales* called Petty Sessional
‘ Divisions, and important Duties have lately been assigned to the Justices attending at such Petty
‘ Sessions, and to their Clerks, by certain Acts of Parliament, and it is desirable to declare and enact
‘ that the Sittings of Justices of the Peace, or of a Stipendiary Magistrate, in and for every City, Borough,
‘ or Town Corporate having a separate Commission of the Peace, or for any Part thereof, shall be deemed
‘ a Petty Sessions of the Peace within the Meaning of such Acts, and that Buildings or Places at which
‘ such Petty Sessions may be holden shall, where necessary, be provided:’ Be it therefore enacted by the
Petty Sessions of the Peace in Boroughs. Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Sitting and Acting of Justices of the Peace, or of a Stipendiary Magistrate, in and for any City, Borough, or Town Corporate having a separate Commission of the Peace, or any Part thereof, within *England* and *Wales*, at any Police Court or other Place appointed in that Behalf, shall be deemed a Petty Sessions of the Peace, and the District for which the same shall be holden shall be deemed a Petty Sessional Division, within the Meaning of any Acts of Parliament, already made or hereafter to be made, having relation to such Petty Sessions, or to any Business to be transacted thereat.

Justices at General or Quarter Sessions, or the Council in Boroughs, may provide Places for holding Petty Sessions. II. And be it enacted, That in all Cases where at present there are not, or where hereafter there shall not be, any fit or proper Place for the holding of such Petty Sessions within any such Petty Sessional Division as aforesaid, in any County, Riding, Liberty, or Division within *England* and *Wales*, or within any City, Borough, or Town Corporate within the same, it shall be lawful for the Justices of the Peace for any such County, Riding, Liberty, or Division, in General or Quarter Sessions assembled, and for the Council or other governing Body in any such City, Borough, or Town Corporate having a separate Commission of the Peace, respectively, if they shall respectively think fit, from Time to Time to direct that fit and proper Places be hired or otherwise provided for the holding of such Petty Sessions of the Peace within any such Petty Sessional Division as aforesaid, and that the Expenses thereof and attendant thereon be paid out of the County Rate or Borough Fund respectively, as the Case may be: Provided always, that no such Direction for hiring or otherwise providing any Place for the holding of such Petty Sessions shall be given by the Justices for any such County, Riding, Liberty, or Division, so assembled as aforesaid, unless an Application in Writing for that Purpose, signed by the Justices of the Peace acting in such Petty Sessional Division, or the major Part of such Justices, shall have been transmitted to the Clerk of the Peace Six Weeks at the least before the holding of the General or Quarter Sessions at which such Direction shall be given; and the Clerk of the Peace shall cause Notice of such Application to be published

published in some Newspaper circulating in the same County, Riding Liberty, or Division, and in which the Advertisements of County Business are usually inserted, Fourteen Days at the least before the holding of such General or Quarter Sessions: Provided always, that in every such Case when it may be so required to provide a fit and proper Place for the holding of such Petty Sessions as aforesaid, if it shall appear to the Justices so assembled as aforesaid, or to the Council of such City, Borough, or Town Corporate respectively, that the County Court for the District is holden in any Building or Place which would be appropriate for the holding of such Petty Sessions, it shall be lawful for such Justices or Council respectively, to contract with the Treasurer of such County Court for the Use and Occupation thereof or of so much thereof as may be needed for the Purposes of such Petty Sessions, for such Time or Times, weekly or otherwise, and at such annual Rent, and subject to such Conditions as to Repairs, Alterations, or Improvements of such Building or Place, as may be agreed upon.

The Justices or Council may agree for the Use of the County Court for that Purpose.

III. Provided always, and be it enacted, That where Justices of the Peace, acting as such for Two or more adjoining Counties, Ridings, Liberties, or Divisions, hold Petty Sessions on or near the common Boundaries of such Counties, Ridings, Liberties, or Divisions, it shall be lawful for the Justices of the Peace of each of such Counties, Ridings, Liberties, or Divisions, upon such Application as herein-before provided, to agree with the Justices of the Peace of the other or others of such Counties, Ridings, Liberties, or Divisions, that a Place for the holding of such Petty Sessions be hired or otherwise provided within either of such Counties, Ridings, Liberties, or Divisions, and that the same be so hired or otherwise provided at the joint Expense of such Counties, Ridings, Liberties, or Divisions, in such Manner and Proportions as in the said Agreement shall be specified; and all the Provisions of an Act of the last Session, intituled *An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties*, concerning the Appointment and re-assembling of Committees, filling up Vacancies in Committees, the Proceedings of Committees, the Agreement to be drawn by them (except so far as respects the Appointment and Salary of a Superintendent Constable), and the Powers of the Court of General or Quarter Sessions and of Committees in relation to such Agreement, and the executing the same, and doing all necessary Acts consequential upon such Agreement, shall extend and be applicable to every Agreement to be made under this Act by and between the Justices of Two or more such Counties, Ridings, Liberities, or Divisions as aforesaid, as if such Provisions had been here repeated, and the Agreement to be made as aforesaid under this Act, and the Place to be provided for the holding of such Petty Sessions as aforesaid, had been substituted in such Provisions for such Agreement and Lock-up House as in the said Act mentioned.

Justices of the Peace of different Counties may provide Places for holding Petty Sessions at the joint Expense of such Counties.

11 & 12 Vict. c. 101.

CAP XIX.

An Act to make perpetual an Act of the Tenth and Eleventh Years of Her present Majesty, for authorizing the Removal of Prisoners from the several Gaols in *Ireland* in Cases of Epidemic Diseases. [11th *May* 1849.]

[10 & 11 *Vict. c.* 45. *made perpetual.*]

CAP. XX.

An Act for raising the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-nine. [11th *May* 1849.]

CAP. XXI.

An Act to confirm certain Acts of the Legislature of *Newfoundland* respecting the rebuilding of the Town of *Saint John's Newfoundland*, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town. [24th *May* 1849.]

'WHEREAS by an Act passed in the First Year of King *George* the Fourth, intituled *An Act to regulate the rebuilding of the Town of* Saint John's *in* Newfoundland, *and for indemnifying Persons giving up Ground for that Purpose*, it was enacted, that certain Streets and Cross Streets in the said Town should be respectively of the Width specified in the said Act: And whereas by an Act of the Legislature of *Newfoundland* passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to regulate the rebuilding of the Town of* Saint John's *and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned*, and by another Act of the said Legislature of *Newfoundland* passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, entitled 'An Act to regulate the rebuilding of the Town of* Saint John's *and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned,'* certain Provisions are made respecting the Boundaries, Width, and Direction of certain Streets and Cross Streets or Fire Breaks in the said Town of *Saint John*, and such Provisions may conflict with the Provisions of the said Act of the First Year of King *George* the Fourth: And whereas it is expedient that the said Acts of the Legislature of *Newfoundland* should be confirmed, and that such Legislature should be enabled from Time to Time to make other Regulations concerning the rebuilding of the said Town:' Be it therefore enacted

1 G. 4. c. 51.

9 & 10 Vict. c. 3. (Newfoundland Act.)

10 Vict. c. 1. (Newfoundland Act.)

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions of the said recited Acts of the Legislature of *Newfoundland* shall be deemed to have been, from the passing of such Acts respectively, valid and effectual to all Intents and Purposes; and it shall be lawful for the said Legislature of *Newfoundland*, by any Act or Acts made in the Manner and subject to the Conditions which may be by Law required in respect of Acts made by such Legislature, from Time to Time to make such Provision as to such Legislature shall seem meet concerning the rebuilding or building of the said Town of *Saint John's*, and all or any of the Matters and Things mentioned and provided for in and by the said Act of the First Year of King *George* the Fourth, and in and by the said recited Acts of the said Legislature respectively, anything in the said Act of the First Year of King *George* the Fourth or any Law or Usage to the contrary notwithstanding.

Acts of the Legislature of Newfoundland confirmed, and such Legislature empowered to make further Provisions, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XXII.

An Act to remove Doubts concerning the Validity of certain Grants of Land in the Colony of *New South Wales*. [24th *May* 1849.]

'WHEREAS by a Proclamation bearing Date the Eighth Day of *June* One thousand eight hundred and twenty-nine, made and published by his Excellency Lieutenant General *Ralph Darling*, then Captain General and Governor in Chief of the Colony of *New South Wales*, reciting that much Inconvenience had been occasioned by the Want of sufficient Titles for Allotments of Land in the Town of *Sydney*, and that such Titles had not been issued by the Government, except in a few Instances, since the Thirtieth Day of *June* One thousand eight hundred and twenty-three, in order to remedy the said Inconvenience, and to give the necessary Security to private Property, it was thereby ordained and proclaimed, that, on Application being made, a Grant in Fee Simple should be issued, under the Conditions in the said Proclamation specified, to every Person, or his lawful Representative, who on or before the said Thirtieth Day of *June* One thousand eight hundred and twenty-three was *bonâ fide* in possession, by Lease from the Government, whether such Lease was then expired or not, or by mere Right of Occupancy, of any Allotment of Land in the Town of *Sydney* which had not theretofore been alienated by the Crown, and not specified in a certain Order of the Government bearing even Date with the said Proclamation Number Thirty, or otherwise notified theretofore as being required for public Purposes, reserving, however, and keeping harmless, all Rights of other private Individuals which might be lawfully established at any Time thereafter: And whereas since the issuing of the said Proclamation Grants in Fee Simple of Allotments of Land in *Sydney* which had been before leased by the Government have from Time to Time been made and issued to divers Persons claiming the said Land under the Terms and Conditions set forth in the said Proclamation: And whereas at the Time of the making and issuing of divers of the said Grants Leases which had been issued by the Government of Lands comprised in such Grants were unexpired, and the said Leases were not surrendered nor cancelled, nor recited nor mentioned in the said Grants: And whereas Doubts have been entertained whether such Grants are valid; and it is expedient that such Doubts as aforesaid should be removed by Authority of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Grants made and issued after the Date and Publication of the said Proclamation, and before the Seventeenth Day of *June* One thousand eight hundred and forty-eight, by or in the Name of the Governor or Person administering the Government of the said Colony for the Time being, or by or in the Name of either of Her Majesty's Predecessors King *George* the Fourth and King *William* the Fourth, or by or in the Name of Her Majesty, of any Lands situated in *Sydney*, shall (notwithstanding that the Leases which had been issued of the same Lands were at the Time of the making and issuing of such Grants unexpired, and that such Leases were not recited in the said Grants,) be and be deemed and taken to have been from the respective Dates thereof as valid and effectual in the Law to grant and convey such Lands to all Intents and Purposes as if such Leases had been recited and set forth in such Grants.

Grants of Lands in Sydney confirmed.

II. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or taken to affect or prejudice the Rights of any Person or Persons to any Lands or Hereditaments which have been erroneously or wrongfully granted to any Grantee thereof, contrary to the true Intent and Meaning of the said Proclamation, anything in any such Grant or in this Act to the contrary notwithstanding.

Saving as to Lands erroneously granted.

CAP. XXIII.

An Act to authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility, in *Ireland*. [24th *May* 1849.]

'WHEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, whereby the Sum of One million five hundred thousand Pounds was authorized to

10 & 11 Vict. c. 32.

'be

'be advanced by way of Loan out of the Consolidated Fund of the United Kingdom of *Great Britain* 'and *Ireland*, for the Improvement of Landed Property in *Ireland:* And whereas it is expedient to 'authorize the Advance of a further Sum of Money for the said Purpose:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to issue and advance out of the growing Produce of the said Consolidated Fund, in addition to the Sum by the said recited Act authorized, such further Sum or Sums of Money, not exceeding in the whole Three hundred thousand Pounds, as may from Time to Time be required for facilitating the Improvement of Landed Property in *Ireland* by the Owners thereof, the same to be applied for the Purposes and under the Provisions of the said recited Act, or of any other Act in force authorizing Loans to be made for that Purpose.

Treasury may advance 300,000*l.* for Landed Improvements.

II. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act, or applicable to the Loans thereby authorized to be made, shall extend to this Act and the Loans herein-before authorized to be made.

10 & 11 Vict. c. 32. extended to this Act.

III. 'And whereas by another Act passed in the same Session of Parliament, intituled *An Act to* 'provide additional Funds for Loans for Drainage and other Works of public Utility in Ireland, *and* 'to repeal an Act of the last Session for authorizing a further Issue of Money in aid of public Works 'of acknowledged Utility, the Sum of Two hundred and fifty thousand Pounds was authorized to be 'advanced by way of Loan out of the said Consolidated Fund, for the Extension and Promotion of 'Drainage and other Works of public Utility in *Ireland:* And whereas it is expedient to authorize the 'Advance of a further Sum of Money for the said Purposes:' Be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and advance out of the growing Produce of the said Consolidated Fund, in addition to the Sum by the last-recited Act authorized, such further Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, as may from Time to Time be required for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*, the same to be applied for the Purpose of the Loans which the Commissioners of Public Works in *Ireland* may be called upon to make under the Provisions of the Acts now in force authorizing Loans to be made for those Purposes.

Treasury may advance 200,000*l.* for Drainage, &c.

10 & 11 Vict. c. 106.

IV. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things, of what Nature or Kind soever, contained in or referred to by the said last-recited Act, or any Act authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*, shall extend to this Act, and to Loans hereby authorized to be made for those Purposes.

Provisions of 10 & 11 Vict. c. 106. extended to this Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. XXIV.

An Act to make Provision, until the Thirty-first Day of *December* One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in *Ireland*. [24th *May* 1849.]

'WHEREAS it is expedient, for a limited Time, to make further Provision for the Relief of the 'destitute Poor chargeable on certain Unions and Electoral Divisions in *Ireland*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, with the Approval of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, during each of the Years ending the Thirty-first Day of *December* One thousand eight hundred and forty-nine and the Thirty-first Day of *December* One thousand eight hundred and fifty, to fix and declare from Time to Time the Amount of such Sum as the said Commissioners shall deem it necessary should be raised for the Purpose aforesaid, and to assess the same upon the several Unions in *Ireland* in proportion to the annual Value of the Property in each Union rateable to the Relief of the Poor, according to the Valuation thereof for Poor Rates in force for the Time being; provided that the Sum so to be levied in any Union, in each of the said Two Years, shall not exceed Sixpence in the Pound on such annual Value; and the said Commissioners shall transmit to the Guardians of each Union an Order under their Seal, stating the Amount so assessed on such Union, and the Amount thereof which shall be leviable on each Electoral Division of such Union, according to the net annual Value of the rateable Property in such Electoral Divisions respectively.

Poor Law Commissioners in Ireland may authorize the levying a Rate in Aid.

II. And be it enacted, That the Guardians of each Union shall, in the Rate to be made on each Electoral Division of the Union next after the Receipt of such Order, provide for the Sum leviable on such Division, according to the Order of the Commissioners as aforesaid; and from and after the making of the Rate on such Division next after the Receipt of such Order the Treasurer of the Union shall, out of all Lodgments made with him of such Rate, or any subsequent Rate, on account of such Division, reserve One Moiety of all such Lodgments, and place the same to the Credit of such Division in an Account to be entitled "The Union Rate in Aid Account," until the whole Sum leviable on such Division under the said Order shall have been reserved and placed to such Account as aforesaid; and the Treasurer of such Union shall pay over from Time to Time all Sums so reserved as aforesaid on account of the Proprortion leviable

Upon Receipt of Order from the Poor Law Commissioners for the Levy of such Rate, the Amount leviable on each Electoral Division to be levied, and paid into

the Bank of Ireland.

leviable on each Electoral Division into the Bank of *Ireland*, to be there placed to a separate Account in the Name of the Paymaster of Civil Services in *Ireland*, to be entitled "The General Rate in Aid Account."

Commissioners of the Treasury to direct Disposal of Monies arising from the Rate in Aid.

III. And be it enacted, That the Commissioners of Her Majesty's Treasury shall be empowered to order the Payment of the Sum standing in such separate Account at the Bank of *Ireland* as aforesaid, or of any Part thereof, to such Person or Persons, at such Time and Times, and under such Conditions and Restrictions, as the said Commissioners of Her Majesty's Treasury shall think fit, for the Purpose of affording Relief to destitute poor Persons in any Union or Electoral Division in *Ireland*, or of assisting the Emigration of such destitute poor Persons, or for the Purpose of repaying any Advance which may have been made as herein-after provided out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* for any of the Purposes aforesaid.

Commissioners of the Treasury may advance 100,000*l.*

IV. And be it enacted, That for the more speedy affording of such Relief it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that any Sum or Sums not exceeding in the whole One hundred thousand Pounds shall be issued and paid, out of the growing Produce of the said Consolidated Fund, to such Person or Persons and at such Time and Times as the said Commissioners shall from Time to Time direct; and such Sum or Sums shall be charged on and be repayable out of the Produce of any Rate or Rates to be levied in any Union or Unions in *Ireland* under the Provisions and in pursuance of this Act.

Account to be made up in Form in Schedule, and laid before Parliament.

V. And be it enacted, That an Account shall be made up, of the Sums received and expended under this Act by means of the said Rate in Aid, to the Thirty-first Day of *December* in the present Year, and also a similar Account to the same Day in the Year One thousand eight hundred and fifty, in the Form set forth in the Schedule to this Act annexed; which Accounts shall be laid before Parliament within Ten Days after the first Sitting of Parliament next after the Thirty-first Day of *December* in each of the said Years.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which this Act refers.

Name of Union.	Valuation of Poor Law.	Amount of Rate in Aid received.	Amount granted out of Rate in Aid.	Total Amount appropriated under Rate in Aid.	Debt due on Union.	Amount of Rate collected.	Amount of Rate remaining uncollected.	Amount applied for Emigration under this Act.	Total Amount of Rate in Aid remaining unissued.

CAP. XXV.

An Act for giving effect to the Stipulations of a Treaty between Her Majesty and the Queen of *Portugal* for the Apprehension of certain Deserters. [26th *June* 1849.]

'WHEREAS by the Sixteenth Article of a Treaty of Commerce and Navigation between Her Majesty and the Queen of *Portugal*, signed at *Lisbon* on the Third Day of *July* One thousand eight hundred and forty-two, the Ratifications whereof were exchanged at *Lisbon* on the Thirtieth Day of the same Month, it was agreed "that if any Apprentices or Sailors should desert from Vessels "belonging to the Subjects of either of the High Contracting Parties while such Vessels were within "any Port in the Territory of the other Party, the Magistrates of such Port and Territory should be "bound to give every Assistance in their Power for the Apprehension of such Deserters, on Application "to that Effect being made by the Consul of the Party concerned or by the Deputy or Representative "of the Consul, and no public Body, civil or religious, should protect or harbour such Deserters;" and by the Nineteenth Article of the said Treaty it was further agreed, "that the said Treaty should be in "force for the Term of Ten Years from the Date thereof, and further until the End of Twelve Months "after either of the High Contracting Parties should have given Notice to the other of its Intention to "terminate the same, each of the High Contracting Parties reserving to itself the Right of giving such "Notice to the other at the End of the said Term of Ten Years, or at any subsequent Time; and it was "thereby agreed between them that at the Expiration of Twelve Months after such Notice should have "been received by either Party from the other the said Treaty and all the Provisions thereof should "altogether cease and determine:" And whereas it is expedient that Provision should be made for carrying the said Treaty into effect:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any Apprentice or Sailor shall desert from any Vessel belonging to any *Portuguese* Subject or Subjects while such Vessel shall be within any Port in any of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions

Deserters from Portuguese Vessels to be apprehended on

Jurisdictions shall, on Application being made by a *Portuguese* Consul, or his Deputy or Representative, according to the Provisions of the said Treaty, aid in apprehending such Apprentice or Sailor; and upon any such Application it shall be lawful for any Justice of the Peace, or other Magistrate or Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions or Territories in which such Apprentice or Sailor shall be found, to issue his Warrant for the Apprehension of such Apprentice or Sailor, and, upon due Proof of such Desertion as aforesaid, to order such Apprentice or Sailor to be conveyed on board the said Vessel, or to be delivered to the Master, Mate, or Owner of such Vessel, or his Agent, for the Purpose of being so conveyed; and it shall be lawful for such Master, Mate, Owner, or Agent, or any other Person, in pursuance of the Order in that Behalf, to convey such Apprentice or Sailor accordingly. Application of Consul.

II. And be it enacted, That no Person shall protect or harbour any Apprentice or Sailor who shall have deserted as aforesaid, knowing or having reason to believe such Apprentice or Sailor to have so deserted, and every Person so offending shall for every such Apprentice or Seaman so protected or harboured forfeit and pay the Sum of Ten Pounds, and such Penalty shall be recovered, paid, and applied in like Manner as the Penalty imposed by an Act passed in the Eighth Year of Her Majesty, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, upon a Person harbouring or secreting a Seaman or Apprentice having deserted from his Ship; and the Provisions of such Act applicable to such last-mentioned Penalty, and to the Proceedings for the Recovery thereof, shall be applicable to the Penalty imposed by this Act and to the Proceedings for the Recovery thereof. Penalty for protecting Deserters. 7 & 8 Vict. c. 112.

III. And be it enacted, That if by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession abroad Provision shall be made for carrying into complete Effect within such Colony or Possession the Objects of this present Act by the Substitution of some other Enactment in lieu thereof, then it shall be competent to Her Majesty, with the Advice of Her Privy Council, (*if* to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this present Act, so long as such substituted Enactment shall continue in force there, and no longer. Limits of the Act.

IV. And be it enacted, That this Act shall continue in force during the Continuance of the said Treaty. Continuance of the Act.

CAP. XXVI.

An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases (*a*). [26th *June* 1849.]

'WHEREAS, through Mistake or Inadvertence on the Part of Persons granting Leases, and through Ignorance on the Part of Lessees of the Titles of Persons from whom Leases are accepted, Leases granted by Persons having valid Powers of Leasing are frequently invalid as against the Successors in Estate of such Persons by reason of the Nonobservance or Omission of some Condition or Restriction, or by reason of some other Deviation from the Terms of such Powers: And whereas Leases granted in the intended Exercise of such Powers are sometimes invalid as against the Successors in Estate of the Persons granting the same by reason that at the Time of granting the same the Person granting the Lease could not lawfully grant such Lease, although at a subsequent Time, and during the Continuance of his Estate in the Hereditaments comprised in such Lease, he might have granted the same in the lawful Exercise of such Power: And whereas it is expedient that Provisions should be made for granting Relief in the Cases aforesaid, in manner after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in construing this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing Males shall extend to Females, and the Word "Person" shall include Corporations aggregate or sole, unless in any of the Cases aforesaid there be something in the Context repugnant to such Construction. Interpretation of Terms.

II. And be it enacted, That where in the intended Exercise of any such Power of Leasing as aforesaid, whether derived under an Act of Parliament or under any Instrument lawfully creating such Power, a Lease has been or shall hereafter be granted, which is, by reason of the Nonobservance or Omission of some Condition or Restriction, or by reason of any other Deviation from the Terms of such Power, invalid as against the Person entitled, after the Determination of the Interest of the Person granting such Lease, to the Reversion, or against other the Person who, subject to any Lease lawfully granted under such Power, would have been entitled to the Hereditaments comprised in such Lease, such Lease, in case the same have been made *bonâ fide*, and the Lessee named therein, his Heirs, Executors, Administrators, or Assigns, (as the Case may require,) have entered thereunder, shall be considered in Equity as a Contract for a Grant, at the Request of the Lessee, his Heirs, Executors, Administrators, or Assigns, (as the Case may require,) of a valid Lease under such Power, to the like Purport and Effect as such invalid Lease as aforesaid, save so far as any Variation may be necessary in order to comply with the Terms of such Power; and all Persons who would have been bound by a Lease lawfully Leases invalid owing to Deviation from Terms of the Power to be deemed Contracts in Equity for such Leases as might have been granted under the Power.

(*a*) See *post*, Cap. 110.

Proviso where the Grantor or Reversioner is willing to confirm.

granted under such Power shall be bound in Equity by such Contract: Provided always, that no Lessee under any such invalid Lease as aforesaid, his Heirs, Executors, Administrators, or Assigns, shall be entitled by virtue of any such equitable Contract as aforesaid to obtain any Variation of such Lease, where the Persons who would have been bound by such Contract are willing to confirm such Lease without Variation.

Acceptance of Rent, &c.

III. And be it enacted, That the Acceptance of Rent under any such invalid Lease as aforesaid shall, as against the Person so accepting the same, be deemed a Confirmation of such Lease.

Leases invalid at the granting thereof may become valid if the Grantor continue in the Ownership.

IV. And be it enacted, That where a Lease granted in the intended Exercise of any such Power of Leasing as aforesaid, is invalid by reason that, at the Time of the granting thereof, the Person granting the same could not lawfully grant such Lease, but the Estate of such Person in the Hereditaments comprised in such Lease shall have continued after the Time when such or the like Lease might have been granted by him in the lawful Exercise of such Power, then and in every such Case such Lease shall take effect, and be as valid as if the same had been granted at such last-mentioned Time, and all the Provisions herein contained shall apply to every such Lease.

What shall be deemed an intended Exercise of a Power.

V. And be it enacted, That when a valid Power of Leasing is vested in or may be exercised by a Person granting a Lease, and such Lease (by reason of the Determination of the Estate or Interest of such Person or otherwise) cannot have Effect and Continuance according to the Terms thereof, independently of such Power, such Lease shall, for the Purposes of this Act, be deemed to be granted in the intended Exercise of such Power, although such Power be not referred to in such Lease.

Saving the Rights of the Lessees under Covenants for Title and for quiet Enjoyment, and the Lessor's Right of Re-entry for Breach of Covenant, &c.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to prejudice or take away any Right of Action or other Right or Remedy to which, but for the passing of this Act, the Lessee named in any such Lease as aforesaid, his Heirs, Executors, Administrators, or Assigns, would or might have been entitled, under or by virtue of any Covenant for Title or quiet Enjoyment contained in such Lease on the Part of the Person granting the same, or to prejudice or take away any Right of Re-entry or other Right or Remedy to which, but for the passing of this Act, the Person granting such Lease, his Heirs, Executors, Administrators, or Assigns, or other the Person for the Time being entitled to the Reversion expectant on the Determination of such Lease, would or might have been entitled, for or by reason of any Breach of the Covenants, Conditions, or Provisoes contained in such Lease, and on the Part of the Lessee, his Heirs, Executors, Administrators, or Assigns, to be observed and performed.

Act not to extend to certain Leases.

VII. And be it enacted, That this Act shall not extend to any Lease by an Ecclesiastical Corporation or Spiritual Person, or to any Lease of the Possessions of any College, Hospital, or Charitable Foundation, or to any Lease where, before the passing of this Act, the Hereditaments comprised in such Lease have been surrendered or relinquished, or recovered adversely by reason of the Invalidity thereof, or there has been any Judgment or Decree in any Action or Suit concerning the Validity of such Lease,

Pending Suits not to be prejudiced.

and shall not prejudice or affect any Action or Suit already commenced and now pending in any Court of Law or Equity, but every such Action and Suit may be proceeded with, and such Relief had therein, as if this Act had not passed.

Extent of Act.

VIII. And be it enacted, That this Act shall not extend to *Scotland*.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXVII.

An Act to remove Doubts concerning the Transportation of Offenders under Judgment of Death to whom Mercy may be extended in *Ireland*. [26th *June* 1849.]

'WHEREAS Doubts have arisen as to the Power of the Crown to mitigate the Punishment of Offenders under Judgment of Death for Treason in *Ireland*: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever Her Majesty, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, shall be pleased to extend Mercy to any Offender under Judgment of Death in *Ireland* for any Offence whatsoever by Law punishable with Death, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, or for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant signed by such Lord Lieutenant or other Chief Governor or Governors, to order the Transportation of such Offender for the Term of the natural Life of such Offender, or for any Term of Years (as in such Warrant shall be expressed); and such Warrant shall be as effectual in the Law, and shall be carried into execution by the Transportation of such Offender to any Place beyond the Seas to which Offenders may be transported, in the same Manner as if such Warrant had been a Sentence and Order for the Transportation for the like Term of such Offender pronounced, made, and recorded in respect of an Offence in respect of which such Sentence and Order might have been pronounced and made by a Court of competent Jurisdiction.

Her Majesty or the Lord Lieutenant may order the Transportation of any Offender under Judgment of Death to whom Mercy may be extended.

Warrants to be recorded.

II. And be it enacted, That every such Warrant shall be lodged with the Clerk of the Crown or Clerk of the Peace acting for the Court where the Judgment of Death hath been or shall be pronounced or recorded, to be kept among the Records of such Court.

CAP. XXVIII.

An Act to enable the Commissioners of *Greenwich* Hospital to regulate and manage the Markets held at *Greenwich* in the County of *Kent*. [26th *June* 1849.]

'WHEREAS His Majesty King *William* the Third by His Letters Patent, dated at *Westminster* the Eighteenth Day of *July* One thousand seven hundred, did give and grant to the Right Honourable *Henry* Earl of *Romney*, his Heirs and Assigns, free, lawful, and absolute Right, Power, Licence, and Authority, for him, his Heirs and Assigns, to have, keep, and enjoy, at the Villa of *East Greenwich* in the County of *Kent*, Two Markets upon *Wednesday* and *Saturday* in every Week for ever, for the buying and selling all Goods and Wares whatsoever commonly bought and sold in such Markets, together with free Liberty of erecting and keeping a Court of Piepowder, with all Liberties, free Customs, Powers, Customs, Tolls, and other Profits and Commodities thereunto belonging or in anywise appertaining, as mentioned in the said Letters Patent: And whereas by an Indenture dated the Ninth Day of *December* One thousand seven hundred, made between the said *Henry* Earl of *Romney* of the one Part, and the several Persons therein named of the other Part, and by virtue of Two several Acts of Parliament passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third and the Tenth Year of the Reign of His Majesty King *George* the Fourth, relating to the Property of the Commissioners of *Greenwich* Hospital, the said Two Markets and Court of Piepowder in and by the said recited Letters Patent granted, together with the said Letters Patent, and all Tolls, and other Profits, Benefits, Advantages, and Appurtenances whatsoever to them belonging or appertaining, or that should come or accrue by the same, became vested in the Commissioners of *Greenwich* Hospital and their Successors, in trust for and as Part of the Estates and Property of the said Hospital: And whereas the said Commissioners have at considerable Expense erected on certain Ground, forming Part of the Estates and Property of the said Hospital, a commodious Market Place, with suitable Buildings, in which the said Markets are now carried on: And whereas the said Markets are of great Benefit and Advantage to the Inhabitants of the Parish of *Greenwich*, and it is expedient that the said Commissioners should be empowered to make proper Rules and Regulations for the better Management thereof:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That "The Markets and Fairs Clauses Act, 1847," shall be incorporated with and form Part of this Act, except so far as the same is inconsistent therewith or may be hereby varied or altered.

10 & 11 Vict. c. 14. incorporated with this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in Deeds, legal Instruments, and legal and other Proceedings, it shall be sufficient to use the Expression "The *Greenwich* Markets Act, 1849."

Short Title of Act.

III. And be it enacted, That the Commissioners of *Greenwich* Hospital shall be the Undertakers for regulating and managing the Markets according to the Provisions of this Act and the Act incorporated herewith.

Commissioners of Greenwich Hospital to be Undertakers.

IV. And be it enacted, That the Limits within which this and the said incorporated Act shall be put in force shall be the said Parish of *Greenwich*.

Limits of Act.

V. And be it enacted, That immediately after the passing of this Act all Tolls, Pickage, Stallage, Rents, and Duties whatsoever which have been heretofore demanded by the said Commissioners under the Authority of the said recited Letters Patent, or by Custom or otherwise, and all Exemptions from the Payment of such Tolls, Pickage, Stallage, Rents, and Duties which have been heretofore claimed by any Person or Persons whomsoever, shall cease, and the same are hereby absolutely extinguished, and it shall be lawful for the said Commissioners and their Successors from Time to Time to demand from any Person or Persons occupying or using any Stand, Stall, Shed, or Place in the Market Place or Buildings, or bringing into any such Market Place or Buildings any Poultry, or marketable Provisions, Goods, Wares, Merchandize, Articles, or Things specified in the Schedule to this Act annexed, such Stallage, Rents, and Tolls as the said Commissioners shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Tolls to be taken.

VI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing House or Place for weighing or measuring any Article sold in the Market Place and Buildings by Weight or Measure, or for weighing any Waggon or Cart, from Time to Time to demand such Tolls as the said Commissioners or their Successors shall appoint, not exceeding in any Case the Amount specified in the Schedule to this Act annexed.

Tolls for weighing or measuring.

VII. And be it enacted, That with respect to any Bye Laws to be made under the Authority of this Act and the Act incorporated herewith the same shall be reduced to Writing under the Hands and Seals of the said Commissioners or their Successors, or any Two or more of them.

Bye Laws to be in Writing, and signed, &c.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, did or might lawfully claim, use, or exercise.

Saving the Rights of the City of London.

Saving the Rights of the Churchwardens, Overseers, &c. of the Parish of Greenwich.

9 G. 4. c. xliii.

4 G. 4. c. lxx.

IX. Provided also, and be it enacted, That nothing in this Act contained shall be deemed, construed, or taken to alter, take away, abridge, prejudice, or in any Manner interfere with the Rights, Powers, Jurisdictions, and Authorities of the Churchwardens, Overseers of the Poor, and Parishioners, or the Churchwardens, Overseers, and Governors and Directors of the Poor of the said Parish of *Greenwich* for the Time being acting under and by virtue of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repealing an Act of the Twenty-sixth Year of the Reign of King* George *the Second, for the better Relief and Employment of the Poor in the Parish of* East Greenwich *in the County of* Kent, *and for repairing the Highways and cleansing the Streets thereof, and for making more effectual Provisions in lieu of the said Act*, and also of an Act passed in the Fourth Year of the Reign of His said late Majesty, intituled *An Act for lighting and watching the Parish and Town of* Greenwich *in the County of* Kent, *and removing and preventing Nuisances therein.*

Public Act.

X. And be it enacted, That this Act shall be a Public Act, and judicially taken notice of as such.

SCHEDULE to which this Act refers.

Table of Tolls, Rents, and Stallages.

For every Stall, Bulk, Block, Tressel, or Station used by any Person for exposing to Sale Meat, Fish, or any other live or dead Victuals, Fruit, China, Glass, Earthenware, or other Goods, Articles, Commodities, or Things, according to the Size or Dimensions of the same; viz. for each Superficial Square Foot thereof:—

	£	s.	d.
If such Stall, Bulk, Block, Tressel, or Station be within the covered Market Place:—			
If taken by the Year, the Sum of	0	4	0
By the Half Year, the Sum of	0	2	0
By the Quarter, the Sum of	0	1	0
If otherwise taken, for each Market Day or other Day, the Sum of	0	0	1
If such Stall, Bulk, Block, Tressel, or Station, be not within the covered Market:—			
If taken by the Year, the Sum of	0	2	0
By the Half Year, the Sum of	0	1	0
By the Quarter, the Sum of	0	0	6
If otherwise taken, for each Market Day or other Day, the Sum of	0	0	0½
For every Waggon used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, for each Market Day or other Day, the Sum of	0	1	6
For any Cart used by any Person for the like Purpose, for each Market Day or other Day:—			
If drawn by One Horse or other Animal, the Sum of	0	0	9
If drawn by Two or more Horses or other Animals, the Sum of	0	1	0
For each Compartment or Space on the Surface of the Ground used by any Person for the like Purpose, according to the Size or Dimensions of the same; viz. for each Superficial Square Foot thereof:—			
If the Compartment or Space be within the covered Market:—			
If taken by the Year, the Sum of	0	2	0
By the Half Year, the Sum of	0	1	0
By the Quarter, the Sum of	0	0	6
If otherwise taken, for every Market Day or other Day in the Week, the Sum of	0	0	0½
If the Compartment or Space be not within the covered Market:—			
If taken by the Year, the Sum of	0	1	0
By the Half Year, the Sum of	0	0	6
By the Quarter, the Sum of	0	0	3
If otherwise taken, for each Market Day or other Day, the Sum of	0	0	0¼
From any Person exposing for Sale any Article, Matter, or Thing not herein specifically charged, and not occupying any Stall, Bulk, Block, Tressel, or Station, nor any defined Compartment or Space on the Surface of the Ground:—			
If the Spot on which such Person shall stand be within the covered Market:—			
For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Market Day or other Day, the Sum of	0	0	1½
If the Spot be not situate within the covered Market:—			
For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Market Day or other Day, the Sum of	0	0	1
For every Horse, Gelding, or Mare brought or offered for Sale, the Sum of	0	0	6
For every Colt, Filly, Mule, or Ass, the Sum of	0	0	2
For every Bull, Ox, Cow, Steer, or Heifer, the Sum of	0	0	2
For every Calf, the Sum of	0	0	0½

	£	s.	d.
For every Score of Sheep or Lambs, and so in proportion for any less or greater Number, the Sum of	0	0	3
For every Head of Swine, the Sum of	0	0	1
For Poultry and Game, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, Rabbits, Hares, Pheasants, Partridges, and other Game, exposed for Sale, according to the Number thereof; viz.:—			
Not more than Half a Dozen, the Sum of	0	0	1
For each additional Half Dozen, the Sum of	0	0	1
Weighing or Measuring.			
For every Hide, the Sum of	0	0	0½
For every Lot of Tallow, the Sum of	0	0	0½
For every Flitch of Bacon, the Sum of	0	0	0½
For every Skin, the Sum of	0	0	0½
For every Sheep, Lamb, or Calf, the Sum of	0	0	0½
For every Bull, Ox, Steer, Cow, or Heifer, the Sum of	0	0	2
If weighed in Quarters, for each Quarter, the Sum of	0	0	0½
For all other Articles sold in the Market, being not more than Twenty Pounds Weight, the Sum of	0	0	0½
Being not more than One Hundred Weight, the Sum of	0	0	1
For each additional One Hundred Weight, the Sum of	0	0	1
For all Goods and Articles sold in the Market by Measure, for each Bushel, the Sum of	0	0	0½
Weighing Machines.			
For weighing any Waggon, the Sum of	0	0	6
For weighing any Cart, the Sum of	0	0	3

The Stallage and the several Tolls and Rents before mentioned and specified to be payable and paid for in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof, for a Part or Portion of the Day, in case he shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

CAP. XXIX.

An Act to amend the Laws in force for the Encouragement of *British* Shipping and Navigation. [26th *June* 1849.]

'WHEREAS it is expedient to amend the Laws now in force for the Encouragement of *British* Shipping and Navigation:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and fifty the following Acts and Parts of Acts shall be repealed; (that is to say,) a certain Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Encouragement of* British *Shipping and Navigation*; and so much of a certain other Act passed in the said Session of Parliament, intituled *An Act for the registering of* British *Vessels*, as limits the Privileges of Vessels registered at *Malta*, *Gibraltar*, and *Heligoland*; and so much thereof as provides that no Ship or Vessel shall be registered, except such as are wholly of the Build of some Part of the *British* Dominions; and so much as relates to the Disqualification of Ships repaired in a Foreign Country; and so much as prevents *British* Ships which have been captured by or sold to Foreigners from becoming entitled to be again registered as *British* in case the same again become the Property of *British* Subjects; and so much of a certain other Act passed in the said Session of Parliament, intituled *An Act to regulate the Trade of* British *Possessions abroad*, as provides that no Goods shall be imported into or exported from any of the *British* Possessions in *America* by Sea from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from the several Ports denominated Free Ports; and so much thereof as provides for the Limitation of the Privileges allowed to Foreign Ships by the Law of Navigation in respect of Importations into the *British* Possessions in *Asia*, *Africa*, and *America*; and so much thereof as provides that no Vessel or Boat shall be admitted to be a *British* Vessel or Boat on any of the Inland Waters or Lakes of *America*, except such as shall have been built at some Place within the *British* Dominions, and shall not have been repaired at any Foreign Place to a greater Extent than in the said Act is mentioned; and so much of a certain other Act passed in the said Session of Parliament, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Train Oil, Blubber, Spermaceti Oil, Headmatter, Skins, Bones, and Fins, the Produce of Fish or Creatures living in the Sea, unless in Vessels which shall have been cleared out regularly with such Oil, Blubber, or other Produce on board from some Foreign Port; and so much thereof as prohibits the Importation of Tea, unless from the *Cape of Good Hope*, or from Places Eastward of the same to the *Straits of Magellan*; and so much of a certain Act

Certain Acts repealed from and after 1st January 1850.
8 & 9 Vict. c. 88.
8 & 9 Vict. c. 89. Sec. 3.
Sec. 5.
Sec. 7.
Sec. 9.
8 & 9 Vict. c. 93. Sec. 2.
Sec. 4.
Sec. 44.
8 & 9 Vict. c. 86 s. 63.

Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen and for keeping a Register of Seamen*, as provides that the Master or Owner of every Ship belonging to any Subject of Her Majesty, and of the Burden of Eighty Tons or upwards, (except Pleasure Yachts,) shall have on board at the Time of her proceeding from any Port of the United Kingdom, and at all Times when absent from the United Kingdom, or navigating the Seas, One Apprentice or more in a certain Proportion to the Number of Tons of his Ship's Admeasurement, and that if any such Master or Owner shall neglect to have on board his Ship the Number of Apprentices thereby required, together with their respective registered Indentures, Assignments, and Register Tickets, he shall forfeit and pay the Sum of Ten Pounds in respect of each Apprentice, Indenture, Assignment, or Register Ticket so wanting or deficient; also an Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trade to be carried on with the* British *Possessions in* India *by the Ships of Nations in Amity with His Majesty*; and so much of a certain Act passed in the Session of Parliament holden in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the* East India *Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament for the registering of Vessels, so far as it relates to Vessels registered in* India, as enacts that no *Asiatic* Sailors, Lascars, or Natives of any of the Territories, Countries, Islands, or Places within the Limits of the Charter of the *East India* Company, shall at any Time be deemed or taken to be *British* Seamen within the Intent and Meaning of any Act or Acts of Parliament relating to the Navigation of *British* Ships by Subjects of Her Majesty; and also the following Acts and Parts of Acts; so much of a certain Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, as relates to the Regulation of Duties and Drawbacks; also an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council for regulating the Tonnage Duties on certain Foreign Vessels, and to amend an Act of the last Session of Parliament for authorizing His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels*; also so much of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for granting Duties of Customs*, as empowers Her Majesty in Council in certain Cases to direct that additional Duties shall be levied on Articles the Growth, Produce, or Manufacture of Foreign Countries, or upon Goods imported in the Ships of Foreign Countries, or to prohibit the Importation of manufactured Articles the Produce of Foreign Countries; also so much of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Importation of Corn*, as enables Her Majesty, under certain Circumstances, to prohibit the Importation of Corn, Grain, Meal, or Flour from the Dominions of certain Foreign Powers; and the said several Acts and Parts of Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts, or any Part of such Act or Acts, and except so far as relates to any Penalty or Forfeiture which shall have been incurred under the said Act or Acts hereby repealed or any of them, or to any Offence which shall have been committed contrary to such Act or Acts or any of them.

7 & 8 Vict. c. 112. s. 37.

37 G. 3. c. 117.

4 G. 4. c. 80. s. 20.

4 G. 4. c. 77.

5 G. 4. c. 1.

8 & 9 Vict. c. 90. s. 8.

5 & 6 Vict. c. 14. s. 8.

Coasting Trade.

Coasting Trade of U. K. and Isle of Man.

II. And be it enacted, That no Goods or Passengers shall be carried Coastwise from one Part of the United Kingdom to another, or from the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to the United Kingdom, except in *British* Ships.

Trade with the Channel Islands.

III. And be it enacted, That no Goods or Passengers shall be imported into the United Kingdom from any of the Islands of *Guernsey, Jersey, Alderney*, or *Sark*, nor shall any Goods or Passengers be exported from the United Kingdom to any of the said Islands, nor shall any Goods or Passengers be carried from any of the Islands of *Guernsey, Jersey, Alderney, Sark*, or *Man* to any other of the said Islands, nor from one Part of any of the said Islands to another Part of the same Island, except in *British* Ships.

Coasting Trade of the British Possessions.

IV. And be it enacted, That no Goods or Passengers shall be carried from one Part of any *British* Possession in *Asia, Africa*, or *America* to another Part of the same Possession, except in *British* Ships.

Queen in Council may regulate Coasting Trade of Colonies on their Address.

V. Provided always, and be it enacted, That if the Legislature or proper legislative Authority of any such *British* Possession shall present an Address to Her Majesty, praying Her Majesty to authorize or permit the Conveyance of Goods or Passengers from one Part of such Possession to another Part thereof in other than *British* Ships, or if the Legislatures of any Two or more Possessions, which for the Purposes of this Act Her Majesty in Council shall declare to be neighbouring Possessions, shall present Addresses or a joint Address to Her Majesty, praying Her Majesty to place the Trade between them on the Footing of a Coasting Trade, or of otherwise regulating the same, so far as relates to the Vessels in which it is to be carried on, it shall thereupon be lawful for Her Majesty, by Order in Council, so to authorize the Conveyance of such Goods or Passengers, or so to regulate the Trade between such neighbouring Possessions, as the Case may be, in such Terms and under such Conditions, in either Case, as to Her Majesty may seem good.

Coasting Trade of India to be

VI. And with regard to the Coasting Trade of *India*, be it enacted, That it shall be lawful for the Governor General of *India* in Council to make any Regulations authorizing or permitting the Conveyance

veyance of Goods or Passengers from one Part of the Possessions of the *East India* Company to another Part thereof in other than *British* Ships, subject to such Restrictions or Regulations as he may think necessary; and such Regulations shall be of equal Force and Effect with any Laws and Regulations which the said Governor General in Council is now or may hereafter be authorized to make, and shall be subject to Disallowance and Repeal in like Manner as any other Laws or Regulations made by the said Governor General in Council under the Laws from Time to Time in force for the Government of the *British* Territories in *India*, and shall be transmitted to *England*, and be laid before both Houses of Parliament, in the same Manner as any other Laws or Regulations which the Governor General in Council is now or may hereafter be empowered to make.

regulated by Governor General in Council.

VII. And be it enacted, That no Ship shall be admitted to be a *British* Ship unless duly registered and navigated as such; and that every *British*-registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the Use of such Ship,) shall be navigated during the whole of every Voyage (whether with a Cargo or in Ballast) in every Part of the World by a Master who is a *British* Subject, and by a Crew whereof Three Fourths at least are *British* Seamen; and if such Ship be employed in a Coasting Voyage from one Part of the United Kingdom to another, or in a Voyage between the United Kingdom and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or from one of the said Islands to another of them, or from one Part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom or of any of the said Islands, then the whole of the Crew shall be *British* Seamen: Provided always, that if a due Proportion of *British* Seamen cannot be procured in any Foreign Port, or in any Place within the Limits of the *East India* Company's Charter, for the Navigation of any *British* Ship, or if such Proportion be destroyed during the Voyage by any unavoidable Circumstance, and the Master of such Ship make Proof of the Truth of such Facts to the Satisfaction of the Collector and Controller of the Customs at any *British* Port, or of any Person authorized in any other Part of the World to inquire into the Navigation of such Ship, the same shall be deemed to be duly navigated: Provided also, that every *British* Ship (except such as are required to be wholly navigated by *British* Seamen) which shall be navigated by One *British* Seaman for every Twenty Tons of the Burthen of such Ship shall be deemed to be duly navigated, although the Number of other Seamen shall exceed One Fourth of the whole Crew.

British Ships.

No Ship British unless registered and navigated as such.

Proviso.

VIII. And be it enacted, That no Person shall be deemed to be a *British* Seaman, or to be duly qualified to be Master of a *British* Vessel, except Persons of One of the following Classes; (that is to say,) natural-born Subjects of Her Majesty; Persons naturalized by or under any Act of Parliament, or by or under any Act or Ordinance of the Legislature or proper legislative Authority of One of the *British* Possessions, or made Denizens by Letters of Denization; Persons who have become *British* Subjects by virtue of the Conquest or Cession of some newly acquired Country, and who have taken the Oath of Allegiance to Her Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly acquired Country came into Her Majesty's Possession; *Asiatic* Sailors or Lascars, being Natives of any of the Territories, Countries, Islands, or Places within the Limits of the Charter of the *East India* Company, and under the Government of Her Majesty or of the said Company; and Persons who have served on board any of Her Majesty's Ships of War, in Time of War, for the Space of Three Years.

What Persons to be British Seamen.

IX. And be it enacted, That if Her Majesty shall at any Time by Her Royal Proclamation declare that the Proportion of *British* Seamen necessary to the due Navigation of *British* Ships shall be less than the Proportion required by this Act, every *British* Ship navigated with the Proportion of *British* Seamen required by such Proclamation shall be deemed to be duly navigated, so long as such Proclamation shall remain in force.

Proportion of Seamen may be altered by Proclamation.

X. And be it enacted, That in case it shall be made to appear to Her Majesty that *British* Vessels are subject in any Foreign Country to any Prohibitions or Restrictions as to the Voyages in which they may engage, or as to the Articles which they may import into or export from such Country, it shall be lawful for Her Majesty (if She think fit), by Order in Council, to impose such Prohibitions or Restrictions upon the Ships of such Foreign Country, either as to the Voyages in which they may engage, or as to the Articles which they may import into or export from any Part of the United Kingdom or of any *British* Possession in any Part of the World, as Her Majesty may think fit, so as to place the Ships of such Country on as nearly as possible the same Footing in *British* Ports as that on which *British* Ships are placed in the Ports of such Country.

Reciprocity.

Queen may restrict the Privileges of Foreign Ships in certain Cases;

XI. And be it enacted, That in case it shall be made to appear to Her Majesty that *British* Ships are either directly or indirectly subject in any Foreign Country to any Duties or Charges of any Sort or Kind whatsoever from which the national Vessels of such Country are exempt, or that any Duties are imposed upon Articles imported or exported in *British* Ships which are not equally imposed upon the like Articles imported or exported in national Vessels, or that any Preference whatsoever is shown either directly or indirectly to national Vessels over *British* Vessels, or to Articles imported or exported in national Vessels over the like Articles imported or exported in *British* Vessels, or that *British* Trade and Navigation is not placed by such Country upon as advantageous a Footing as the Trade and Navigation of the most favoured Nation, then and in any such Case it shall be lawful for Her Majesty (if She think fit,) by Order in Council, to impose such Duty or Duties of Tonnage upon the Ships of such Nation entering into or departing from the Ports of the United Kingdom, or of any *British* Possession in any Part of the World, or such Duty or Duties on all Goods, or on any specified Classes of Goods, imported or exported in the Ships of such Nation, as may appear to Her Majesty justly to countervail the Disadvantages to which *British* Trade or Navigation is so subjected as aforesaid.

and may impose additional Duties.

XII. And

Order in Council to specify Ships to which it applies.

XII. And be it enacted, That in every such Order Her Majesty may, if She so think fit, specify what Ships are to be considered as Ships of the Country or Countries to which such Order applies, and all Ships answering the Description contained in such Order shall be considered to be Ships of such Country or Countries for the Purposes of such Order.

Orders may be revoked.

XIII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to revoke any Order or Orders in Council made under the Authority of this Act.

Orders to be published in "Gazette," and laid before Parliament.

XIV. And be it enacted, That every such Order in Council as aforesaid shall, within Fourteen Days after the issuing thereof, be Twice published in the *London Gazette*, and that a Copy thereof shall be laid before both Houses of Parliament within Six Weeks after the issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Penalties.

XV. And be it enacted, That if any Goods be imported, exported, or carried Coastwise contrary to this Act, all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried Coastwise shall forfeit the Sum of One hundred Pounds, except where any other Penalty is hereby specially imposed.

Penalties, how to be recovered.

XVI. And be it enacted, That all Penalties and Forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like Manner and by the same Authority as any Penalty or Forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, under an Act passed in the said Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty, intituled *An Act for the Prevention of Smuggling*; and that the Costs of all Proceedings under this Act shall be defrayed out of the Consolidated Duties of Customs.

8 & 9 Vict. c. 87.

Registry.

Who may be Owners of British Vessels.

XVII. And be it enacted, That all natural-born Subjects of Her Majesty, and all Persons made Denizens by Letters of Denization, and all Persons naturalized by or under any Act of Parliament, or by or under any Act or Ordinance of the Legislature or proper legislative Authority of any of the *British* Possessions in *Asia*, *Africa*, or *America*, and all Persons authorized by or under any such Act or Ordinance to hold Shares in *British* Shipping, shall, on taking the Oath of Allegiance to Her Majesty, Her Heirs and Successors, be deemed to be duly qualified to be Owners or Part Owners of *British*-registered Vessels, anything in the said recited Act for the registering of *British* Shipping to the contrary in anywise notwithstanding.

Form of Certificate of Registry.

XVIII. And be it enacted, That the following Form of Certificate shall be substituted for the Form of Certificate prescribed by the said Act for the registering of *British* Shipping:

'THIS is to certify, That [*here insert the Names, Occupations, and Residence of the subscribing Owners*], having made and subscribed the Declaration required by Law, and having declared that [he *or* they], together with [*Names, Occupations, and Residence of non-subscribing Owners*], is [*or* are] sole Owner [*or* Owners] in the Proportions specified on the Back hereof of the Ship or Vessel called the [*Ship's Name*] of [*Place to which the Vessel belongs*], which is of the Burthen of [*Number of Tons*], and whereof [*Master's Name*] is Master, and that the said Ship or Vessel was [*when and where built, or condemned as Prize, referring to Builder's Certificate, Judge's Certificate, or Certificate of last Registry, then delivered up to be cancelled, or (if the Vessel was Foreign built, and the Time and Place of building not known,)* was Foreign, and that he *or* they did not know the Time or Place of building], and [*Name and Employment of Surveying Officer*] having certified to us that the said Ship or Vessel has [*Number*] Decks and [*Number*] Masts, that her Length from the inner Part of the Main Stem to the fore Part of the Sternpost aloft is [Feet Tenths], her Breadth in Midships is [Feet Tenths], her Depth in Hold at Midships is [Feet Tenths], that she is [*how rigged*] rigged with a [standing *or* running] Bowsprit, is [*Description of Stern*] sterned, [Carvel *or* Clincher] built, has [*whether any or not*] Gallery, and [*Kind of Head, if any,*] Head, that the Framework and planking [*or* plating] is [*state whether of Wood or Iron*] and that she is [*state whether a Sailing Vessel or a Steamer, and if a Steamer, state whether propelled by Paddle Wheels or Screw Propellers*]; and the said subscribing Owners having consented and agreed to the above Description, and having caused sufficient Security to be given as required by Law, the said Ship or Vessel called the [*Name*] has been duly registered at the Port of [*Name of Port*]. Certified under our Hands at the Custom House in the said Port of [*Name of Port*], this [*Date*] Day of [*Name of Month*] in the Year [*Words at Length*].

'(Signed) Collector.

'(Signed) Comptroller.'

And on the Back of such Certificate of Registry there shall be an Account of the Parts or Shares held by each of the Owners mentioned and described in such Certificate, in the Form and Manner following:

Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
[*Name*] - - -	- - - *Thirty-two.*
[*Name*] - - - -	- - - *Sixteen.*
[*Name*] - - -	- - - *Eight.*
[*Name*] - - -	- - - *Eight.*

(Signed) Comptroller.

(Signed) Collector.

Registry.

XIX. And be it enacted, That the following Declaration shall be substituted for the Declaration by the said Act directed to be made by the Owner or Owners of any Vessel previous to the Registry thereof: Form of Declaration.

'I *A.B.* of [*Place of Residence and Occupation*] do truly declare, That the Ship or Vessel [*Name*] of [*Port or Place*], whereof [*Master's Name*] is at present Master, being [*Kind of Build, Burthen, et cætera, as described in the Certificate of the Surveying Officer*], was [*when and where built, or, if Prize or forfeited, Capture, and Condemnation as such, or, (if the Vessel be Foreign built, and the Owner does not know when and where she was built,)* that the said Vessel is Foreign built, and that I do not know the Time and Place of her building], and that I the said *A.B.* [*and the other Owners Names and Occupations, if any, and where they respectively reside,*] am [*or* are] sole Owner [or Owners] of the said Vessel, and that no other Person or Persons whatever hath or have any Right, Title, Interest, Share, or Property therein or thereto; and that I the said *A.B.* [and the said other Owners, *if any,*] am [*or* are] truly and bonâ fide a Subject [*or* Subjects] of Great Britain, and that I the said *A.B.* have not [nor have any of the other Owners, to the best of my Knowledge and Belief,] taken the Oath of Allegiance to any Foreign State whatever [*except under the Terms of some Capitulation, describing the Particulars thereof*], or that since my taking [*or* his *or* their taking] the Oath of Allegiance to [*naming the Foreign States respectively to which he or any of the said Owners shall have taken the same*] I have [*or* he *or* they hath *or* have] become a Denizen [*or* Denizens, *or* naturalized Subject *or* Subjects, *as the Case may be,*] of the United Kingdom of Great Britain and Ireland, by Her Majesty's Letters Patent [*or* by an Act of Parliament, *or* by or under or by virtue of an Act or Ordinance of the Legislature of *or* have been authorized by an Act or Ordinance of the Legislature of to hold Shares in British Shipping within the said Colony, and since the passing of such Act or Ordinance I have [*or* he *or* they hath *or* have] taken the Oath of Allegiance to Her Majesty Queen Victoria] [*naming the Times when such Letters of Denization have been granted respectively, or the Year or Years in which such Act or Acts of Naturalization, or such Colonial Acts or Ordinances, have passed respectively*], and that no Foreigner, directly or indirectly, hath any Share or Part Interest in the said Ship or Vessel:'

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate Body in the United Kingdom, the following Declaration, in lieu of the Declaration hereinbefore directed, shall be made and subscribed by the Secretary or other proper Officer of such Corporate Body; (that is to say,)

'I *A.B.*, Secretary *or* Officer of [*Name of Company or Corporation*], do truly declare, That the Ship or Vessel [*Name*] of [*Port*] whereof [*Master's Name*] is at present Master, being [*Kind of Build, Burthen, &c., as described in the Certificate of the Surveying Officer*], was [*when and where built, or, if Prize or forfeited, Capture and Condemnation as such*], or [*if the Vessel be Foreign built, and that such Secretary or Officer does not know when and where built,*] that the said Vessel is Foreign built, and that I do not know the Time and Place of the building, and that the same doth wholly and truly belong to [*name the Company or Corporation*].'

Proviso for Vessels under Fifteen Tons Burthen in Inland Navigation, and for Vessels under Thirty Tons Burthen for the Newfoundland Fishery.

XX. And be it enacted, That notwithstanding that by the said recited Act for the registering of *British* Vessels it is enacted, that in case any Ship, not being duly registered, shall exercise any of the Privileges of a *British* Vessel, the same shall be forfeited, nevertheless all Boats or Vessels under Fifteen Tons Burthen, wholly owned and navigated by *British* Subjects, although not registered as *British* Ships, shall be admitted to be *British* Vessels in all Navigation in the Rivers and upon the Coasts of the United Kingdom or of the *British* Possessions abroad, and not proceeding over Sea, except within the Limits of the respective Colonial Governments within which the managing Owners of such Vessels respectively reside; and that all Boats or Vessels wholly owned and navigated by *British* Subjects, not exceeding the Burthen of Thirty Tons, and not having a whole or fixed Deck, and being employed solely in fishing on the Banks and Shores of *Newfoundland* and of the Parts adjacent, or on the Banks and Shores of the Provinces of *Canada, Nova Scotia,* or *New Brunswick* adjacent to the *Gulf of Saint Lawrence,* or on the North of *Cape Canso,* or of the Islands within the same, or in trading Coastwise within the said Limits, shall be admitted to be *British* Boats or Vessels, although not registered, so long as such Boats or Vessels shall be solely so employed.

Commencement of Act.

XXI. And be it enacted, That this Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty.

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XXX.

An Act for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep, in *Ireland.* [26th *June* 1849.]

'WHEREAS it is expedient to make Provision for the more speedy Detection of the Receivers of stolen Sheep in *Ireland:*' Be it enacted by the Queen's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if any credible Witness shall prove on Oath before a Justice of the Peace for any County in *Ireland* that there is reasonable Cause to suspect that the Carcass of any Sheep or Lamb stolen from any Person, or any Mutton, Fat, Skin, or Fleece of such Sheep or Lamb, is concealed in any Dwelling House, Outhouse, Garden,

Power to Constables to search suspected Houses for Sheep, &c. sup-

posed to have been stolen, and apprehend Parties, &c.

Garden, Yard, or other Place or Places, and if the Carcass of any Sheep or Lamb, or any Mutton, Mutton Fat, Skin, or Fleece, so suspected to have been stolen, shall, by virtue of any Search Warrant issued by such Justice, be found in the Possession of any Person with his Knowledge in or at such Dwelling House, Outhouse, Garden, Yard, or other Place or Places specified in such Warrant, or on any Premises specified in such Warrant, of any Person, with his Knowledge, it shall be lawful for any Justice or Justices before whom such Person shall be brought (unless such Person shall satisfy such Justice or Justices that he came lawfully by the same) to commit such Person to the Common Gaol or House of Correction, in order that he may be brought forward for Trial at the next Court of Petty Sessions, unless he enter into such Bail, with One or more solvent or sufficient Securities, as may be required for his Appearance before such Court; and if such Person so apprehended, after Proof upon Oath of such finding of such Carcass, Mutton, Mutton Fat, Skin, or Fleece as aforesaid, shall not satisfy the Justices sitting at Petty Sessions that he came lawfully thereby, he shall be held guilty of a Misdemeanor, and shall forfeit and pay any Sum, not exceeding Five Pounds, which to such Justices shall seem fit, together with the Charges previous to and attending his Conviction, which such Justices are hereby authorized to award; and upon Nonpayment thereof, either immediately after the Conviction or within such Period as such Justices at the Time of such Conviction shall appoint, (which they are hereby empowered to appoint,) such Justices shall commit such Offender to the Common Gaol or House of Correction of the County in which such Offence shall have been committed, by Warrant under their Hands and Seals, there to remain, without Bail or Mainprize, with or without hard Labour, as the said Justices may see fit, for any Time not exceeding Three Calendar Months, unless the Penalty and such Charges, if so awarded, shall be sooner paid; such pecuniary Penalty to be divided, by the Justices before whom such Conviction has been made, into equal Portions, one Portion to be given to the nearest Dispensary, and the other to be paid and applied according to the Provisions of an Act passed in the Session held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated, in* Ireland, and *for the Application and Distribution thereof*, or of any Act or Acts amending the said Act.

Penalty if Carcasses, &c. not proved to have been lawfully come by.

On Nonpayment of Penalty, Committal for Time therein specified.

Application of Penalty.

1 & 2 Vict. c. 99.

If Case fit for Indictment for Felony, Justice not to adjudicate in a summary Way.

II. Provided always, and be it enacted, That if the Justices before whom such Person shall be so brought or shall so appear shall find the Evidence given against such Person before such Justices to be such that in the Opinion of such Justices the Case is one in which there ought to be a Prosecution by Indictment for Felony, it shall be lawful for such Justices to abstain from adjudicating in a summary Manner thereon, and to deal with the Case as one to be prosecuted at the Assizes or Quarter Sessions.

Parties punished under this Act exempt from further Proceedings.

III. And be it enacted, That in case any Person convicted under this Act shall have paid the Sum adjudged to be paid, together with Costs, if awarded under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Limitation of Prosecutions.

IV. Provided always, and be it enacted, That the Prosecution for every Offence punishable on summary Conviction by virtue of this Act shall be commenced within Two Months after the Commitment of the Offence and not otherwise.

Interpretation of Terms.

V. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "County" shall extend to and include County of a City, County of a Town or City, or Town and County.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XXXI.

An Act for requiring the Transmission of the annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges in *Scotland* to the Secretary of State to be laid before Parliament. [26th *June* 1849.]

1 & 2 W. 4. c. 43.

'WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in* Scotland, by which it was enacted, that the Trustees of every Turnpike Road should and they were thereby required, either by themselves or some Committee of their Number, annually to examine the Vouchers and audit and settle the Accounts of the respective Clerks and Treasurers appointed by them, and to examine into the State of the Revenues and Debts, distinguishing bonded from floating Debts, of the several Roads for which they should act as Trustees, and to make up Abstracts of such Accounts, which Abstracts should contain a Statement of the Revenues and Debts of the Trust, and also an Account of all Bonds given by the Trustees, and the Dates thereof, and which said Abstracts of Accounts and Statements should be signed by not less than Three of the Trustees; and it is expedient that such annual Accounts and Statements, and also similar annual Accounts and Statements of Bridge Trusts, should be transmitted to One of Her Majesty's Principal Secretaries of State for the Purpose of being revised and afterwards laid before both Houses of Parliament:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Clerks to such Trustees,

Trustees, by whom or by whose Committees such Abstracts of Accounts and Statements of Revenues and Debts of the respective Turnpike Trusts under the Charge of such Trustees are directed to be made and signed as aforesaid, and also the several and respective Clerks to the Trustees acting under any Act or Acts of Parliament for building or maintaining any Bridge in *Scotland*, shall, on or before the First Day of *October* One thousand eight hundred and forty-nine, transmit to One of Her Majesty's Principal Secretaries of State Abstracts and Statements made up and signed as in the said recited Act prescribed and according to the Form contained in the Schedule (A.) annexed to this Act, or as nearly in the said Form as Circumstances will permit, for the Period of a Year preceding the Term of *Whitsunday* One thousand eight hundred and forty-nine, and shall in like Manner upon the First Day of *October* in all future Years transmit to One of Her Majesty's Principal Secretaries of State the like Abstracts and Statements made up and signed in the Manner directed by the said recited Act, and in the Form of the said Schedule (A.), or as nearly in the said Form as Circumstances will permit, for the Year ending at the preceding Term of *Whitsunday*; and if any Clerk to such Trustees shall refuse or neglect to transmit such annual Abstracts and Statements within the Time herein-before prescribed, then and in every such Case every Clerk so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Sheriff of the County within which the larger Proportion of the Turnpike Roads comprehended within such Turnpike Trust are situated or within which such Clerk resides.

Clerks of Road Trusts, &c. to transmit to Secretary of State Abstracts of Accounts and Statements of Revenues and Debts.

II. And be it enacted, That the Secretary of State to whom such annual Abstracts and Statements shall be transmitted shall cause the same to be revised, abstracted, and arranged, and laid before both Houses of Parliament, together with any Observations which he may think proper to make respecting the State, Condition, and Repair of the Roads and Bridges or any of them, or respecting the Debts, Revenues, Expenditure, and Management of any such Turnpike and Bridge Trusts.

Secretary of State to cause Abstracts to be laid before Parliament.

III. And be it enacted, That when and as often as the Trustees of any Turnpike Road or Bridge shall have entered into a Resolution to apply to Parliament for any new Turnpike Road or Bridge Act, or for the Continuation of the Term and Powers of the Act under which any Turnpike Road or Bridge is regulated, or for the Alteration or Enlargement of the Powers and Provisions of such Act, or any of them, or for an Alteration of the Tolls or Pontages to be levied on such Turnpike Road or Bridge, the Clerk of such Trustees shall immediately thereupon transmit a Copy of such Resolution to One of Her Majesty's Principal Secretaries of State, together with a Copy of any special Clauses proposed to be inserted in the intended Act, and also a Statement of the Alteration of Tolls or Pontages intended to be made.

If Road Acts proposed to be amended Clerk to transmit Resolution and Particulars to Secretary of State.

IV. And be it enacted, That the Penalties hereby imposed shall be recovered and applied in such and the like Manner as the Penalties imposed by the said recited Act are directed to be recovered and applied.

Penalties how recovered, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULE (A.)

GENERAL STATEMENT of the INCOME and EXPENDITURE of the TURNPIKE [*or* BRIDGE] TRUST in the County of between the Term of Whitsunday and the Term of Whitsunday ..

INCOME.	£ s. d.	EXPENDITURE.	£ s. d.
Balance in Treasurer's Hands brought forward		Balance due to the Treasurer brought forward	
Revenue received from Tolls		Manual Labour	
Revenue from Fines		Carriage of Materials	
from incidental Receipt		Materials for Surface Repairs	
Amount of Money borrowed on the Security of the Tolls		Land purchased	
		Damage done in obtaining Materials	
		Tradesmen's Bills	
		Salaries: Treasurer	
		Clerk	
		Surveyor	
		Law Charges	
		Interest on Debt	
		Annuities	
		Improvements	
		Watering Roads	
		Debts paid off	
		Incidental Expenses	
Balance due to the Treasurer		Balance in the Treasurer's Hands	

Debts.	£ s. d.	Rate of Interest per Cent.	£ s. d.	Arrears of Income.	£ s. d.	Insert the Name and Place of Abode of the Treasurer, Clerk, General and Superintending Surveyor, below.
Bonded Debt - -				Arrears of Tolls for current Year - -		
Floating ditto - -				Arrears of any other Receipt ditto - -		
Unpaid Interest - -				Arrears of former Years -		
Balance due to the Treasurer - - -						
Total Debts - -				Total Arrears -		

CAP. XXXII.

An Act to continue to the End of the Year One thousand eight hundred and fifty-one certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland*. [26th *June* 1849.]

11 & 12 Vict. c. 26. s. 4.

'WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in* Ireland *in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of* Dublin *Metropolis relating to the Recovery of Poor Rates, and other Cases*, it is amongst other things enacted, that it shall and may be lawful for the Grand Jury at any Assizes in *Ireland* held after the passing of the said Act, and before the End of the Year One thousand eight hundred and forty-nine, if they shall think fit, in Cases where Difficulties shall occur in the Collection of the public Monies as therein mentioned, to present, without previous Application to Presentment Sessions, a Sum not exceeding One Shilling in the Pound on the Amount of the Collection of such Monies from such Barony or Baronies where such Difficulties shall occur, to be paid to any High Constable or Collector for his Trouble in collecting the same: And whereas it is expedient that the said Provision should be further continued:'

Provision of recited Act enabling Grand Juries to present increased Poundage where Difficulties occur in the Collection of public Monies, further continued.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provision of the said recited Act shall be continued and be in force to the End of the Year One thousand eight hundred and fifty-one.

11 & 12 Vict. c. 32.

II. 'And whereas by another Act passed in the last Session of Parliament, intituled *An Act to facilitate the Collection of County Cess in* Ireland, it is amongst other things provided, that in case it should appear to the Grand Jury of any County assembled at the Summer Assizes of that present Year, or to the Magistrates assembled at a Special Sessions of the Peace, as therein-after directed, that a Collector could not be procured to collect Grand Jury Cess for an entire Barony, then it might be lawful for such Grand Jury, or for the Magistrates at such Special Sessions, to appoint duly qualified Persons for such convenient Districts as to them might seem fit, provided that such Districts together comprise the whole Barony; and further Provision is thereby made relating to the Collectors of such Cess, and the Payment of the same: And whereas all the said Provisions being temporary it is expedient to continue the same for a limited Time:' Be it therefore enacted, That the last-recited Act shall be extended and continued to the End of the Year One thousand eight hundred and fifty-one, and that the Provisions of the said Act, and the respective Powers and Authorities by the said Act given to Grand Juries at the Assizes, and to Magistrates at any Sessions, shall be respectively applied and extended to Grand Juries at any Assizes and to Magistrates at any Sessions respectively, as the Case may be, within the Period for which the said Act is hereby extended and continued.

Provisions of recited Act continued to the End of the Year 1851.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXIII.

An Act for regulating the Carriage of Passengers in Merchant Vessels. [13th *July* 1849.]

'WHEREAS it is expedient to amend and consolidate, and for that Purpose to repeal, the existing Laws relating to the Carriage of Passengers by Sea, and in certain respects to make other Provisions in lieu thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Carriage of*

From and after 1st Oct. 1849 the following Acts repealed; viz.

of Passengers in Merchant Vessels, also an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to exempt Ships carrying Passengers to* North America *from the Obligation of having on board a Physician, Surgeon, or Apothecary*, also an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of Her present Majesty, intituled *An Act to amend the Passengers Act, and to make further Provision for the Carriage of Passengers by Sea*, and also an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to make further Provision for One Year and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to* North America, shall from and after the First Day of *October* One thousand eight hundred and forty-nine be severally repealed, and that from that Date this Act shall take effect and have the Force of Law: Provided nevertheless, that all Acts and Provisions repealed by the said recited Acts or any of them shall remain repealed; and provided also, that any Fine, Forfeiture, or Penalty to which any Person may have become liable under the said recited Acts or any of them shall and may be sued for and recovered, and that any Right of Action which may have accrued to any Person by virtue of the said recited Acts or any of them, and that any Bond which may have been given thereunder to Her Majesty, shall and may be enforced hereafter in such and the same Manner in all respects as if this present Act had not been passed; provided also, that nothing in this Act contained shall be held to invalidate any Order in Council which may have been made by Her Majesty, with the Advice of Her Privy Council, in pursuance of the Powers given by the said last-recited Act, but the same shall remain in force until altered or revoked by any Order in Council made under the Provisions of this Act.

5 & 6 Vict. c. 107.; 8 & 9 Vict. c. 14.; 10 & 11 Vict. c. 103.; 11 & 12 Vict. c. 6.

Commencement of Act.

Saving of existing Liabilities;

and Orders in Council.

II. And be it enacted, That in other Acts of Parliament, and in all legal or other Proceedings, it shall be sufficient to cite this Act by the Title of the "Passengers Act, 1849."

Short Title of Act.

III. And be it enacted, That for the Purposes of this Act, the following Terms, whenever they occur, shall respectively have the following Significations; (that is to say,) the Term "United Kingdom" shall signify *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, *Scilly*, and *Man*, the Term "*North America*" shall signify and include the *Bermudas*, and all Ports and Places on the Eastern Coast of the Continent of *North America*, or in the Islands adjacent or near thereto, or in the *Gulf of Mexico*; the Term "*West Indies*" shall signify the *West India* Islands, the *Bahamas*, *British Guiana*, and *Honduras*; the Term "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any *British* Colony in which he may be acting; the Term "Ship" shall signify any Description of Sea-going Vessel, whether *British* or Foreign; the Term "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend a greater Number of Passengers than in the Proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship; the Terms "Passage" and "Passenger" shall include all Passages and Passengers, except the Class of Passages and Passengers, commonly described as Cabin Passages and Cabin Passengers; and the Term "Master" shall signify the Person who for the Time being shall be in Charge or Command of any such Ship or "Passenger Ship;" and that, unless there be something in the Subject Matter or Context repugnant thereto, every Word importing the Singular Number or the Masculine Gender only shall include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively; and that every Word importing the Plural Number shall include one Person or Thing as well as several Persons or Things.

Definition of Terms:
"United Kingdom;"
"North America;"
"West Indies;"
"Governor;"
"Ship;"
"Passenger Ship;"
"Passage" and "Passenger;"
"Master;"
Number and Gender.

IV. And be it enacted, That this Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, and on every Colonial Voyage as herein-after described, but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the *East India* Company, nor to any Steam Vessel carrying the Royal Mails or carrying Mails under Contract with the Government of the Country to which such Steam Vessel may belong.

To what Vessels and Voyages this Act shall extend.

V. 'And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty-seventh 'Day of *November* One thousand eight hundred and forty-seven, Her Majesty was pleased to appoint cer-'tain Persons therein named to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom 'for the Sale of the Waste Lands of the Crown in Her Majesty's Colonies, and for superintending the 'Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is ex-'pedient that such Commissioners should be empowered to carry this Act into execution:' Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal Purposes it shall be sufficient to describe such Commissioners by the Style of the "Colonial Land and Emigration Commissioners."

Commissioners of Emigration to carry this Act into execution.

VI. And be it enacted, That in the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and that the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose of carrying this Act into execution, under the Directions of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Emigration Officers and Assistants to act under the Commissioners, &c.

Existing Appointments to continue in force until duly revoked.

VII. And

Duties of Emigration Officer may be performed by his Assistant, &c.

VII. And be it enacted, That all Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall in his Absence be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, by the Chief Officer of Customs for the Time being at such Port.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

VIII. And be it enacted, That the Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of *British* Ships, to Her Majesty's Consul at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with.

No "Passenger Ship" to be cleared out without Certificate from Emigration Officer.

IX. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or proceed on any Voyage to which this Act extends until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with before the Departure of such "Passenger Ship" have been duly complied with.

Number of Passengers to be limited both by Tonnage and Space.

X. And be it enacted, That no Ship shall be allowed to clear out or shall proceed on her Voyage with a greater Number of Persons on board (including the Master and Crew, and Cabin Passengers, if any,) than in the Proportion of One Person to every Two Tons of the registered Tonnage of such Ship, nor, whatever may be the registered Tonnage of such Ship, with a greater Number of Passengers on board, exclusive of *bonâ fide* Cabin Passengers, than in the following Proportions to the Space occupied by such Passengers and appropriated for their Use, and unoccupied by Stores, not being their personal Luggage; (that is to say,) on the Main Deck, and on the Deck immediately below the same, or in any Compartment of either, appropriated as aforesaid, One Passenger for every Twelve such clear Superficial Feet; or if such Ship is destined to pass within the Tropics, and the Duration of the intended Voyage, computed as herein-after mentioned, exceeds Twelve Weeks, One Passenger for every Fifteen such clear Superficial Feet: Provided always, that no Passenger shall in any Case be carried on an Orlop Deck; and if there shall be on board of any Ship at or after the Time of Clearance a greater Number either of Persons or of Passengers than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding Five Pounds nor less than Two Pounds Sterling for each Person or Passenger constituting any such Excess.

Penalty for Excess of Persons on board.

Computation of Children.

XI. And be it enacted, That for the Purposes of this Act Two Children, each being under the Age of Fourteen Years, shall be computed either as One Person or as One Passenger, as the Case may require, except in the Case herein-after mentioned, but that Children under the Age of One Year shall not be included in such Computation.

Two Lists of Passengers to be made out in the Form in Schedule (A.), and delivered in every Case before Clearance.

XII. And be it enacted, That the Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (A.) hereto annexed, setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when signed, shall be delivered to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the Case may be, at the final Port or Place of Discharge.

Lists of additional Passengers taken on board after Clearance to be made out, and signed by Master.

XIII. And be it enacted, That if at any Time after such Lists shall have been signed and delivered as aforesaid there shall be taken on board any additional Passenger, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the Names and other Particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger; and such last-mentioned List, when signed, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned.

All Passenger Ships to be surveyed.

XIV. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or proceed on her Voyage unless she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by One or more competent Surveyors, to be duly authorized and approved of by the said Colonial Land and Emigration Commissioners for each Port at which there may be an Emigration Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by the same, or by some other Surveyor to be appointed as aforesaid, that such

such "Passenger Ship" is in their Opinion seaworthy, and fit in all respects for her intended Voyage: Provided always, that the Precautions for ascertaining the Seaworthiness of Ships and their Fitness for their intended Voyages respectively shall be the same for Foreign as for British Ships.

Construction of Decks and Berths in "Passenger Ships."

XV. And be it enacted, That in every "Passenger Ship" every Deck on which Passengers may be carried shall be at least One Inch and a Half in Thickness, and shall be supported by Beams of adequate Strength, forming Part of the permanent Structure of the Ship, and firmly secured with hanging and lodging Knees, and shall be properly laid upon such Beams, or substantially secured thereto, at least Three Inches clear above the Bottom thereof, to the Satisfaction of the Emigration Officer at the Port of Clearance, and that between every such Deck and the Deck immediately above it there shall be a Height of at least Six Feet; and further that there shall not be more than Two Tiers of Berths on any One Deck in any such "Passenger Ship," and that the Interval between the Floor of the Berths and the Deck or Platform immediately beneath them shall not be less than Six Inches, and that the Berths shall be securely constructed, and of Dimensions not less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Passenger; and that Persons of different Sexes above the Age of Fourteen, unless Husband and Wife, shall not be placed in the same Berth; and that no Berths occupied by Passengers during the Voyage shall be taken down until Forty-eight Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time.

Height between Decks.

Arrangement of Berths.

Berths not to be removed till Passengers landed.

Light and Ventilation.

XVI. And be it enacted, That, for the Purpose of ensuring a proper Supply of Light and Air in every "Passenger Ship," the Passengers shall at all Times during the Voyage (Weather permitting) have free Access to and from the Between Decks by the whole of each Hatchway situate over the Space appropriated to the Use of such Passengers: Provided always, that if the Main Hatchway be not one of the Hatchways appropriated to the Use of the Passengers, or if the natural Supply of Light and Air through the same be in any Manner unduly impeded, it shall be lawful for the Emigration Officer at the Port of Clearance to direct such other Provision to be made for affording Light and Air to the Between Decks as the Circumstances of the Case may, in the Judgment of such Officer, appear to require; and in case of Noncompliance with any such Directions the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds Sterling: Provided also, that no "Passenger Ship" having on board as many as One hundred Passengers shall clear out or proceed on her Voyage without having on board an adequate and proper ventilating Apparatus, to be approved by the Emigration Officer at the Port of Clearance, and fitted to his Satisfaction.

Penalty on Owner for Non compliance with Directions of Emigration Officer as to Light, &c.

Passenger Ships shall carry Boats.

XVII. And be it enacted, That every "Passenger Ship" shall carry a Number of Boats according to the following Scale; (that is to say,)

Two Boats for every Ship of One hundred Tons and upwards:

Three Boats for every Ship of Two hundred Tons and upwards, in case the Number of Passengers shall exceed Fifty:

Four Boats for every Ship of Five hundred Tons and upwards, in case the Number of Passengers shall exceed Two hundred:

Life Boat.

Life Buoys.

Provided always, that One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, and that each of such Boats shall be of a suitable Size, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites for Use; provided also, that there shall likewise be on board Two properly fitted Life Buoys, kept ready at all Times for immediate Use.

"Passenger Ship" to be properly manned.

XVIII. And be it enacted, That no "Passenger Ship" shall be cleared out or proceed to Sea until it shall be proved to the Satisfaction of the Officer from whom a Clearance of such Ship may be demanded that she is manned with a proper Complement of Seamen for the intended Voyage.

Certain Articles prohibited as Cargo.

XIX. And be it enacted, That no "Passenger Ship" shall clear out or proceed on her Voyage if there shall be on board as Cargo any Gunpowder, Vitriol, Guano, green Hides, or any other Article likely to endanger the Safety of the Ship or the Health or Lives of the Passengers, or if any Part of the Cargo shall be on Deck.

Computation of Voyages.

XX. And be it enacted, That for the Purposes of this Act the following shall be the Number of Weeks deemed to be necessary for the Voyage of any Ship carrying Passengers from the United Kingdom to the under-mentioned Places respectively; (that is to say,)

To *North America*, except the West Coast thereof, Ten Weeks:

To the *West Indies*, Ten Weeks:

To any Part of the East Coast of the Continent of *Central* or *South America* Northward of the Twenty-fifth Degree of South Latitude, except *British Guiana*, Twelve Weeks:

To the West Coast of *Africa*, Twelve Weeks:

To the *Cape of Good Hope* or the *Falkland Islands*, or to any Part of the East Coast of *South America* Southward of the Twenty-fifth Degree of South Latitude, Fifteen Weeks:

To the *Mauritius* and to the Western Coast of *America* South of the Equator, Eighteen Weeks:

To *Ceylon*, Twenty Weeks:

To *Western Australia* Twenty Weeks:

To any other of the *Australian* Colonies, Twenty-two Weeks:

To *New Zealand* and to the Western Coast of *America* North of the Equator, Twenty-four Weeks:

Provided

Provided nevertheless, that for the like Purposes it shall be lawful for the said Colonial Land and Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, to declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever, anything herein contained to the contrary notwithstanding.

Provisions, &c. to be provided by Owners, &c. and approved by Emigration Officers.

XXI. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or to proceed on her Voyage until there shall be supplied, by and at the Expense of the Owner or Charterer thereof, and properly stowed away on board under Hatches for the Use of the Passengers during the Voyage, pure Water, and wholesome Provisions in a sweet and good Condition, of a Quality to be approved by the Emigration Officer, and in Quantities sufficient to afford the Allowances to each Passenger as hereafter prescribed; and if any Person shall fraudulently obtain a Clearance for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water and Provisions as aforesaid, he shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling.

Penalty on obtaining fraudulent Clearance.

Water Tanks or Casks.

XXII. And be it enacted, That in every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or Casks to be approved by the Emigration Officer at the Port of Clearance: Provided always, that all such Casks shall be sweet and tight, of sufficient Strength, and properly charred inside, and shall not be made of Fir or soft Wood Staves, nor be capable severally of containing more than Three hundred Gallons each.

Provisions and Water to be surveyed before clearing out.

XXIII. And be it enacted, That before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or caused to be surveyed by some competent Person the Provisions and Water herein-before required to be placed on board for the Consumption of the Passengers, and shall ascertain that the same are of good Quality and in a sweet and good Condition, and shall also ascertain that over and above the same there is on board an ample Supply of Water and Stores for the Victualling of the Crew of the Ship and all other Persons, if any, on board: Provided nevertheless, that if any "Passenger Ship" shall be destined to call at any intermediate Port or Place during the Voyage for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond herein-after mentioned, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate herein-after mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions; (that is to say,)

Proviso for touching at intermediate Ports to fill up Water.

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge:

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same:

Thirdly, That the Ship shall have on board at the Time a Clearance is demanded Tanks or Water Casks of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

Dietary Scale for the Voyage.

XXIV. And be it enacted, That in addition to and irrespective of any Provisions of their own which any Passengers may have on board, the Master of every "Passenger Ship" shall make to each Passenger during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination of such Voyage, the following Issues of pure Water and sweet and wholesome Provisions; (that is to say,) of Water at least Three Quarts daily, and of Provisions after the Rate *per* Week of Two and a Half Pounds of Bread or Biscuit, not inferior in Quality to what is usually called Navy Biscuit, One Pound of Wheaten Flour, Five Pounds of Oatmeal, Two Pounds of Rice, Two Ounces of Tea, Half a Pound of Sugar, and Half a Pound of Molasses: Provided always, that such Issues of Provisions shall be made in advance, and not less often than twice a Week, the first of such Issues to be made on the Day of Embarkation: Provided also, that Potatoes, when good and sound, may be substituted for either the Oatmeal or Rice, in the Proportion of Five Pounds of Potatoes to One Pound of Oatmeal or Rice; and that in Ships clearing out from the Port of *Liverpool* or from *Irish* or *Scotch* Ports, Oatmeal may be substituted in equal Quantities for the whole or any Part of the Issues of Rice.

Colonial Land and Emigration Commissioners empowered to substitute other Articles of Food for those before mentioned.

XXV. And be it enacted, That it shall be lawful for the said Colonial Land and Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the "*London Gazette*," to substitute for any of the Articles of Food herein-before mentioned any other Articles of Food, as to the said Commissioners shall seem meet, and any such Notice from Time to Time to alter, amend, or revoke, as Occasion may require: Provided always, that all the Requirements and Provisions in this Act contained respecting the Articles of Food herein-before mentioned shall extend and are hereby extended to the Case of such substituted Articles.

Cook and cooking Apparatus to be approved

XXVI. And be it enacted, That no "Passenger Ship" carrying as many as One hundred Passengers shall clear out or proceed on her Voyage unless there shall be on board a seafaring Person who shall be rated in the Ship's Articles as Passenger's Cook, to be approved by the Emigration Officer at the Port of

of Clearance, and engaged for the Purpose of cooking the Food of the Passengers, nor unless a convenient Place for that Purpose shall have been set apart on Deck, and a sufficient cooking Apparatus, properly covered in and arranged, shall have been provided to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate in his Opinion for the intended Voyage. by Emigration Officer.

XXVII. And be it enacted, That it shall not be lawful for any "Passenger Ship" having on board as many as Fifty Persons, if the Length of the intended Voyage, computed as herein-before mentioned, shall exceed Twelve Weeks, nor, whatever may be the computed Duration of the Voyage, for any "Passenger Ship," having on board as many as One hundred Persons, except she be bound to *North America*, (including in both Cases the Master and Crew, and Cabin Passengers, if any,) to clear out or proceed on her Voyage, unless there shall be on board, and rated on the Ship's Articles, some Person duly authorized by Law to practise in the United Kingdom as Physician, Surgeon, or Apothecary, and whose Name shall have been notified to the Emigration Officer at the Port of Clearance, and not objected to by him; and further, that no "Passenger Ship" bound to *North America* having on board as many as One hundred Persons, exclusive of the Master and Crew, and Cabin Passengers, if any, shall clear out or proceed on her Voyage without having on board, and rated on the Ship's Articles, such duly authorized Medical Practitioner, whose Name shall have been notified to the Emigration Officer at the Port of Clearance, and not objected to by him: Provided nevertheless, that if in any Ship bound to *North America* there be appropriated on every Deck on which Passengers may lawfully be carried, instead of Twelve clear Superficial Feet as herein-before required, Fourteen clear Superficial Feet unoccupied by Stores not being the personal Luggage of the Passengers, for each Passenger on board, counting for this Purpose each Child above the Age of One Year as One Passenger, then and in such Case, but not otherwise, it shall be lawful for such Ship to clear out and proceed to Sea without having on board a Medical Practitioner as aforesaid.

No Ship carrying a certain Number of Passengers to proceed on her Voyage without having a Medical Practitioner on board.

Proviso in case of Ships bound to North America.

XXVIII. And be it enacted, That in every "Passenger Ship" there shall be furnished and laden on board, at the Expense of the Owner or Charterer thereof, a Medicine Chest containing a Supply of Medicines, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and that such Medicines and other Things shall be good in Quality, and, in the Judgment of the Emigration Officer at the Port of Clearance, sufficient in Quantity for the probable Exigencies of the intended Voyage, and shall be placed under the Charge of the Surgeon, when there is one on board, to be used at his Discretion.

As to Supply of Medicines.

XXIX. And be it enacted, That, except as herein-after provided, no "Passenger Ship" shall clear out or proceed on her Voyage until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected the Medicine Chest of the said Ship, and also all the Passengers about to proceed in her, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers appear to such Medical Practitioner likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons about to proceed in such Vessel: Provided always, that such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and that the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer, on account of such Medical Examination, a Sum at the Rate of Twenty Shillings for every Hundred Persons examined: Provided also, that in case on any particular Occasion the Emigration Officer shall be unable to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her Voyage, on receiving from the said Emigration Officer written Permission for the Purpose.

Medical Inspection of Passengers and Medicines.

Proviso where no Medical Practitioner can be obtained.

XXX. And be it enacted, That in case any such Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration Officer shall be otherwise satisfied, that any Person about to proceed in any such "Passenger Ship" as aforesaid is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to reland or cause to be relanded any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him, together with their Clothes and Effects; and no "Passenger Ship" shall clear out or proceed on her Voyage so long as any such diseased Person shall be on board.

Diseased Passengers may be relanded.

XXXI. And be it enacted, That any Person being a Passenger who shall be so relanded as aforesaid, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, in manner herein-after provided, the whole of the Monies which have been paid by such Person or on his Account for his Passage in such "Passenger Ship," from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

Passengers so relanded may recover Passage Money.

XXXII. And be it enacted, That if any Passenger or Person acting on his Behalf, shall have contracted with the Owner, Charterer, or Master of any Ship, whether a "Passenger Ship" or otherwise, or with any Person acting on behalf of such Owner, Charterer, or Master, for a Passage for such Passenger, or for him and his Family in any Ship proceeding on any Voyage to which this Act extends, and such Passenger, or such Passenger and his Family, (as the Case may be,) shall be at the Place of Embarkation at the Time appointed for that Purpose in and by such Contract, and such Passenger shall

Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract.

shall apply for such Passage, and shall, on Demand, pay or tender such Part of the Passage Money not already paid as shall be payable under such Contract previously to Embarkation, and if, owing to the previous Departure of the Ship in which such Passage shall have been engaged, or to the Want of Room therein, or to the Neglect, Refusal, or other Default of the Owner, Charterer, or Master thereof, or of the Party with whom such Passage shall have been contracted for, such Passenger shall not obtain a Passage in such Ship, or shall not, together with all the immediate Members of his Family who may have contracted for a Passage as aforesaid, obtain, within Forty-eight Hours from the Expiration of the Day named in such Contract, a Passage in some other equally eligible Ship to the same Port, and in the meantime be paid Subsistence Money, at the Rate herein-after mentioned, such Passenger shall be entitled to recover, in manner herein-after provided, all Monies which shall have been paid by or on his Account for such Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding Ten Pounds in respect of each such Passage, as shall, in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to such Passenger or his Family by the Loss of such Passage.

Subsistence in case of Detention.

XXXIII. And be it enacted, That if any Ship, whether a "Passenger Ship," or otherwise, shall not actually put to Sea and proceed on her intended Voyage on the Day appointed for sailing in and by any Contract made by the Owner, Charterer, or Master of such Ship, or by his or their Agent, with any Passenger who shall on that Day be on board the same, or ready to go on board and proceed on such intended Voyage, then and in every such Case the Owner, Charterer, or Master of such Ship, or his or their Agent, shall pay to every such Passenger, or if such Passenger shall be lodged and maintained in any Establishment under the Superintendence of the said Colonial Land and Emigration Commissioners, then to the Emigration Officer at the Port of Embarkation, Subsistence Money after the Rate of One Shilling for each Passenger in respect of each Day of Delay, until the actual clearing out and final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned: Provided always, that if any such Ship be unavoidably detained, either by Wind or Weather, and the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no such Subsistence Money shall be payable.

In case of Wreck, &c., Passengers to be provided with a Passage by some other Vessel;

XXXIV. And be it enacted, That in case any "Passenger Ship" shall be wrecked or otherwise destroyed, or shall by any other Cause whatsoever be prevented from landing her Passengers at the Place they may have respectively contracted to land, or in case such Ship shall put into any Port or Place in a damaged State, and shall not, within a reasonable Time, according to the Circumstances of each Case, but not exceeding Six Weeks in any Case, be ready to proceed with her Passengers on her intended Voyage, after having been first efficiently repaired, and in all respects put into a sound and seaworthy Condition, then and in any of such Cases such Passengers respectively shall be provided with a Passage by some other equally eligible Vessel to the Port or Place at which they respectively may have originally contracted to land; and in default thereof such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them for such Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding Five Pounds in respect of each such Passage, as shall in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint be a reasonable Compensation for any Loss or Inconvenience occasioned to any such Passenger, or his or her Family, by reason of the Loss of such Passage: Provided always, that no Policy of Assurance effected in respect of such Passages, or of such Passage and Compensation Monies, by any Person hereby made liable in the Events aforesaid to provide such Passages, or to pay such Monies, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

in default, Passengers may recover Compensation by summary Process.

Wrongfully landing Passengers.

XXXV. And be it enacted, That the Master of any Ship, whether "Passenger Ship" or otherwise, shall not land or cause to be landed any Passenger, without his previous Consent, at any Port or Place other than the Port or Place at which such Passenger may have contracted to land.

Passengers to be maintained for 48 Hours after Arrival.

XXXVI. And be it enacted, That every Passenger in a "Passenger Ship" arriving at the End of his Voyage shall be entitled for at least Forty-eight Hours next after his Arrival to sleep in such Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless in the further Prosecution of her Voyage such Ship shall quit the Port or Place within the above-mentioned Period.

Passengers Right of Action preserved.

XXXVII. And be it enacted, That nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker or Passage Dealer.

Ships putting back to replenish Provisions, &c.

XXXVIII. And be it enacted, That if any "Passenger Ship" shall, after having obtained her Clearance, be detained in Port for more than Seven Days, or, shall, after having been to Sea, put into or touch at any Port or Place in the United Kingdom, it shall not be lawful for any such "Passenger Ship" to proceed on her Voyage until there shall have been laden on board, at the Expense of the Owner, Charterer, or Master of such Ship, such further Supply of pure Water, wholesome Provisions of the requisite Kinds and Qualities, and Medical Stores, as may be necessary to make up the full Quantities of those Articles herein-before required for the Use of the Passengers during the whole of the intended Voyage, nor until the Master of the said Ship shall have obtained from the Emigration Officer or his Assistant,

Assistant, or, where there is no such Officer, or in his Absence, from the Officer of Customs at such Port or Place, a Certificate to the same Effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any Default herein the said Master shall be liable, on Conviction, as herein-after mentioned, to the Payment of a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling; and further, if the Master of any "Passenger Ship" so putting into or touching at any Port or Place as aforesaid shall not within Twenty-four Hours thereafter report his Arrival, and the Cause of his putting back, and the Condition of his Ship and of her Stores and Provisions, to the Emigration Officer, or, as the Case may be, to the Officer of Customs at the Port, and shall not produce to such Officer the official or "Master's List" of Passengers, such Master shall for each Offence be liable to the Payment of a Penalty not exceeding Ten Pounds nor less than Two Pounds Sterling.

Penalty.

Penalty.

XXXIX. And be it enacted, That it shall be lawful for Her Majesty and Her Successors, by any Order in Council to be by Her or them made, with the Advice of the Privy Council, to prescribe such Rules and Regulations as to Her Majesty or Her Successors may seem fit, for preserving Order, and for securing Cleanliness and Ventilation, on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke, as Occasion may require; and that any Copy of such Order in Council contained in the "*London Gazette*," or purporting to be printed by the Queen's Printer, shall throughout Her Majesty's Dominions be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Orders in Council for Order, &c. on board Vessels to the Colonies.

Evidence of Orders, &c.

XL. And be it enacted, That in every such "Passenger Ship" it shall be lawful for the Medical Practitioner on board, aided and assisted by the Master thereof, or in the Absence of such Medical Practitioner, for the Master of such Ship, to exact Obedience to all such Rules and Regulations as aforesaid; and that any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, shall be liable for each Offence to the Payment of a Penalty not exceeding Two Pounds Sterling; and it shall be lawful for any Two Justices of the Peace in any Part of Her Majesty's Dominions before whom any Person shall be convicted of such Obstruction as aforesaid to order such Person, in addition to the Penalty herein-before mentioned, to be confined in the Common Gaol for any Period not exceeding One Month.

Surgeon or Master to exact Obedience to Rules, &c.

Penalty for refusing to observe Rules and Regulations.

XLI. And be it enacted, That the said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or Part of this Act, and of any such Order in Council as aforesaid; and that Six Copies of the said Abstracts, together with Two Copies of this Act, shall, on Demand, be delivered by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and that such Master shall on Request made to him, produce One Copy of the Act to any Passenger on board, for his Perusal, and further shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried, Copies of such Abstracts; and such Master shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstracts shall fail to be so posted; and that any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

Colonial Land and Emigration Commissioners to prepare an Abstract of Act and Orders in Council;

to be posted up in each Ship.

Penalty for Neglect;

and on defacing Abstract.

XLII. And be it enacted, That it shall not be lawful, in any "Passenger Ship," to sell to any Passenger during the Voyage any Spirits or Strong Waters; and that if any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any such Passenger, he shall be liable for every such Offence, on such Conviction as herein-after mentioned, to the Payment of a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Sale of Spirits prohibited on board Passenger Ships.

Penalty.

XLIII. And for the more effectually securing the due Observance of the several Requirements as well of this Act as of any Rules or Regulations which may at any Time be prescribed by any Order in Council as aforesaid, and also for the better securing the due Payment of all Penalties which the Master of any "Passenger Ship" may be adjudged to pay under or by virtue of the Provisions of this Act or of any such Order in Council, be it enacted, That before any "Passenger Ship" shall clear out or proceed on any Voyage to which this Act shall extend the Owner or Charterer, or, in the event of the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a joint and several Bond in the Sum of One thousand Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (B.) hereunto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that all and every the Requirements of this Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by this Act, and of any Order in Council passed in virtue of this Act, shall in all respects be well and truly fulfilled and performed, and, moreover, that all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonperformance of any of such Requirements as aforesaid shall be well and truly paid; and in *Scotland* such Bond shall be deemed and taken to be a Probative Deed: Provided always, that such Bond shall be without Stamps; provided also, that no such Bond shall be put in Suit, and that no Prosecution, Suit, Action, Information, or Complaint shall be brought, under or by virtue of this Act, upon or by reason of the Breach of any of the Requirements thereof, in any of Her Majesty's Possessions abroad, after the Expiration of Twelve Calendar Months next succeeding the Termination of any such Voyage as aforesaid, nor, in the United Kingdom after the

Bond for the due Performance of the Requirements of the Act and of any Order in Council, and also for Payment of Penalties.

Bond to be without Stamps.

Limitation of Prosecutions.

Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

No Person to act as a Passage Broker in respect of Passengers to North America without a Licence.

XLIV. And be it enacted, That it shall not be lawful for any Person to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom to *North America*, or to sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to *North America*, unless such Person, and Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond in the Sum of Two hundred Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed, which Bond shall be in Duplicate without Stamps, and one Part thereof shall be deposited at the Office in *London* of the said Colonial Land and Emigration Commissioners, and the other Part thereof with the Chief Officer of Customs at the Port of Clearance, nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages to *North America* as aforesaid, nor unless such Licence shall then be in force; and if any Person shall carry on the Business of Passage Broker or Passage Dealer, or shall sell or let, or be in anywise concerned in selling or letting, any such Passage contrary to this Enactment, every Person so offending shall for each Offence be liable to the Payment of a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds, to be sued for and recovered as herein-after mentioned.

How Passage Brokers Licences may be obtained.

XLV. And be it enacted, That any Person wishing to obtain a Licence to act as a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom to *North America* shall make Application for the same to the Justices at the Petty Sessions held for the District or Place in which such Person shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (D.) hereunto annexed, which Licence shall continue and be in force until the Thirty-first Day of *December* in the Year in which such Licence shall be granted, and for Thirty-one Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices so acting as aforesaid shall cause a Notice thereof according to the Form in Schedule (E.) hereto annexed to be transmitted forthwith by the Post to the said Colonial Land and Emigration Commissioners at their Office in *London:* Provided always, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited one Part thereof at the Office in *London* of the said Commissioners, and has given Notice to the said Commissioners Fourteen clear Days at least before such Application, of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in *London* of the said Commissioners, and shall be according to the Form contained in the Schedule (F.) hereto annexed: Provided also, that the Justices so acting as aforesaid or any Two or more Justices who shall hear and determine in manner herein-after mentioned any Offence whatever against this Act, are hereby authorized (if they shall think fit) to order such Licence to be forfeited, and the same shall upon such Order be forfeited accordingly; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (G.) hereunto annexed, to be transmitted by the Post to the said Colonial Land and Emigration Commissioners at their Office in *London;* and in *Scotland* where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to with such Alterations as may be necessary.

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given of Application for Licences.

Proviso for forfeiting Licences.

Notice of Forfeiture to be given to Emigration Commissioners.

Licences taken out in pursuance of first-recited Act, unless forfeited, to continue in force until 1st February 1850.

XLVI. And be it enacted, That every Licence to carry on the Business of a Passenger Broker or Passage Dealer that may have been taken out in pursuance of the Provisions of the first-mentioned Act, herein-before repealed, shall, unless adjudged to be forfeited, as herein-before mentioned, continue and be in force until the First Day of *February* One thousand eight hundred and fifty, but no longer, and that all Acts that may be done under and by virtue of any such Licence while in force shall be as valid and effectual as if done under and by virtue of any Licence granted in pursuance of the Provisions of this Act, anything herein-before contained to the contrary notwithstanding.

Contract Tickets to be given in respect of Passages to North America.

XLVII. And be it enacted, That if any Owner, Charterer, or Master of a Ship, or any Passage Broker or Passage Dealer, Agent, or other Person, shall receive any Money from any Person for or in respect of a Passage or intended Passage from the United Kingdom to any Port or Place in *North America*, the Person so receiving such Money shall give to the Party from whom the same shall have been received a Contract Ticket in plain and legible Characters, and made out upon a printed Form, which shall be in all respects according to the Form in the Schedule (H.) hereto annexed, or according to such other Form as may from Time to Time be prescribed by the said Colonial Land and Emigration Commissioners, by any Notice issued under their Hands or the Hands of any Two of them, and published in the "*London Gazette*," and shall also comply with all the Directions contained on the Face of such Form, and in default thereof shall be liable to a Penalty not exceeding Ten Pounds nor less than Five Pounds, in respect of each Passenger on account of whose Passage such Money shall have been received, to be sued for and recovered as herein-after is mentioned: Provided always, that such Contract Ticket shall not be liable to any Stamp Duty.

Penalty for Default.

Penalty for inducing any one to part with

XLVIII. And be it enacted, That any Owner, Charterer, or Master of a Ship, or any Passage Broker or other Person, who shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy, any such Contract Ticket as aforesaid, during the Continuance

Continuance of the Contract which it is intended to evidence, shall be liable in each Case to a Penalty not exceeding Five Pounds nor less than Two Pounds, to be recovered as herein-after mentioned. *Contract Ticket.*

XLIX. And be it enacted, That if any licensed Broker or Passage Dealer shall, as Agent for any licensed Broker or Passage Dealer or for any other Person, receive Money for or on account of the Passage of any Passenger from the United Kingdom to any Port or Place in *North America*, without having a written Authority to act as such Agent, or shall, on the Demand of any Emigration Officer, refuse or fail to exhibit his Licence and such written Authority, or if any such Broker or Dealer, whether as Principal or Agent, or if any other Person, shall by any Fraud or false Pretence whatsoever induce any Person to purchase, hire, or engage any Passage to *North America*, every such Broker or Dealer or other Person shall be liable, upon Conviction, as herein-after is mentioned, in respect of every such Offence, to a Penalty not exceeding Ten Pounds nor less than Five Pounds, to be sued for and recovered in manner herein-after mentioned; and no Person, unless acting under the written Authority and as the Agent or Servant of a licensed Broker or Passage Dealer duly qualified at the Time to act in that Capacity, shall be entitled to recover by legal Process from any intending Emigrant, or from any Passage Broker or other Person, any Fee, Commission, or Reward for or in consideration of any Service rendered or performed to or for any Passenger or Person seeking Information or Assistance in any way relating to Emigration to *North America*; and such licensed Passage Broker or Dealer shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List containing the Names and Addresses in full of every Person for the Time being holding such Authority from him as aforesaid, and shall at least once in every Month transmit a true Copy of such List duly signed by him to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker or Dealer; and in case of any Default herein such licensed Passage Broker or Dealer shall be liable on Conviction as herein-after mentioned to a Penalty not exceeding Five Pounds nor less than Two Pounds for each Offence. *Penalties on Agents acting without written Authority from Principals.* *No Person entitled to Commission or Fee for Services to Emigrants unless acting as Agent for a Broker.*

L. And be it enacted, That in every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers on any Voyage to which any of the Provisions of this Act may for the Time being extend, if every such Facility for Inspection shall not be afforded as herein-before required, and that if any such "Passenger Ship" shall clear out or proceed on her Voyage before the Master shall have obtained a Certificate as herein-before required that all the Requirements of this Act have been complied with, or if before a Clearance be demanded for any Ship, whether a "Passenger Ship" or otherwise, such Lists of Passengers, or if at any Time during the Voyage all such Additions to the "Master's" Lists, or if such additional or separate Lists, as herein-before required, shall not be duly made, signed, and delivered to the proper Officer, or if any such List or any Additions to the same shall not be duly exhibited to or deposited with the proper Officer at any Port or Place as herein-before required, or if any of such Lists or the Additions thereto respectively shall be wilfully false, or if any "Passenger Ship" shall clear out or proceed on her Voyage without having been duly surveyed as herein-before required, or if at any Time during the Voyage the Beams on which the Decks are supported in any such "Passenger Ship" shall not form Part of her permanent Structure, or if the Decks on which Passengers may lawfully be carried shall not be of the Thickness and laid or secured in such Manner as herein-before required, or if the Height between any Deck on which Passengers may lawfully be carried and the Deck immediately above it shall be less than Six Feet, or if there shall be more than Two Tiers of Berths on any One Deck, or if such Berths shall not be securely constructed, or shall not be of such Dimensions as herein-before required, or if there shall not be such an Interval between the Deck and the Floor of the Berths as herein-before required, or if the Passengers be berthed otherwise than as herein-before required, or if any of the Berths shall be taken down contrary to the Requirement in that Behalf herein-before contained, or if the Passengers shall not have free Access to or from the Between Decks in the Manner herein-before required, or if any "Passenger Ship" carrying as many as One hundred Passengers shall clear out or proceed on her Voyage without having on board such adequate ventilating Apparatus as herein-before required, or if there shall not be provided Boats and Life Buoys of such Description and Number as herein-before required, or if any such "Passenger Ship" shall proceed on her Voyage without being properly manned, or shall have on board as Cargo any Articles likely to endanger the Safety of the Ship or the Health or Lives of the Passengers as herein-before mentioned, or if any Part of the Cargo shall be carried on Deck, or if in any "Passenger Ship" at any Time during the Voyage there shall not be on board, properly stowed away under Hatches for the Use and Consumption of the Passengers, such Water and Provisions, and of such Description, Quantity, and Quality, as may be required by or under the Provisions of this Act, or if such Water and Provisions shall not be issued in the Quantities and in manner herein-before required, or if the Water shall not be carried in such Tanks or Casks as herein-before required, or if there shall not be on board of any Ship carrying as many as One hundred Passengers at all Times during the Voyage such Passengers Cook, and Place for cooking, and cooking Apparatus as herein-before required, or if any "Passenger Ship" carrying as many as Fifty Persons on any Voyage of which the computed Length shall exceed Twelve Weeks, or on any other Voyage, except to *North America*, as many as One hundred Persons, or (except as herein-before excepted) on any Voyage to *North America* as many as One hundred Passengers, shall clear out or proceed on her Voyage without having on board, or shall not at all Times during the Voyage have on board, such Medical Practitioner as herein-before required, or if there shall not be on board of any "Passenger Ship" such Medicines, disinfecting Fluid or Agent, Instruments, and Medical Apparatus, and such printed or written Directions for the Use of the same respectively, as may at any Time be required by or under the Provisions of this Act, or if any "Passenger Ship," except as herein-before provided, shall clear out or proceed on her Voyage before such Medical Inspection of the Medicines and

Penalties on Masters of Ships, as to Inspection of Ships, Emigration Officer's Certificate, Passengers Lists, Additional Passengers Lists, Survey, Beams, Deck, Height between Decks, Berths, Access to the Between Decks, Ventilating Apparatus, Boats and Life Buoys, Manning, Shipment of Provisions and Water, Issue of Provisions and Water, Water Casks, Cook and Cooking Apparatus, Surgeon, Medicines, Medical Inspector.

Relanding of diseased Passengers, Wrongfully landing Passengers, Maintenance of Passengers on Arrival, and as to Copies of Act being kept on board, &c.

and Passengers shall have taken place, and such Certificate of the Medical Inspector shall have been granted as herein-before required, or if any diseased Person on board any such "Passenger Ship," or the Members of his Family, shall not be relanded as herein-before required, or if any Passenger shall without his previous Consent be landed at any Place other than the Place at which he may have contracted to land, or if any Passenger shall not be allowed to sleep and be maintained on board the Ship after Arrival for the Period and in manner herein-before provided, or if there shall not be kept on board Copies of this Act, or if One of such Copies shall not be produced on Demand, as herein-before required, then and in every such Case respectively the Master of every such Ship, or, as the Case may be, of every such "Passenger Ship," shall be liable for and in respect of each and every such Offence as aforesaid, on such Conviction as herein-after mentioned, to the Payment of a Penalty not exceeding Fifty Pounds Sterling nor less than Five Pounds Sterling.

Penalty on falsifying or forging Forms of Application for Passages, or the Certificates in support thereof.

LI. 'And whereas certain Forms are from Time to Time issued by the said Colonial Land and 'Emigration Commissioners for the Use of Persons applying to them, or to Persons acting under their 'Authority, for Passages from the United Kingdom to the *British* Colonies wholly or partially at the 'Expense of *British* or Colonial Funds: And whereas it is expedient to afford additional Security 'against false Representations in such Forms, and in any Certificate of Marriage, Baptism, or otherwise, 'adduced in support thereof, and against the forging or fraudulently altering of any Signature or State-'ment in such Forms or Certificates:' Be it therefore enacted, That if any Person shall wilfully make any false Representation in any such Form or Certificate as aforesaid, or shall forge or fraudulently alter any Signature or Statement in any such Form or Certificate, such Person shall be liable for and in respect of each and every such Offence, on such Conviction as herein-after mentioned, to the Payment of a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Recovery of Penalties, &c.

LII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be sued for and recovered, with Costs, in the Manner herein-after mentioned; (that is to say,) in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's Possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession, and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such Authority as aforesaid; and that all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation shall and may be sued for and recovered as herein-after mentioned by and for the Use of any Passenger entitled thereto under this Act, or by any of such Officers as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and either by one or several Complaints; and that all such Penalties, Forfeitures, and Sums of Money as aforesaid shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be; and upon Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons requiring the Party offending or complained against to appear on a Day and at an Hour and Place to be named in such Summons; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at his last known Place of Abode or of Business, or on board any Ship to which he may belong to the Person in charge of any such Ship as aforesaid, and stating the Purport thereof to the Person in charge of such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid, or the Justice before whom the Charge shall be made, if he shall have Reason to suspect from Information upon Oath that the Party is likely to abscond, may issue such Warrant in the first instance without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case either with or without any written Information; and upon Proof of the Offence or of the Complainant's Claim (as the Case may be), either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), it shall be lawful for such Justices so acting as aforesaid to convict the Offender or adjudicate upon the Complaint, and upon every such Conviction to order the Offender to pay such Penalty or Forfeiture as they may think proper, not exceeding the Penalties and Forfeitures herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every such Case as aforesaid, the Costs of the Proceedings; and if the Monies mentioned in such Conviction or Order be not paid immediately or within the Time limited thereby, it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, to cause the Party offending to be committed to Gaol, there to be imprisoned with or without hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs ordered to be paid be sooner paid and satisfied.

Recovery of Passage, Subsistence, and Compensation Monies.

LIII. And

Application of Penalties.

LIII. And be it enacted, That all Penalties and Forfeitures mentioned in this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors; and such Penalties and Forfeitures, if recovered in the Colonies, shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer, or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties and Forfeitures as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty or Forfeiture at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

Justices may direct Compensation out of Penalties to Party aggrieved.

Burden of Proof to be on Persons claiming Exemption from Act.

LIV. And be it enacted, That if in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act, or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act.

Proof of a Party being an Emigration Officer, &c.

LV. And be it enacted, That if in any Proceeding before any Justice of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *vivâ voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Passengers suing not incompetent Witnesses.

LVI. And be it enacted, That any Passenger suing, as herein-before is mentioned, for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

Tender of Amends.

LVII. And be it enacted, That no Plaintiff shall recover in any Action against any Person for anything done in pursuance of this Act if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Limitation of Actions.

LVIII. And be it enacted, That no Action or Suit shall be commenced against any Person for anything done in pursuance of or under the Authority of this Act until Ten Days Notice has been given thereof in Writing to the Party or Person against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten Days Notice thereof given as aforesaid, or if any Action or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall and may recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Defendant may plead the General Issue, &c.

Costs.

In Scotland Sheriffs, &c. to act in the same Manner as Justices of the Peace in England.

LIX. And be it enacted, That every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry in *Scotland* shall, within his own County or Stewartry, have such and the like Powers and Privileges and be entitled to exercise such and the like Jurisdiction under this Act as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices, or Justices at Petty Sessions, or otherwise, may be done in *Scotland* by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry, and, unless where otherwise specially provided, it shall not be necessary in any Proceedings under this Act before such Sheriff or Steward or Sheriff Substitute or Steward Substitute to follow or observe the Forms prescribed by this Act in the Case of Proceedings before any Justice or Justices, or Justices at Petty Sessions, but all such Proceedings before such Sheriff or Steward or Sheriff Substitute or Steward Substitute may be conducted in the same Way and Manner as any summary Proceedings before any Sheriff or Steward Court in *Scotland* may be lawfully conducted at the Time of the passing of this Act, or at the Date of such Proceedings; and every Deliverance, Judgment, Sentence, and Conviction of any Sheriff or Steward or Sheriff Substitute or Steward Substitute under this Act shall be final, and not subject to any Review whatever.

Colonial Voyages defined.

LX. 'And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea 'from Her Majesty's Possessions abroad:' Be it therefore enacted, That for the Purposes of this Act the

the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the *East India* Company) to any other Port or Place whatever, of which the Duration, computed as herein-after mentioned, shall exceed Three Days.

Extension of the Act to Colonial Voyages. Certain Parts of the Act not to extend to Colonial Voyages.

LXI. And be it enacted, That, except as herein-after excepted, the Provisions of this Act shall apply, so far as the same are applicable, to all Ships carrying Passengers on any such "Colonial Voyage:" Provided always, that as to Ships carrying Passengers on any "Colonial Voyage," the Provisions of this Act shall not extend or apply so far as they relate exclusively to Passages from the United Kingdom to *North America*, and so far as they relate to the following Matters; (namely,)

The giving of a Bond to Her Majesty:

The keeping on board Copies of the Act, and Abstracts of any Order in Council:

The Return of Passage Money and Compensation in case the Party cannot be forwarded by the appointed Ship, or in case of Wreck:

The Payment of Subsistence Money in case of Detention:

Proviso as to *Colonial Voyages shorter* than Three Weeks.

Provided also, that as to Ships carrying Passengers on any "Colonial Voyage," whereof the Duration *computed in the Manner herein-after mentioned shall be* less than Three Weeks, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply so far as they relate to the following Subjects; (namely,)

The Construction or Thickness of the Decks:

The Berths:

The Height between Decks:

Light and Ventilation:

Manning:

Passengers Cook and Cooking Apparatus:

The Surgeon and Medicine Chest:

The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that in the Case of such last-mentioned Voyage, whereof the computed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

Governor of Colonies may, by Proclamation, declare Length of Voyage, and substitute other Articles of Food and Medicine.

Proclamations for Her Majesty's Confirmation, &c.

Attested Copy to be received as Evidence in the Colony.

LXII. And be it enacted, That it shall be lawful for the Governor of any of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare the Rule of Computation by which the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever shall be computed for the Purposes of this Act, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as shall be a full Equivalent for the same, and also to declare what Medicines, Medical Instruments, and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Provided always, that every such Proclamation shall be transmitted by the Governor by whom the same may have been issued to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance: Provided also, that on the Production in any other of Her Majesty's Possessions abroad of an attested Copy of any such Proclamation as aforesaid under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, such attested Copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient Evidence of the issuing and of the Contents of any such Proclamation.

Provisions for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

LXIII. And be it enacted, That it shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage" in those Cases where a Medical Practitioner would be required by this Act if the Ship were a "Passenger Ship" proceeding from the United Kingdom.

Power to the Governor General of India in Council to adopt this Act, with certain Exceptions, in India;

LXIV. Provided always, and be it enacted, That nothing herein-before contained shall apply to any of the Territories or Places under the Government of the *East India* Company, or to any of the Governors appointed by the said Company, nor shall anything herein-before contained affect the Powers now vested in the Governor General of *India* in Council to make Laws and Regulations whereby the Provisions of this Act, or such of them as to the said Governor General of *India* in Council shall seem expedient, shall or may be extended to the Territories and Places under the Government of the said Company, or for or in respect of which the said Governor General in Council has now by Law a Power of Legislation, but it shall be lawful for the Governor General of *India* in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare that this Act, or that any Part thereof, shall extend and apply to the Carriage of Passengers upon any Voyage from any Ports or Places within the Territories of the *East India* Company, to be specified or described in such Act or Acts, to any other Places whatsoever, to be also specified or described in such Act or Acts, and also in like Manner to authorize the Substitution, as respects such Voyages of other Articles of Food and Provisions for those herein-before enumerated, and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated, and to determine the Persons or Officers who shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom, and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified

qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories or Places as aforesaid; and to declare for the Purposes of this Act the Space necessary for Passengers in Ships that may clear out from any Port or Place within the Territories or Places under the Government of the *East India* Company, and the Age at which Two Children shall be considered equal to One Passenger in Ships that may clear out from any Port or Place as aforesaid, and also to declare in what Manner, and before what Authorities, and by what Form of Proceedings the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within any Places or Territories under the Government of the *East India* Company, and to what Uses such Penalties shall be applied; and from and after the passing of such *Indian* Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said *Indian* Act or Acts shall be specified: Provided always, that the said *Indian* Acts shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England* to be laid before both Houses of Parliament, as in the Case of any other Laws or Regulations which the said Governor General in Council is now by Law empowered to make.

and to declare the Space to be allotted to Passengers, &c.; and the Mode of proceeding for Recovery of Penalties in India.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Referred to in the 12th Section of this Act.

FORM OF PASSENGERS LIST.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Steerage Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship, according to the Requirements of the Passengers Act, are sufficient for Passengers, computed according to the Act.

(Signed) _____

_____ } Master.

Date _____

NAMES AND DESCRIPTIONS OF PASSENGERS.

Ports of Embarkation.	Names of Passengers.	Adults. Age. M.	Adults. Age. F.	Children between 14 and 1. Age. M.	Children between 14 and 1. Age. F.	Number of Infants under 12 Months.	Profession, Occupation, or Calling of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.

SUMMARY.

	Number of Souls. English.	Scotch.	Irish.	Total.	Equal to Statute Adults.
Adults - - - -					
Children between 14 and 1 -					
Infants - - -					
TOTAL - - -					

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of _____

(Signed) _____ Master.

(Countersigned) _____ Officer of Customs.

N.B.—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.

SCHEDULE (B.)

Referred to in the 43d Section of this Act.

FORM of BOND to be given by OWNER or CHARTERER and MASTER.

KNOW all Men by these Presents, That we,

are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and .

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating the Carriage of Passengers in Merchant Vessels," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed on any Voyage to which the Provisions of the said Act shall extend, the Owner or Charterer, or, in the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall with the Master of the said Ship enter into a Bond to Majesty, Heirs and Successors, in the Sum of One thousand Pounds.

Now the Condition of this Obligation is such, that if the Ship whereof is Master, bound to is in all respects Sea-worthy, *[and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Passenger for the Period of Weeks on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if all and every the Requirements of the said Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order in Council passed in virtue of the said Act, shall in all respects be well and truly performed, and if, moreover, all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water, as provided by s. 23. of the Act.

Signed, sealed, and delivered by the above-bounden in the Presence of *

* Insert Names and Addresses in full of the Witnesses.

N.B.—This Bond is exempt from Stamp Duty.

SCHEDULE (C.)

Referred to in the 44th Section of this Act.

FORM of PASSAGE BROKER'S BOND, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

KNOW all Men by these Presents, That we, *A.B.** of *C.D.* of, *&c.* and *D.E.* of, *&c.* are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of Two hundred Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves, and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and .

* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating the Carriage of Passengers in Merchant Vessels," it is amongst other things enacted, that it shall not be lawful for any Person to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom to North America, or to sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship," or otherwise, proceeding from the United Kingdom to North America, unless such Person, and Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of Two hundred Pounds Sterling.

Now

Now the Condition of this Obligation is such, that if the above-bounden *A.B.* shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers and Passage Dealers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any Passenger, or on his Account, and also all Costs which the above-bounden *A.B.* may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the Presence of *

* Insert the Names and Addresses in full of the Witnesses.

N.B.—This Bond is to be executed in Duplicate, but is exempt from Stamp Duty. One Part is to be deposited with the Colonial Land and Emigration Commissioners in London, and the other Part with the Chief Officer of Customs at the Port of Clearance.

SCHEDULE (D.)

Referred to in the 45th Section of this Act.

FORM of PASSAGE BROKER'S LICENCE.

*A.B.** of in the having shown to the Satisfaction of us, the undersigned Justices of the Peace in Petty Sessions assembled, that he hath duly given Bond to Majesty, as by the Passengers Act required, and also given Fourteen Days previous Notice to the Colonial Land and Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America, we the undersigned Justices so assembled as aforesaid, having had no sufficient Cause shown to us, and seeing of ourselves no valid Reason why the said *A.B.* should not receive such Licence, do hereby license and authorize the said *A.B.* to carry on the Business of a Passage Broker or Passage Dealer as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said *A.B.*, as in the Passengers Act is provided.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party applying for the Licence, must be correctly inserted.

Given under our respective Hands and Seals, this Day of 18

at _____

_____ (L.S.)
Justice of the Peace.

_____ (L.S.)
Justice of the Peace.

SCHEDULE (E.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we, the undersigned Justices of the Peace assembled in Petty Sessions for did on the Day of license *A.B.* of* to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America.

* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

Signatures _____ J.P.

_____ J.P.

Date _____

To the Colonial Land and Emigration Commissioners, London.

SCHEDULE (F.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners, by any Applicant for a Passage Broker's Licence.

Gentlemen,

I, *A.B.** of in do hereby give you Notice, That it is my Intention to apply, after the Expiration of Fourteen clear Days from the putting of this Notice into the Post to the Justices to be assembled in Petty Sessions to be held † for a Licence to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America.

* The Christian Names and Surname in full, with the Address and Trade or Occupation of the Party applying for a Licence, must be here correctly inserted.

† The Place or District in which the Party giving the Notice has his Place of Business.

Signature _____

Date _____

To Her Majesty's Colonial Land and Emigration Commissioners, London.

SCHEDULE (G.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners of Forfeiture of a Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 18 to *A.B.** of in to act as a Passage Broker or Passage Dealer, was on the Day of now last past duly declared by us, the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited.†

Signatures _____ J.P.

_____ J.P.

Date _____

To the Colonial Land and Emigration Commissioners, London.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party, to be here inserted.

† Here state generally the Reason of Forfeiture.

SCHEDULE (H.)

Referred to in the 47th Section of this Act.

PASSENGER'S CONTRACT TICKET.

These Directions and the "Notices to Passengers" below form Part of and must appear on each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to North America.
2. All the Blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
3. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
4. When once issued this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it.

Ship _____ of _____ Tons Register Burden, to sail from _____ for _____ on the _____ Day of _____ 18 _____.

NAMES.	Ages.	Equal to Statute Adults.

I engage that the Parties herein named shall be provided with a Steerage Passage to the Port of _____ in _____, in the Ship _____ with not less than Ten Cubic Feet for Luggage for each Statute Adult, for the Sum of £ _____ including Government Dues before Embarkation, and Head Money, if any, at the Place of landing, and every other Charge: and I hereby acknowledge to have received the Sum of £ _____ in {full / part} Payment.

In addition to any Provisions which the Passengers may themselves bring, the following Quantities, at least, of Water and Provisions will be supplied to each Passenger by the Master of the Ship, as required by Law, and also Fires and suitable Places for cooking:—

3 Quarts of Water daily.

Per Week.
- 2½ lbs. of Bread or Biscuit, not inferior in Quality to Navy Biscuit.
- 1 lb. of Wheaten Flour.
- 5 lbs. of Oatmeal.*
- 2 lbs. of Rice.*
- ½ lb. of Sugar.
- ½ lb. of Molasses.
- 2 oz. of Tea.

* 5 lbs. of good Potatoes may, at the Option of the Master of the Ship, be substituted for 1 lb. of Oatmeal or Rice, and in Ships sailing from Liverpool or from Irish or Scotch Ports, Oatmeal may be substituted in equal Quantities for the whole or any Part of the Issues of Rice.

[*N.B.*—If Mess Utensils and Bedding are to be provided by the Ship, the Stipulation must be inserted here.]

Signature _____

Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £ _____

Balance £ _____ to be paid at _____

Total £ _____

THIS Part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the Port of Embarkation (or if no such Officer, to the Officer of Customs), or to any one appointed by him to receive it.

CONTRACT TICKET.

Ship to sail from for on the Day of 18 .

NAMES.	

_____ Souls, equal to *_____ Statute Adults.

Passage Money, including all Charges, £

To be signed by the Party issuing the Ticket.

* Insert Number of Souls and of Statute Adults.

NOTICES TO PASSENGERS.

1. If the Ship do not proceed to Sea on the Day specified above, Passengers, if ready to go on board and proceed in the Vessel, are entitled to Subsistence Money at the Rate of One Shilling a Day per Statute Adult (each Person over Fourteen or Two Children between One and Fourteen Years of Age being reckoned as a Statute Adult) for each Day of Delay until the actual clearing out and final Departure of the Ship; but if the Passengers are lodged and maintained in any Establishment under the Superintendence of the Colonial Land and Emigration Commissioners, the Shilling a Day is payable to the Emigration Officer at the Port of Embarkation. In either Case the Money may be recovered by summary Process before Two Magistrates. If, however, the Delay arises from unavoidable Detention by Wind or Weather, and if the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no Subsistence Money is payable.
2. If Passengers fail to obtain a Passage in the Ship according to their Contract, either from her having sailed before the appointed Time, or from there being no Room in her, or through any Default of the Owner, Charterer, or Master, and are not within Forty-eight Hours provided with a Passage in some other equally eligible Ship to the same Port, then they are entitled to a Return of their Passage Money, and to such Compensation, not exceeding 10*l.*, as the Justices may award.
3. Passengers should not rely only on the Provisions which the Master of the Ship is bound to issue to them, but should take an extra Supply with them.
4. Passengers should carefully keep this Part of their Contract Ticket till after the End of the Voyage.

N.B.—This Contract Ticket is exempt from Stamp Duty.

CAP. XXXIV.

An Act to amend an Act regulating the Justice of the Peace Small Debt Courts in *Scotland*.

[13th *July* 1849.]

'WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Year of King* George *the Third, for the Recovery of Small Debts in* Scotland, and it is expedient that the said recited Act should be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Causes which Her Majesty's Justices of the Peace in *Scotland* may competently hear, try, and determine under the Authority of the said recited Act and this Act shall proceed upon Complaint, to be signed by the Clerk or Depute Clerk of the Peace agreeably to the Form in Schedule (A.) hereunto annexed; and a Copy of the Complaint with Citation thereon, and also a Copy of the Account, Document of Debt, or State of the Demand, being delivered by a Constable to the Defender personally, or left at the Dwelling Place of the Defender, or, in the Case of a Company, at the ordinary Place of Business of the Company, Six Days at least before the Diet of Court mentioned in such Complaint, shall be good and effectual to all Intents and Purposes, anything in the said recited Act requiring a Second Citation where the First Citation had not been delivered personally, to the contrary notwithstanding. 6 G.4. c.48. Form of Complaint and Mode of Execution, and One Citation to be good without a Second Citation.

II. And be it enacted, That where a Decree has been pronounced in Absence of the Defender, or where Absolvitor has passed in Absence of the Pursuer, either before or after the passing of this Act, a Copy of the Warrant for rehearing being served upon the other Party personally, or left at the Dwelling Place of such Party, in the Manner and upon the Induciæ herein-before prescribed regarding the Service of a Complaint, shall be an Authority for rehearing the Cause. Causes in which Decrees in Absence have been pronounced may be reheard, &c.

III. And be it enacted, That any Warrant or Decree to be obtained in any such Cause as aforesaid may be enforced by a Constable either in the County in which the same has been issued, or in any other County or Counties; provided that, when enforced in any other County, the Warrant or Decree or Extract thereof shall first be endorsed by the Clerk or Depute Clerk of the Peace of such other County, who is hereby required to make such Endorsement on Payment of a Fee not exceeding One Shilling. Warrant, &c. in one County may be enforced in another, if endorsed.

IV. And be it enacted, That the said recited Act shall continue in full Force and Effect, excepting in so far as the same is hereby altered and amended. Recited Act continued, except, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

SCHEDULE (A.)

No.

The Honourable Her Majesty's Justices of the Peace for the Shire [*or* Stewartry] of

To Officers of Court, jointly and severally.

WHEREAS it is humbly complained to us by *C.D.* [*Designation*] that *E.F.* [*Designation*], Defender, is owing to the Complainer the Sum of which the said Defender refuses or delays to pay; and therefore the said Defender ought to be decerned and ordained to make Payment to the Complainer with Expenses: Therefore it is our Will, that on Sight hereof ye lawfully summon the said Defender to compear before us, or any Two or more of us, in the at upon the Day of at of the Clock noon, to answer at the Complainer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed; requiring you also to deliver to the Defender a Copy of any Account, Document of Debt, or State of the Demand pursued for; and that ye cite Witnesses and Havers for both Parties to compear at the said Place and Date, to give Evidence in the said Matter as accords of Law.

Given under the Hand of the Clerk of Court, at the Day of Eighteen hundred and Years.

J.P., Clerk,
[*or* Depute Clerk.]

Citation for Defender.

E.F., Defender above designed, you are hereby summoned to appear and answer before the Justices in the Matter, and at the Time and Place, and under the Certification set forth in the above Copy of the Complaint against you.

This Notice served upon the Day of by me,

J. T., Constable.

CAP. XXXV.

An Act for requiring annual Returns of the Expenditure on Highways in *England* and *Wales* to be transmited to the Secretary of State, and afterwards laid before Parliament.

[13th *July* 1849.]

'WHEREAS by an Act passed in the Sixth Year of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, it was enacted, that within One Calendar Month after the Election or Appointment of Surveyor as 5 & 6 W.4. c.50.

'as therein directed the Accounts for the Year preceding of Monies received and disbursed by virtue of 'the said Act should be signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year 'preceding, and laid before the Justices of the Peace at a Special Sessions for the Highways holden at the 'Place nearest to the Parish or District for which such Surveyor should have been appointed; and that at 'the Special Sessions for executing the Purposes of the said Act held next after the Twenty-fifth Day 'of *March* in every Year by the Justices of the Peace within their respective Divisions the Surveyor of 'each of the Parishes within such respective Divisions should verify his Accounts: And whereas it is 'expedient that annual Statements of the Receipts and Expenditure on Highways in *England* should be 'transmitted to One of the Secretaries of State, to the Intent that Abstracts thereof may be laid before 'both Houses of Parliament:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Special Sessions in each Division at which the Accounts of any Surveyors, District Surveyors, and Assistant Surveyors shall be produced and verified as by the said recited Act required the Clerk to the Justices shall prepare from such Accounts a separate Statement in Writing, according to the Form in the Schedule to this Act, of the Receipts and Expenditure on account of the Highways of each Parish in such Division, and shall, within Fourteen Days after such Special Sessions, transmit all such Statements to One of Her Majesty's Principal Secretaries of State; and for the Preparation and Transmission of each such Statement such Clerk shall be entitled to charge to the respective Parish the Fee of Two Shillings; and if any such Clerk to such Justices shall neglect to transmit any such Statement within the Time herein-before prescribed for that Purpose, he shall for every such Offence, on Conviction, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, and such Penalty shall be recovered and applied as Penalties are by the said Act made recoverable and applicable.

Clerks to Justices at Special Sessions to prepare Statements from Accounts of Surveyors of Highways, and transmit them to Secretary of State.

Penalty on Neglect.

II. And be it enacted, That the Town Clerk of every City, Borough, Port, Cinque Port, or Town Corporate subject to the Provisions of the Act passed in the Seventh Year of King *William* the Fourth, "to provide for the Regulation of Municipal Corporations in *England* and *Wales*," and the Clerk to the Trustees or Commissioners appointed under any Act of Parliament where the Council of such City, Borough, Port, Cinque Port, or Town Corporate, or such Trustees or Commissioners, are authorized to pave, cleanse, or repair any Highway, shall, within Thirty Days next after every annual or other periodical Account of the Receipts and Expenditure of such Council, Trustees or Commissioners, in respect of the Highways under their Management, has been made out, or where Provision is made for the Settlement or Audit of such Account then within Thirty Days after such Settlement or Audit, prepare from such Account a Statement in Writing, showing (as far as Circumstances will permit) the like Particulars of such Receipts and Expenditure as are indicated under the Heads of Receipts and Expenditure respectively in the Form contained in the Schedule to this Act, and shall, within the Time aforesaid, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and if such Town Clerk or Clerk to the Trustees or Commissioners shall neglect to transmit any such Statement within such Time as aforesaid, he shall for every such Offence, on Conviction, forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, and such Penalty shall be recovered and applied as Penalties are by the said Act made recoverable and applicable.

Town Clerks of Cities and Boroughs, and Clerks to Trustees and Commissioners, to prepare Statements of Accounts respecting Highways, and transmit them to Secretary of State.

Penalty on Neglect.

III. And be it enacted, That such Secretary of State shall every Year cause the Statements transmitted to him under this Act to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament.

Abstracts of Statements to be laid before Parliament.

IV. And be it enacted, That the said first-recited Act and this Act shall be construed together as One Act.

Recited Act and this Act One.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULE.

GENERAL STATEMENT of the RECEIPTS and EXPENDITURE on account of the HIGHWAYS of the Parish [Township, Hamlet, *&c.*] of in the County of for the Year ending 25th March 18 , as appearing from the Accounts of Surveyor of Highways for the said Parish [Township, Hamlet, *&c.*], allowed by the Justices at a Special Sessions for the Highways holden at on the Day of .

RECEIPTS.

	£	s.	d.
Balance in hand (if any) from last Account			
Rates or Assessments received in Money			
Value of Team Labour performed by Rate-payers in lieu of Rates			
Value of other Work performed by Rate-payers in lieu of Rates			
Receipts from Turnpike Trusts (if any)			
Other Receipts			
Total Income £			

EXPENDITURE.

	£	s.	d.
Balance overpaid (if any) on last Account			
Paid for Manual Labour			
„ for Team Labour (in Money)			
„ for Materials			
„ for Tradesmen's Bills			
„ for Salaries			
Value of Team Labour performed by Rate-payers in lieu of Rates			
Value of other Work performed by Rate-payers in lieu of Rates			
Payments to Turnpike Trusts (if any)			
Other Payments			
Total Expenditure	£		
Leaving on the 25th March 18 a Balance of £ in hand, or overspent, as the Case may be.			

(Signed) _____
Clerk to the Justices for the Division.

Dated _____ 18 .

CAP. XXXVI.

An Act to make Provision, during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in *Ireland*, and to the Remuneration of the Collectors thereof. [13th *July* 1849.]

'WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, it is amongst other things provided, that no Person shall act as High Constable or Collector of County Cess, as therein mentioned, unless he shall have given Security, by Two sufficient Sureties joining with him in executing a Bond and Warrant of Attorney, without Stamp, to confess Judgment, to the Treasurer of the County, conditioned for his duly collecting and paying to such Treasurer, on or before the First Day of the next Assizes, all such public Money as he is or shall be required to collect: And whereas, on account of the Distress now prevailing in certain Counties or Baronies more heavily than in others, it is expedient in certain Cases to alter and modify the Condition of any such Bond and Warrant of Attorney to be given as such Security as aforesaid:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Order to be published in the *Dublin Gazette*, from Time to Time to order and declare that in and for any County or Barony in such Order specified the Provision herein-after contained relating to the Security to be given by any High Constable or Collector of Grand Jury Cess for the due Collection of the same shall be in force during the then current Year; and a Copy of such Order shall be transmitted to the Secretary of the Grand Jury of such respective County; and from the making of such Order thenceforth as to any such County or Barony it shall be and be deemed valid and sufficient, for the Purposes of the said recited Act, that any such Bond and Warrant of Attorney to confess Judgment to the Treasurer in the said Act directed to be given, and so given and entered into during the then current Year in which such Order shall have been made, shall be conditioned for any such High Constable or Collector duly collecting and paying to the County Treasurer all such public Money so required by him to be collected as he shall receive, or as he without Neglect or wilful Default might have received; and any such last-mentioned Bond and Warrant, without any Stamp, shall be as valid and effectual for the Purposes of the said Act, or any Act amending the same, and shall be deemed to be within the Meaning and subject to the Provisions of the said recited Act, or any Act amending the same, as fully and effectually as any such Bond and Warrant as is by the said recited Act prescribed.

6 & 7 W 4. c. 116.

Power to Lord Lieutenant, by Order to be published in Dublin Gazette, to continue Security given by Collectors of Grand Jury Cess for the then current Year.

II. And be it enacted, That in every County in which or in any Barony of which the Provision of this Act last aforesaid shall be in force in manner aforesaid, it shall be lawful for the Secretary of the Grand Jury of such County and he is hereby required, by Notice under his Hand to be posted at the usual Places for posting public Notices in each Barony next herein-after mentioned, to convene a Special Sessions for the Examination of the Collector's Accounts, to be holden in each Barony in which such last-mentioned Provision shall be so in force at the usual Place for holding Presentment Sessions, on a certain Day not more than Ten Days previously to the First Day of the assembling of the Grand Jury at each Assizes, at which said Special Sessions respectively the several Justices of the County shall be entitled to attend and take a Part in the Proceedings, and also such Cess-payers as were associated with the Justices at the Presentment Sessions held for such respective Barony after the then last Assizes; and

A Special Sessions to be held to examine Collector's Accounts, and to certify the Amount he might without Neglect or wilful Default have received.

and at such Special Sessions in each such Barony the High Constable or Collector of the same is hereby required to attend and produce his Accounts, Books, and Vouchers relating to the Collection of Grand Jury Cess in such Barony before such Justices and Cess-payers, who shall examine the same; and after due Examination of the same, and after Examination of such High Constable or Collector or other Person or Persons upon Oath relating to the same, which Oath any such Justice shall be empowered to administer, such Justices and Cess-payers shall determine and ascertain the Amount of the Sums which such High Constable or Collector shall have received or without Neglect or wilful Default might have received and collected of the Amount of the Grand Jury Cess required to be collected by him since the then last Assizes, and shall cause the Chairman of such Special Sessions to certify under his Hand the Amount thereof which without Neglect or wilful Default might have been so collected, and also the Amount actually collected, together with a List of the Persons and Lands from whom or which such Cess has not been collected, and also a List of the Persons and Lands, if any, from whom or which the same might have been so collected and has not been collected; and such Certificate and Lists shall by the Secretary of the Grand Jury be laid before the Grand Jury at the then next Assizes, who shall take the same into their Consideration; and if they shall pass a Resolution approving of such Certificate, or approving thereof subject to any Modification, and if such High Constable or Collector shall duly pay or shall have paid over to the respective Treasurer of the County the whole Amount which it shall appear by such Certificate, so approved or modified, might without Neglect or wilful Default have been collected, such High Constable or Collector in such Case shall receive and be paid his Poundage as in the said first-recited Act, or any Act amending the same, and this Act, provided, upon the Amount so collected and paid over to the Treasurer.

Certificate and Lists to be laid before Grand Jury, and if approved and Money paid over, Collector to be entitled to Poundage.

III. Provided always, and be it enacted, That as regards any such County or Barony specified in such Order as aforesaid, where a Collector has not yet been appointed for any Barony to collect the County Cess payable before the Summer Assizes of this Year, in such Case, at any Time previous to the Summer Assizes of this Year, the Appointment of any such High Constable or Collector may be made for such Barony by the Treasurer of such respective County, and such Security as aforesaid may be given before such Treasurer, and such Appointment and Security so made and given shall be as valid and effectual to all Intents and Purposes, and subject to like Provisions and Powers, as if such High Constable or Collector had been duly appointed by the Grand Jury or any Quarter Sessions or Special Sessions, and such Security had been duly given in the Manner in the said recited Act or any Act amending the same directed: Provided always, that in such last-mentioned Case the Examination of the Accounts, Books, and Vouchers of the High Constable or Collector, instead of being held and had before a Special Session as herein-before provided, shall be held and had before any Three Members of the Grand Jury of such County at the said Summer Assizes, in like Manner and with like Powers, who may grant a like Certificate, which shall be laid before the said Grand Jury and shall be dealt with in like Manner and deemed and taken as if the same had been made and given at a Special Session as herein-before mentioned.

Provision for appointing a Collector in any County or Barony specified in the Order before the Summer Assizes of this Year.

IV. And be it enacted, That any such High Constable or Collector shall, on or before the First Day of every Month, or so often as he shall have received One hundred Pounds, pay into the County Bank, to the Credit of the Treasurer of the County, the Sums he may have received up to such Period, and shall furnish to the Treasurer of the County an Account of the Sums so received and paid in.

Collector shall pay monthly to County Bank, &c.

V. And be it enacted, That the Proceedings, Powers, and Authorities and Provisions by this Act authorized and provided may (save when hereby otherwise declared) be had, taken, and exercised during the present Year, and to the End of the Year One thousand eight hundred and fifty-one.

Powers of Act exercised to the End of 1851.

VI. And be it enacted, That in the Construction of this Act, unless the Subject or Context require another Construction, the Word "County" shall extend to a County of a City or County of a Town, and the Word "Barony" shall extend to any District for which any such Collector may be or may have been appointed under the Powers by Law given in that Behalf.

Interpretation of Terms.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XXXVII.

An Act to continue to the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act* to amend the Laws relating to Loan Societies. [13th *July* 1849.]

* 3 & 4 *Vict. c.* 110.

CAP. XXXVIII.

An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*. [13th *July* 1849.]

[2 & 3 *Vict. c.* 77. *continued for Five Years from the* 1st *September* 1849.]

CAP.

CAP. XXXIX.

An Act for further continuing, until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. [13th *July* 1849.]

'WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law as to Ecclesiastical Jurisdiction in* England, by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of *August* One thousand eight hundred and forty-eight, and, if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have, by an Act passed in the last Session of Parliament, been continued until the First Day of *August* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said firstly-recited Act shall continue until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament. 10 & 11 Vict. c. 98. 11 & 12 Vict. c. 67. Certain Provisions of first-recited Act further continued.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

CAP. XL.

An Act to continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures. [13th *July* 1849.]

'WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof*, certain Allowances of the Duties of Excise paid on Soap were granted in respect of Soap used in certain Manufactures and Processes set forth in the said Act, and which Allowances were to cease at the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five: And whereas by subsequent Acts, and particularly by an Act passed in the Eleventh Year of the Reign of Her Majesty Queen *Victoria*, the said Allowances (except the Allowance for the whitening of new Linen in the Piece for Sale) were continued until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-eight: And whereas it is expedient that the said Allowances (except as aforesaid) should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and fifty, in like Manner as if the same had been made payable until that Time by the said first-recited Act. 3 & 4 W. 4. c. 16. 10 & 11 Vict. c. 41. Certain Allowances of the Duty on Soap continued.

CAP. XLI.

An Act to extend an Act of the Fifty-sixth Year of King *George* the Third, for providing for a new Silver Coinage, and for regulating the Currency of the Gold and Silver Coin of this Realm. [13th *July* 1849.]

'WHEREAS an Act was passed in the Fifty-sixth Year of His late Majesty *George* the Third, intituled *An Act to provide for a new Silver Coinage, and to regulate the Currency of the Gold and Silver Coin of this Realm:* And whereas it is expedient that the Provisions of the said Act, so far as regards the Silver Coin of the Realm, should be extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for Her Majesty's Master and Worker of the Mint at Her Majesty's Mint in *London* to coin or cause to be coined any Silver Bullion which at any Time before or after the passing of this Act shall have been or shall be brought to or delivered or deposited at the said Mint into Silver Coins of a Standard and Fineness of Eleven Ounces Two Pennyweights of fine Silver and Eighteen Pennyweights of Alloy in the Pound Troy, and in Weight after the Rate of Sixty-six Shillings to every Pound Troy, whether the same be coined in Crowns, or in any Pieces of a lower Denomination; anything in any Act or Acts in force in *Great Britain* or *Ireland* respectively immediately before the passing of this Act, or anything in any Indenture with Her Majesty's Master or Worker of the said Mint for the Time being, or any Law, Usage, or Custom whatsoever, to the contrary thereof in anywise notwithstanding: Provided always, that all and every Silver Coin, not being of a Denomination which is authorized to be coined by the said recited Act, but being of a Denomination which is authorized to be coined by this Act, which shall be issued after the passing of this 56 G. 3. c. 68. The Pound Troy of Standard Silver, &c. may be coined into Crowns or Pieces of a lower Denomination.

this Act, shall be deemed and taken to have been coined after the passing and under the Authority of this Act, and shall be subject to all and every the Rules, Regulations, and Provisions relating to Silver Coin to be coined in pursuance of the Provisions of this Act.

Former Acts relating to Silver Coin extended to this Act.

II. And be it enacted, That all and every Act and Acts in force immediately before the passing of this Act respecting the Coin of this Realm, or the clipping, diminishing, or counterfeiting of the same, or respecting any other Matters relating thereto, and all Provisions, Proceedings, Penalties, Forfeitures, and Punishments therein contained or directed, and not repugnant or contradictory to the Provisions of this Act, shall be and continue in full Force and Effect, and shall be applied and put in execution with respect to the Silver Coin to be coined or issued in pursuance of the Provisions of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same were repeated and re-enacted in this Act.

CAP. XLII.

An Act to provide for the Execution for One Year of the Office of Sheriff in the County of *Westmoreland*. [13th *July* 1849.]

'WHEREAS *Henry* Earl of *Thanet*, deceased, was in his Lifetime and at the Time of his Death Hereditary High Sheriff of the County of *Westmoreland*: And whereas the said *Henry* Earl of *Thanet* died on or about the Twelfth Day of *June* in the Year of our Lord One thousand eight hundred and forty-nine, without Issue: And whereas it is alleged that he first duly made and published his last Will and Testament in Writing, bearing Date the Twenty-first Day of *December* One thousand eight hundred and forty-eight, and duly executed the same, whereby the said *Henry* Earl of *Thanet* devised and bequeathed the said Office of Sheriff to one *Richard Tufton* for Life, with divers Remainders over: And whereas Doubts have arisen whether the said Office of Sheriff passed by the said Will, or whether the same became on the Death of the said *Henry* Earl of *Thanet* vested in his Heir or Heiress at Law, or whether the same became escheated to the Crown; and such Doubts and Rights cannot conveniently be settled and ascertained within the Time necessary for executing and performing the said Office of Sheriff within the said County: And whereas it is necessary, for the Administration of Justice within the said County of *Westmoreland*, that a Sheriff for the said County should forthwith be appointed until such Doubts and Rights shall be settled and ascertained:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Queen's most Excellent Majesty, from and after the passing of this Act, to nominate and to appoint, in such Manner and Form as is provided by an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, for, amongst other things, "facilitating the Appointment of Sheriffs," such Person to be Sheriff for One Year of the County of *Westmoreland* as She shall by the Advice of Her Council think fit; and such Person so to be nominated and appointed shall hold, use, and execute the said Office of Sheriff within the said County of *Westmoreland* during One Year from the Date of such Appointment, or for any shorter Period, in case Her said Majesty shall by an Order in Council so order and direct, and upon taking the Oath of Office by the said Act prescribed shall from thenceforth have and exercise all Powers, Privileges, and Authorities whatsoever hitherto usually exercised and enjoyed by the Sheriff of the County of *Westmoreland*, or any other Sheriff, now or heretofore appointed under and by virtue of the said Act, and shall be subject to the same Duties and Liabilities as the Sheriff of the County of *Westmoreland* has hitherto been subject and liable to, and to all the Liabilities imposed upon Sheriffs in *England* and *Wales* by the said recited Act.

Power to Her Majesty to appoint a Sheriff for One Year for the County of Westmoreland in manner provided by 3 & 4 W. 4. c. 99.

Her Majesty may order, from and after a certain Day, that all Powers, &c. conferred shall cease, save that the Sheriff shall be liable to all Suits, &c.

II. And be it further enacted, That it shall and may be lawful to and for Her said Majesty, by any Order in Council to be hereafter made, to order and direct that from and after a certain Day to be therein named all the Powers, Authorities, Rights, Privileges, and Liabilities by the said recited Act or this Act conferred or imposed upon the said Person so to be nominated and appointed as aforesaid shall from and after such Day cease and determine, save and except that the said Sheriff so to be nominated and appointed as aforesaid shall be liable and amenable to all such Suits, Actions, and Proceedings, and to make all such Returns, as any other Sheriff for any other County of *England* or *Wales* is now subject or liable to.

Nothing herein to prejudice the Rights of Her Majesty, nor of other Persons.

III. Provided always, That, subject only to the Power by this Act professed to be given to Her Majesty to appoint a Person to the Office of Sheriff of the County of *Westmoreland* for One Year as aforesaid, nothing herein contained shall prejudice or affect any Title in Her Majesty, Her Heirs or Successors, in respect of the said Office, or the Title, Rights, or Interests of any Person or Persons claiming or to claim, by Descent, Devise, or otherwise, the said Office of Sheriff of the County of *Westmoreland*.

CAP. XLIII.

An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service. [28th *July* 1849.]

3 & 4 Vict. c. 37.

'WHEREAS an Act was passed in the Third and Fourth Years of Her present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and for providing for the Observance of Discipline in*

'*in the* Indian *Navy, and to amend the Laws for regulating the Payment of Regimental Debts and the* '*Distribution of the Effects of Officers and Soldiers dying in Service:* And whereas it is expedient that 'the said Act be amended; and it being requisite, for retaining the Forces of the *East India* Company in 'their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, 'or shall desert the said Company's Service, be brought to a more exemplary and speedy Punishment 'than the usual Forms of the Law will allow:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to make Articles of War for the better Government of the *East India* Company's Forces, and from Time to Time to renew, alter, add to, or amend the same, as to Her Majesty shall appear fit, and all Articles of War to be so made shall be judicially taken notice of by all Judges and in all Courts whatsoever, and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, *Edinburgh*, and in *India* respectively, and also to the Governors of Her Majesty's Dominions abroad and of the Territories under the Government of the said Company; provided that no Person within the Territories which are or may be under the Government of the said Company, and within One hundred and twenty Miles Distance from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, shall by such Articles of War be subject to be transported as a Felon, or be subject to any Punishment extending to Life or Limb, except for Crimes or Offences which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War or other Matters made, enacted, or in force, or which hereafter may be made or enacted or in force, under the Authority of the Government of *India*, respecting Officers or Soldiers being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter; and that on the Trial of all Offences committed by any Native Officer or Soldier, or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

The Queen may make Articles of War, of which all Courts shall take judicial Notice, and Copies to be transmitted to Judges and Governors.

Trial of Native Officer or Soldier.

II. And be it enacted, That the Provisions of this Act shall apply to all Persons belonging to any of the Forces of the *East India* Company who are or shall be commissioned or in Pay as Officers, or who are or shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners or Pioneers, or as Military Surveyors or Draftsmen, or in the Ordnance and Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all licensed Sutlers and Followers in or of any of the said Forces, and that all such Persons shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

Persons subject to this Act.

III. And be it enacted, That for the Purposes of this Act, and of any Articles of War to be made under the same, the Presidency of *Fort William* in *Bengal* shall be deemed and taken to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and such Territories shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal*.

For Purposes of this Act, Presidency of Fort William to comprise that of Agra.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of the Possessions or Territories which are or may be under the Government of the said Company, or in Places in possession of or occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, and being under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law, in like Manner as the Company's other Forces are.

Officers, &c. in Places under Government of the Company liable to same Law as Company's other Forces.

V. And be it enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company's Service who may proceed in charge of or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company be during their Passage subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent; and in all Cases in which it may happen that Offences shall be committed by the said Officers and Soldiers after their Embarkation, and before their Arrival at their Place of Destination abroad, which cannot be tried and punished during their Passage in such Manner as such Offences ought to be tried and punished, every such Officer or Soldier may and shall after his Arrival at his Place of Destination abroad be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender might have been tried by Court-martial held under the Authority of this Act.

After Embarkation all Officers and Soldiers subject to Provisions of this Act.

Offences committed during Passage cognizable after Arrival.

Commanders in Chief at the several Presidencies empowered to convene Courts-martial.

VI. And be it enacted, That for the Purpose of bringing Offenders to Justice it shall be lawful for the General or other Officer commanding in chief the Forces in *India*, or the Forces within the Presidency of *Fort William*, and also for each of the Generals or other Officers respectively commanding in chief the Forces within the Presidencies of *Fort Saint George* and *Bombay* respectively, from Time to Time, as Occasion may require, to convene Courts-martial for the Trial of any Officer or Soldier under his Command who is or shall be charged with any Offence liable to be tried by Court-martial, whether such Offence shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively to direct his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, authorizing him to convene Courts-martial for the Trial of Offences committed by any Officer or Soldier under his Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively, when and as often as any Sentence is given and passed by a Court-martial, legally constituted, upon any Officer or Soldier under his Command, to confirm such Sentence, and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and it shall also be lawful for each of the said Officers commanding in chief respectively to give his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, to confirm Sentences of Courts-martial passed upon Officers or Soldiers under the Command of the Officer to whom such Warrant shall be given (always excepting in any such Warrant the Confirmation of any Sentence of Death, Transportation, or Cashiering, upon any Commissioned Officer), and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and the said Officers commanding in chief respectively may (where they shall think fit) authorize any such Officer to confirm any such Classes of Sentences only, or Sentences passed for any such Class of Offences only, or on any such Classes of Persons only, as they may think fit; and it shall also be lawful for Her Majesty to grant Commissions or Warrants under the Royal Sign Manual to any General or other Officer having the Command of any Body of Forces, as well in the Possessions or Territories which are or may be under the Government of the *East India* Company as elsewhere, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being, however, below the Degree of a Field Officer; and any Person subject to the Provisions of this Act who shall in any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial, may be tried and punished for the same in any Part of the Territories which are or may be under the Government of the said Company, or elsewhere, where he may have come after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

The Queen may grant Commissions or Warrants for convening of Courts-martial for trying Offences against Articles of War.

Composition and Constitution of General Courts-martial.

VII. And be it enacted, That all General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers (except in Cases where the same shall be holden in any Place out of Her Majesty's Dominions and of the Territories which are or may be under the Government of the said Company, or where the same shall be holden in any *African* Colony, the *Australian* Colonies, the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, or *Malacca*, in which Cases such General Courts-martial may consist of any Number not less than Five), and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

Composition and Powers of District or Garrison Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Regimental and Detachment Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March or on board any Ship or Vessel the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Officers in command of Troops in Foreign Countries not in alliance with the East India Company may assemble Courts-martial.

XI. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of the said Company's Troops which may at any Time be serving in any Place out of Her Majesty's Dominions and of the Possessions or Territories which are or may be under the Government of the said Company, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to the Company's Army being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of

any

any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Proceedings on Mixed Courts-martial how to be regulated.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Land Forces, or Officers of Her Majesty's Royal Marines, or Officers of both such Services, may sit on Courts-martial together with Officers in the Service of the *East India* Company; and where the Person to be tried shall belong to Her Majesty's Land Forces, then the Proceedings of the Court shall be regulated to all Intents and Purposes as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable to the Proceedings of such Court; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of this Act shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or any of Her Royal Predecessors; and where it shall happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial, then any Officer or Soldier or Person subject to the Provisions of this Act may be tried by a Court-martial composed of Officers in Her Majesty's Service alone: Provided always, that the Officer convening such Court-martial shall specify in his Warrant or Order convening the Court that no Officer in the Service of the said Company could be conveniently had.

Courts-martial in some Cases may be wholly composed of Queen's Officers.

President of Court-martial.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment, or Body of Troops composed of Detachments of different Regiments, to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless a Field Officer cannot be had, nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden in the Countries of Foreign Powers, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Ship or Vessel, or on any Foreign Station, where a Captain cannot be had; and it shall be lawful for any Officer by whom any Court-martial shall be convened (where it may be necessary so to do) to authorize some fit Person to execute the Office of Judge Advocate at and for the Purpose of such Court-martial.

Proceedings at Trial.

XIV. And be it enacted, That in all Trials by Courts-martial to be held by virtue of this Act, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President, or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers appointed to form the Court; and when the Place of the President or of any other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made and allowed, or if no Challenge shall have been made, or, if made, not allowed, the President and the other Officers composing the Court shall take the Oath in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, or before the President of such Court, who are hereby respectively authorized to administer the same; and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but during seasonable and convenient Hours of the Day, to be appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example.

Swearing and summoning Witnesses.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by such Court-martial, or by any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made to appear to such Court-martial, Court of Law, or Judge, by Affidavit, in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending to be sworn, or being sworn, shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or refuse to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in any Court of Justice, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend on a Trial in any Proceeding in the Court in which Complaint shall be made.

Previous Convictions to be put in Evidence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner,

Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by any Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk or of such other Officer, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk or other Officer, shall be sufficient Evidence of such last-mentioned Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War for the Government of the *East India* Company's Forces be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. And be it enacted, That every Judge Advocate or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, shall transmit, with as much Expedition as the Opportunity of Time and Distance of Place will admit, the original Proceedings and the Sentence of such Court-martial to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Three Months, if the Trial took place on the Continent of *India*, or Six Months if beyond Seas; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial to be had for the same Offence, and no Revision more than once.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in the Land or Marine Forces of Her Majesty or of the said Company, or shall not use his utmost Endeavours to suppress the same, or, coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer, or shall correspond with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty or of the *East India* Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever, or shall relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect, any such Rebel or Enemy, or shall treat or enter into any Terms with such Rebel or Enemy without the Licence of the said Company or of the said Company's Governor General in Council, or of the Governor in Council at One of the Presidencies, or of the General or Chief Commander, or shall cast away his Arms or Ammunition or otherwise misbehave himself before the Enemy, or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend, or shall compel the Governor or Commanding Officer of any Garrison, Fortress, Post, or Guard to deliver up to the Enemy or to abandon the same, or shall speak Words or use any other Means to induce such Governor or Commanding Officer or others to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend, or shall desert the said Company's Service, or shall leave his Commanding Officer, or his Post or Colours, to go in search of Plunder, or shall leave his Post before relieved, or shall be found sleeping on his Post, or shall treacherously make known the Watchword, or shall intentionally occasion false Alarms in Action, Camp, Garrison, or Quarters, or shall do Violence to any Person bringing

Provisions

Provisions or other Necessaries to the Quarters of the Forces; or shall force a Safeguard, or shall break or enter into any House or Store or Cellar, or other Place, for Plunder, or shall strike, or shall draw or offer to draw or lift up any Weapon, or use or offer any Violence, against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer, or who, being confined in a Military Prison, shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of Her Majesty or the Territories which are or may be under the Government of the said Company, or in Foreign Parts, and whether upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXI. And be it enacted, That whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in the said Company's Forces, and in any Country or Place (such Country or Place being within the Limits of the said Company's Charter and under the said Company's Government) which the Officer commanding in chief the Forces with which the Offender may have been serving at or previously to the Time of the Offence shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which the Officer commanding in chief as aforesaid shall direct; provided, that in all Cases where a Capital Punishment shall have been awarded by a Court-martial it shall be lawful for the Commanding Officer having Authority to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to such Officer.

Embezzlement punishable by Transportation.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to the *East India* Company, or for the Use of the *East India* Company's Forces or Her Majesty's Forces, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from the *East India* Company's Service, and Incapacity of serving the *East India* Company or Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature or Degree of the Offence, and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained which shall have been ascertained by such Court-martial, and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender, and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to the *East India* Company, and may be recovered accordingly in any of the Courts of Law in the *East Indies*, or any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to the *East India* Company's Service, and forfeit any Commission held from Her Majesty, and for ever be incapable of serving the said Company or Her Majesty in any Military Capacity.

Execution of Sentences of Transportation.

XXIII. And be it enacted, That Her Majesty may, by any Order or Orders to be by Her from Time to Time made with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council and the Governor in Council of *Fort Saint George* and *Bombay* respectively to appoint, any Place or Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed; and that when any such Offender shall be about to be transported from any of the said Presidencies to a Place of Transportation, the Governor of such Presidency shall give Orders for his intermediate Custody and Removal to the Ship to be employed for his Transportation, and shall empower some Person to make a Contract for the effectual Transportation of the Offender to the Place so appointed, and shall direct Security to be given for such Transportation.

Transports to be subject to the Convict Laws of the Place of Transportation.

XXIV. And be it enacted, That every Offender who shall be transported as aforesaid shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he shall be removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Power to inflict Corporal Punishment.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

XXVI. And

Corporal Punishment and Imprisonment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, or without such Sentence, to award Imprisonment, with or without hard Labour.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the General or other Officer authorized to confirm the Sentences of Courts-martial to commute such Corporal Punishment to Imprisonment, either solitary or otherwise, and either with or without hard Labour, for any Period not exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service;

In tampering with his Eyes, with Intent thereby to render himself unfit for Service;

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating any Disease or Infirmity, or delaying his Cure;

In malingering or feigning Disease;

In stealing, or embezzling Stores the Property of the *East India* Company or of the Crown, or in receiving them knowing them to have been stolen;

In stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen;

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent;

In stealing or embezzling or fraudulently misapplying Money intrusted to him belonging either to the *East India* Company or to the Crown;

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military;

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony by any Court of ordinary Criminal Jurisdiction, or of any Crime or Offence by any Court of Criminal Jurisdiction in the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty or the *East India* Company, or by a Court-martial, which would if committed in the United Kingdom amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence, or during Absence or Commitment under a Charge;

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged or for which his Term of Service may have been prolonged; and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining the Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to the Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer

or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days.

Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order, that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, or ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture; provided also, that it shall be lawful for the Government under which any Soldier is serving to order or withhold the Payment of the whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay for Drunkenness on Duty.

XXXI. And be it enacted, That any Court-martial may sentence any Soldier, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of One Penny or Eight Pice a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. And be it enacted, That any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct; and, in addition to any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay or Allowance, for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct: Provided always, that a Soldier so sentenced to the Forfeiture of Pay who shall be quartered at or removed to a Station where Liquor forms Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny or Eight Pice of his daily Pay, for so long a Time as he shall remain at such Station and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good,

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified;

Any Loss or Destruction of or Damage or Injury to any Property whatsoever, occasioned by his wilful or negligent Misconduct;

Any Loss or Destruction of or Damage or Injury to his Horse, or to the Horse of any other Soldier, or to any Beast used in *Indian* Warfare, or any Loss or Destruction of or Damage or Injury to his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct;

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court; provided also, that, after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny or Eight Pice a Day.

Discharge with Ignominy.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct as aforesaid, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from the Service.

Marking Deserters.

XXXV. And be it enacted, That on the First and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not

exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term of Imprisonment.

XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President.

Place of Imprisonment.

XXXIX. And be it enacted, That the Place of Imprisonment under the Sentence of General Courts-martial shall be appointed by the Officer commanding in the District, Garrison, or Place, and, under the Sentence of any other Court-martial, shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Keepers of Prisons to receive Military Offenders.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, House of Correction, or other Place of Confinement in any Part of the Territory under the Government of the *East India* Company, or of Her Majesty's Dominions, shall receive into his Custody any Military Offender under the Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he shall be discharged, or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose.

Orders as to Removal of Prisoners to be obeyed.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison or Gaol or House of Correction, or other Place of Confinement, it shall be lawful for the Officer who confirmed the Proceedings, or for the Officer commanding in the District or Garrison or Place, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial, either as a Witness or for Trial, or other Purpose, and such Prisoner shall accordingly on the Production of such Order be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Diet of Prisoners.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, House of Correction, or other Place of Confinement shall diet and provide every Soldier imprisoned by the Sentence of a Court-martial, or as a Deserter, with Fuel and other Necessaries, according to the Regulations of such Place of Confinement, the Expense of which shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by any Laws or Regulations to be made in that Behalf.

Notice to be given of the Expiration of Imprisonment.

XLIII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve the *East India* Company on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or, if there shall not be a sufficient Time for a Month's Notice, then the longest practicable Notice thereof to the Adjutant General of the Army, or to the nearest Military Authority to whom such Notice may conveniently be given.

Musters and Punishment for false Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the *East India* Company's Service at such Times as shall be appointed, and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Beast, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, or shall give or procure to be given any untrue Certificate,

Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, upon Proof thereof, upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the Territories under the Government of the *East India* Company, or in the United Kingdom of *Great Britain* or *Ireland*, or in the Service of the said Company or of Her Majesty.

Trials for Desertion after subsequent Enlistment.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from the *East India* Company's Service although he may of right belong to some Corps from which he shall originally have deserted; and that whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

XLVI. And be it enacted, That every Person who shall voluntarily deliver himself up and confess himself to be a Deserter from the *East India* Company's Forces, or who while serving in any of the said Company's Forces shall to any Officer or Non-commissioned Officer thereof confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces as the Officer commanding in chief at any of the said Presidencies shall appoint, whether such Person shall have been actually enlisted as a Soldier or not, and he shall be liable to Punishment in the same Manner as if he had actually enlisted and had afterwards deserted.

Punishment for inducing or assisting in Desertion.

XLVII. And be it enacted, That any Person who shall by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall, by Words or by any other Means whatsoever, attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Enlisting and attesting Recruits.

XLVIII. And be it enacted, That it shall be lawful for any Justices of the Peace within the Territories under the Government of the *East India* Company, and for any Person holding the Office of *British* Resident, or performing the Duties of such Office, within the Territories of any Foreign State, to enlist and attest any Persons desirous of enlisting, or any Soldiers or others desirous of re-enlisting, into the Service of the said Company; and the said Justices of the Peace shall have the same Powers in that Behalf as by the Mutiny Act passed in the present Year for Her Majesty's Forces are given to Justices in the United Kingdom for the Purposes of Enlistment, and any Person so enlisted or re-enlisted shall be deemed to be an enlisted Soldier in the Service of the said Company.

Recruits concealing Infirmities punishable.

XLIX. And be it enacted, That any Person who shall enlist into the *East India* Company's Forces, and who shall be discovered to be incapable of active Service, or unfit for the Service for which he shall have been enlisted, by reason of any Infirmity which shall have been concealed by such Person or not declared at the Time of his Attestation, and mentioned at the Foot thereof, may be tranferred into any Garrison or Veteran or Invalid Battalion or Company, or into any of the said Company's *European* Forces, or into Her Majesty's Land Forces or Marine Forces, notwithstanding he shall have enlisted for any particular Regiment or any particular Service, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by the said Company by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts or any Rules or Regulations relating to Soldiers to the contrary notwithstanding.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay.

Punishment for so doing.

L. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowance of any Officer or Soldier in the *East India* Company's Service, or from their Agents, other than the usual Deductions or such other necessary Deductions as shall from Time to Time be required to be made, according to the Regulations of the Service; and every Paymaster or other Person having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain the same for the Space of One Month or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the Regulations established by the Rules of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One thousand Company's Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded, One Moiety of such Fine to be paid to the Informer; and should such Informer be a Soldier, he shall, if he demand it, be discharged from any further Service: Provided always, that it shall be lawful for the Governor General in Council or the Governor in Council at the said Presidencies respectively to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty.

Penalty for procuring false Musters.

LI. And be it enacted, That every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Five hundred Company's

Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse or other Beast to be falsely mustered, shall, upon Oath made by Two Witnesses before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees; and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged the said Service.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LII. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses or other Beasts belonging to or used in the *East India* Company's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Two hundred Company's Rupees, together with the Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person, having been so convicted, shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Two hundred Company's Rupees but not less than Fifty Company's Rupees, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be liable to be imprisoned only, or imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same, proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath or solemn Declaration before a Justice of the Peace, or Person exercising the like Authority, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description hereinbefore described, with respect to which any such Offence shall have been committed, the Justice, or Person exercising like Authority, may grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice or other Person, to be dealt with according to Law.

Soldiers entitled to Discharge may claim to be sent home free of Expense.

LIII. And be it enacted, That every Soldier entitled to his Discharge, either upon the Expiration of any Period for which he shall have engaged to serve, or otherwise, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expense, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, as aforesaid, as also any other Soldier in the Service of the *East India* Company entitled to be sent to *Great Britain* or *Ireland* shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces; and Her Majesty may by such Articles of War provide for the Punishment of any such Soldier who in the Passage shall be guilty of Drunkenness, or of any dishonest, disorderly, cruel, indecent, or disgraceful Conduct, by Sentence of a Court-martial, to be held under the Mutiny Act and Articles of War for the Time being in force for Her Majesty's Forces, and may direct that for the Purposes of such Court-martial and Punishment he shall be considered as belonging to any Regiment in Her Majesty's Service, and be punishable in the same or the like Manner as if the Offence had been committed whilst serving with such Regiment, and as if any Advantages he may be entitled to by Service were Advantages arising from Service in Her Majesty's Forces.

Punishment of Offences on the Voyage.

Indian Government may stay Proceedings.

LIV. And be it enacted, That the Government of any of the said Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively.

Power to appoint General Courts-martial beyond 120 Miles from Presidencies (except Prince of Wales Island, Singapore, and Malacca,) for the Trial of Capital and other Offenders.

LV. And be it enacted, That any Officer or Soldier who shall be serving in the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island, Singapore*, and *Malacca*,) in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the Presidencies of *Fort William, Fort Saint George*, and *Bombay* respectively, and who shall be accused of having committed Treason or any other Crime which if committed in *England* would be Felony, or of having committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to the Protection of Her Majesty or of the Government of the *East India* Company, or of any State in alliance with the said Company, may be tried by a General Court-martial to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and if found guilty shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or other Punishment,

Punishment, according to the Nature and Degree of the Offence, as by the Sentence of any such General Court-martial shall be awarded: Provided always, that no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have been confirmed by the General or other Officer commanding in chief as aforesaid; and such Officer may, if he shall think fit, suspend, mitigate, or remit the Sentence, or, in the Case of a Sentence of Death, commute the same, by directing the Offender to be transported as a Felon for Life or for any certain Term of Years; provided also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever.

Proviso for Confirmation by the Governor in Council in certain Cases.

LVI. Provided always, and be it enacted, That where any Officer or Soldier shall under the Clause lastly herein-before contained have been found guilty of any such Offence as therein mentioned, committed at any Place within the Territories under the Government of the said Company situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and the Offender shall have been tried within such Territories, no Sentence of Death or Transportation in respect of such Offence, whether original, revised, or commuted, shall be carried into execution until such Sentence shall have been approved by the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried.

Such Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.

LVII. And be it enacted, That if any Person liable under the Provisions herein-before mentioned to be tried by a Court-martial for any Crime or Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, or *Malacca*,) in the Territories under the Government of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or upon the High Seas, and for which no Proceeding shall have been commenced in any Court of competent Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as is herein-before provided in that Behalf.

The ordinary Course of Law not to be interfered with.

LVIII. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to the Protection of Her Majesty or of the respective Governments of the *East India* Company, or of any State in alliance with the said Company, which is punishable by the ordinary Course of Law, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command so accused as aforesaid, such Officer shall, upon Conviction thereof on any Prosecution in any of Her Majesty's Courts of Record in the United Kingdom or in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment in the said Company's Service in the *East Indies*; and a Copy of the Record of such Conviction, subscribed and attested by the Clerk of the Crown or other proper Officer of the Court in which such Conviction shall take place, shall within Two Months from the Time of such Conviction be transmitted to the Judge Advocate General of the Army to which such Offender shall belong; provided, that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial under the Provisions herein-before in that Behalf contained, or against whom any effectual Proceeding shall have been taken or ordered to be taken for the Purpose of bringing such Person to Trial by Court-martial under the Provisions herein-before in that Behalf contained; provided also, that no Person or Persons, being acquitted or convicted of any Crime, Violence, or Offence by the Civil Magistrate or the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of One Company's Rupee and Eight Annas; and every such Certificate, containing the Substance and Effect of the Indictment and Conviction, and purporting to be signed as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender.

Soldier not to be arrested for Debt unless amounting to 300 Company's Rupees.

LIX. And be it enacted, That no Person whatever enlisted into the *East India* Company's Service as a Soldier shall be liable to be arrested or taken therefrom by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, (for which no Fee shall be taken,) before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit a Memorandum without Fee shall be endorsed upon the Back of such Process, that the original Debt for which

which the Action has been brought or Execution sued out amounts to the Value of Three hundred Company's Rupees at the least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Party by whom the Action shall have been brought or Execution sued as aforesaid: Provided always, that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.

LX. And be it enacted, That it shall be lawful for all Officers or other Persons who by or under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the said Company may be authorized or required to take care of or collect or superintend, or direct the Collection, of the Effects or any Part of the Effects of any Officers or Soldiers dying in the Service of the said Company out of the United Kingdom to ask, demand, and receive any such Effects to which his Authority shall extend, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in every respect as if such Officers or Persons employed or required as aforesaid had been appointed Executors, and had proved the Will, or had taken out Administration of such Effects; and no Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court *ad colligenda* or otherwise, shall in any Manner interpose in relation to any such Effects, unless required and authorized so to do by any such Officer or Person so authorized or required as aforesaid, any Act or Acts, Law, Statute, or Usage, to the contrary notwithstanding.

What Debts to be deemed Regimental Debts, and to have Priority accordingly.

LXI. And be it enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipments, Servant's Wages due, and Household Expenses, during the current Month, or in respect of any Quarters, or of any Mess or Band or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Account, or on account of any Advance made for any such Purpose, and also any Charges or Expenses attending or relating to the Illness or Funeral of any such Officer or Soldier, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; and if Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or whether such Charges or Expenses attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, or whether any such Regimental Debts remain due, such Question shall be decided and concluded by any Order or Certificate to be made either by the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged, or, in case where, for Convenience, such last-mentioned Military Secretary shall authorize or request the Military Secretary to the Government of any other Presidency to act on his Behalf, then by such last-named Military Secretary; and all such Payments shall be good and valid in Law, and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid, under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary in relation to the Distribution of such Assets, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Regimental Debts to be paid without Probate or Letters of Administration, &c.

Military Secretary to administer such Surplus, when not exceeding 1,000 Company's Rupees, without Probate or Administration, and Duty free.

LXII. And be it enacted, That all such Regimental Debts shall and may be paid without Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters Testamentary or Dative, being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased for the Payment of any Duty which may be claimable in respect of the same; and it shall be lawful for the said Military Secretary to the Government of the Presidency to which the Deceased shall have belonged to order and direct the Payment or Distribution of any such Surplus to any Amount not exceeding One thousand Company's Rupees, without any Probate or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty; and it shall also be lawful for any Paymaster or other Person to issue any Sum, not exceeding the Value of One thousand Company's Rupees, which may be due to any deceased Officer or Soldier, unto the Widow or Relative of any Officer or Soldier deceased, or unto the Representative or Representatives of any such Officer's Widow, or Relative in *India*, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto, or as being a proper Person to receive the same; and all such Payments respectively shall be as valid and effectual to all Intents and Purposes as if the same had been made by or to

any

any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament, Letters Testamentary or Dative, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Effects remitted not to be deemed Assets in the Place to which remitted so as to render Administration necessary.

LXIII. And be it enacted, That any Effects, or the Proceeds or Surplus of any Effects, which shall be collected or received under the Authority of any Articles of War as aforesaid, when remitted to any Person, under any Order of the Military Secretary to the Government of any of the said Company's Presidencies, or to such Military Secretary, shall not, by reason of coming to the Hands of such Person or Military Secretary, be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged to order that such Effects, or the Proceeds or Surplus of any such Effects, shall be remitted to any other Place in *India*, Person or Persons, by whom the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds, or Surplus of such Effects shall be a sufficient Discharge from all Actions, Suits, and Demands in respect thereof, to all Persons to whose Hands any such Effects, Proceeds, or Surplus shall have come, and by whom the same shall have been paid and disposed of under the Order of such Military Secretary.

Military Secretary authorized to order Remittance of Effects to any other Place in India.

Mode of administering Surplus prescribed.

LXIV. And be it enacted, That the Effects, or the Proceeds or Surplus of the Effects, collected or received under the Authority of any Articles of War as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, and subject to such Payment or Distribution as is herein-before authorized, shall with all convenient Speed be transmitted to such Military Secretary as aforesaid by the Officer or Person employed or required to take care of, collect, and receive the same; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and subject to such Payment and Distribution as aforesaid, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier; or if there shall be no such Executor or legal Representative in *India*, or no such Executor or legal Representative shall within Twelve Months from the Death of such Officer or Soldier claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the *East India* Company in *London*, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased; and such Remittance at the End of Twelve Months as aforesaid shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus: Provided always, that the Registrar of Her Majesty's several Supreme Courts in *India* shall not be required or entitled to take out Letters of Administration with the Will annexed, or otherwise, in respect of such Surplus, nor in any Manner to interpose in relation thereto, unless expressly authorized so to do by the said Military Secretary, and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Court of Directors in *London* shall not exceed One hundred Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters Testamentary or Dative, or Payment of any Duty.

Registrar of Supreme Courts to take out Administration to Surplus.

The Queen may make Provision for the Collection, &c. of the Effects of Deserters.

LXV. And be it enacted, That it shall be lawful for Her Majesty, by any Articles of War to be made by Her as aforesaid, to make Provision for collecting any Effects of Deserters, and for Payment out of the same of any Regimental Debts and Quarters of the Deserters, and for carrying the Balance to the Credit of the *East India* Company, for the Use of the said Company; and that all Questions respecting any such Regimental Debts may be determined and concluded in such Manner as herein-before is provided.

Where Troops are serving beyond the Jurisdiction of the Court of Requests, Actions of Debt not exceeding 400 Rupees to be cognizable by a Military Court.

Composition and Constitution of the Court prescribed;

LXVI. And be it enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of any Courts of Requests or other Courts for enforcing small Demands established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers, all Persons licensed to act as Sutlers to any Corps or Detachments or at any Station or Cantonment, Persons resident within the Limits of a Military Cantonment, or other Persons amenable to the Provisions of this Act, not being Soldiers, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Company's Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Camp, Garrison, or Cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no instance of less than Three; and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain; and every Member shall have served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

'I swear, That I will duly administer Justice according to the Evidence in the Matters that shall be brought before me. So help me GOD.'

and its Powers defined.

And all Witnesses before any such Court shall be examined in the same Manner as in the Case of a Trial by Court-martial; and it shall be competent for such Court, upon finding or awarding any Debt or Damage, either to award Execution thereof generally, or to direct specially that the whole or any Part thereof shall be stopped, and paid over to the Plaintiff, out of any Part not exceeding One Half of any Pay or Allowance, or out of any other public Money which may respectively be coming to the Defendant

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in the current or any future Month or Months, or to direct the same to be so paid by Instalments; and in all Cases where the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Defendant's Goods and Property as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer, grounded on the Judgment of the Court; and all Orders of such Commanding Officer as to the Manner of such Sale, or the Person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any Goods and Property of the Defendant found within the Limits of the Camp, Garrison, or Cantonment to which the Defendant shall belong at any subsequent Time shall be liable to be seized and sold in like Manner, in satisfaction of any Remainder of such Debt or Damages; and if any Question shall arise whether any such Effects or Property are liable to be taken in Execution as aforesaid, the Decision and Order of the said Commanding Officer shall be final and conclusive with respect to the same; and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, or Cantonment, then any public Money, or any Part, not exceeding One Half, of the Pay or Allowances accruing to the Defendant, shall be stopped, in liquidation of such Debt or Damage; and if such Defendant shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid; and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid; and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay or Allowances, or out of any public Money, the same shall be stopped and paid accordingly, in conformity with such Direction: Provided always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

Term and Limitation of Actions.

LXVII. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months; and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidencies in *India*, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Modes of Procedure.

Mode of recovering Penalties.

LXVIII. And be it enacted, That all Penalties and Forfeitures by this Act imposed may and shall be sued for and be recoverable in any Court of Record at the said Presidencies, or in any other Court in *India* in which under any Laws made or to be made in *India* the Penalty would be recoverable if the same had been incurred by the Offender in breach of any other Law: Provided always, that no Action shall be brought or Prosecution carried on or by virtue of this Act for any such Penalties or Forfeitures as aforesaid unless the same be commenced within Six Months after the Offence is committed.

One Moiety to Informer; Remainder to Military Secretary of the Presidency.

LXIX. And be it enacted, That One Moiety of any Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same; and the Remainder of the Penalty, together with the Treble Value of any Article, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the Military Secretary of the Government of the Presidency to which the Court by whom the Penalty shall be adjudicated shall be subject, and shall abide the Disposal of such Military Secretary; and the Court which shall adjudge any Penalty under this Act shall immediately report the same to the said Secretary.

Punishment for giving false Testimony.

LXX. And be it enacted, That in all Cases where any Oath is hereby required to be taken, or any Person is hereby required to be sworn, a solemn Declaration or Affirmation may be substituted, if by the Laws for the Time being in force in *India* such Declaration or Affirmation would be allowed to be substituted in the Place of an Oath in case the Party were about to depose as a Witness in a Civil Action in any of the Supreme Courts at the Presidencies; and that any Persons wilfully and knowingly giving false Testimony on Oath, or solemn Declaration or Affirmation in any Case wherein such Oath or solemn Declaration or Affirmation shall have been made for the Purpose of this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Law in force in *England*, or by any Law in force in *India*, any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof shall be punished at the Discretion of a General or other Court-martial.

Offences against former Mutiny Acts and Articles of War, and all existing Proceedings, continued.

LXXI. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Third and Fourth Years of the Reign of Her present Majesty, herein-before mentioned, or against any of the Articles of War made and established by virtue of the same, may be inquired of and punished in like Manner as if they had been committed against this Act, and every Warrant for holding any Court-martial under the said Act shall remain in full Force notwithstanding the Repeal of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not

not be discontinued by the Repeal of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Act not to affect Queen's Prerogative.

LXXII. And be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy.

Not to affect Provisions of 7 & 8 Vict. c. 18.

LXXIII. And be it enacted, That nothing herein contained shall affect the Provisions of an Act passed in the Seventh and Eighth Years of Her Majesty, intituled *An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the* East Indies, and that all the Provisions thereof shall after the passing of this Act apply and be in full Force and Effect, unless and except so far as the Provisions thereof may in any respect be inapplicable.

Commencement of this Act, and Repeal of former Act.

LXXIV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and fifty, and that from and after such Day all Powers and Provisions contained in the said Act of the Third and Fourth Years of Her present Majesty, except as herein-after is particularly provided, shall cease and determine, and that from and after the same Day the Articles of War made by Her Majesty in pursuance of the said Act shall cease and determine: Provided nevertheless, that full Effect shall be given to the Provisions herein-before contained respecting the Punishment of Offences against the said former Act, and otherwise, as herein-before is mentioned; and that, so far as may be necessary to give full Effect to such Provisions, the said Act of the Third and Fourth Years of Her Majesty, and the Articles of War made in pursuance of the same, shall be deemed to be in full Force; and provided also, that all the Powers and Provisions contained in the said Act of the Third and Fourth Years of Her Majesty concerning or in any way relating to the *Indian* Navy shall be and remain in full Force and Effect, in the same Manner as if this Act had not passed; and provided also, that the Repeal of the same Act shall not operate to revive any former Act.

Act may be amended, &c.

LXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

FORM of OATH to be taken by the PRESIDENT and MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I *A.B.* do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of the Forces of the East India Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, that I will not divulge the Sentence of the Court until it shall be duly approved, neither will I, upon any account, at any Time whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

FORM of OATH to be taken by the JUDGE ADVOCATE (or Person officiating as such).

I do swear, That I will not, upon any account whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law, and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

CAP. XLIV.

An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine. [28th *July* 1849.]

CAP. XLV.

An Act to amend the Procedure in Courts of General and Quarter Sessions of the Peace in *England* and *Wales*, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts. [28th *July* 1849.]

'WHEREAS, in Cases of Appeal to Courts of General or Quarter Sessions of the Peace, it is expedient that the Law should be more uniform:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case of

Uniformity of Time for Notice of Appeal.

of Appeal (except as herein-after mentioned) to any Court of General or Quarter Sessions of the Peace Fourteen clear Days Notice of Appeal at least shall be given, and such shall be sufficient Notice, any Act or Acts, or any Rule or Practice of any Court or Courts, to the contrary notwithstanding; and such Notice of Appeal shall be in Writing, signed by the Person or Persons giving the same, or by his, her, or their Attorney on his, her, or their Behalf, and the Grounds of Appeal shall be specified in every such Notice: Provided always, that it shall not be lawful for the Appellant or Appellants, on the Trial of any such Appeal, to go into or give Evidence of any other Ground of Appeal besides those set forth in such Notice.

Notice of Appeal to be in Writing, and signed.

Grounds of Appeal to be stated.

Act not to affect Appeals against Orders of Removal, Orders of Bastardy, &c.

II. And be it enacted, That none of the Provisions herein-before contained relating to Notices of Appeal shall be construed to affect or alter the Law as to Notice of Appeal against a summary Conviction, or against an Order of Removal, or against an Order under any Statute relating to Pauper Lunatics, or against an Order in Bastardy, or against any Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, but the Law with regard to Notices of all such Appeals shall be deemed and taken to be the same as if the Provisions herein-before contained had not been enacted.

Defects in Statement of Grounds of Appeal.

III. 'And whereas a Statement of the Grounds of Appeal, when required by this or any other 'Statute, is for the Purpose of enabling the Party receiving it to inquire into the Subject of such State-'ment, and, if need be, to prepare for Trial:' Be it therefore enacted, That upon the Hearing of any Appeal to any Court of General or Quarter Sessions of the Peace no Objection on account of any Defect in the Form of setting forth any Ground of Appeal shall be allowed, and no Objection to the Reception of legal Evidence offered in support of any Ground of Appeal shall prevail, unless the Court shall be of opinion that such Ground of Appeal is so imperfectly or incorrectly set forth as to be insufficient to enable the Party receiving the same to inquire into the Subject of such Statement, and to prepare for Trial: Provided always, that in all Cases where the Court shall be of opinion that any Objection to any Ground of Appeal, or to the Reception of Evidence in support thereof, ought to prevail, it shall be lawful for such Court, if it shall so think fit, to cause any such Ground of Appeal to be forthwith amended by some Officer of the Court, or otherwise, on such Terms as to Payment of Costs to the other Party, or postponing the Trial to another Day in the same Sessions or to the next subsequent Sessions, or both Payment of Costs and Postponement, as to such Court shall appear just and reasonable.

Amendment of Grounds of Appeal.

Frivolous Grounds of Appeal.

IV. And be it enacted, That if in any Notice of Appeal the Appellant or Appellants shall have included any Ground or Grounds of Appeal which shall in the Opinion of the Court determining the Appeal be frivolous or vexatious, such Appellant or Appellants shall be liable, if the Court shall so think fit, to pay the whole or any Part of the Costs incurred by the Respondent or Respondents in disputing any such Ground or Grounds of Appeal, such Costs to be recoverable in the Manner herein-after directed as to the other Costs incurred by reason of such Appeal.

Sessions to have a general Power to give Costs in all Cases of Appeal.

V. And be it enacted, That upon any Appeal to any Court of General or Quarter Sessions of the Peace the Court before whom the same shall be brought may, if it think fit, order and direct the Party or Parties against whom the same shall be decided to pay to the other Party or Parties such Costs and Charges as may to such Court appear just and reasonable, such Costs to be recoverable in the Manner provided for the Recovery of Costs upon an Appeal against an Order or Conviction by an Act passed in the Twelfth Year of Her Majesty's Reign, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

11 & 12 Vict. c. 43.

Frivolous Appeals.

VI. And for the more effectual Prevention of frivolous Appeals, be it enacted, That any Court of General or Quarter Sessions of the Peace, upon Proof of Notice of any Appeal to the same Court having been given to the Party or Parties entitled to receive the same, though such Appeal was not afterwards prosecuted or entered, may, if it so think fit, at the same Sessions for which such Notice was given, order to the Party or Parties receiving the same such Costs and Charges as by the said Court shall be thought reasonable and just to be paid by the Party or Parties giving such Notice, such Costs to be recoverable in the Manner last aforesaid.

Amendment of Orders or Judgments of Justices on Appeal or Return to Certiorari.

VII. 'And whereas in many Cases, where Justices of the Peace are by Law empowered to make 'Orders or to give Judgments, great Expense and frequent Failures of Justice have been occasioned by 'reason that such Orders or Judgments have, on Appeal to the General or Quarter Sessions of the 'Peace, or on Removal by Certiorari into the Court of Queen's Bench, been quashed or set aside upon 'Exceptions or Objections to the Form of the Order or Judgment, irrespective of the Truth and Merits 'of the Matters in question:' For Remedy thereof be it enacted, That if upon the Trial of any Appeal to any Court of General or Quarter Sessions of the Peace against any Order or Judgment made or given by any Justice or Justices of the Peace, or if upon the Return to any Writ of Certiorari any Objection shall be made on account of any Omission or Mistake in the drawing up of such Order or Judgment, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Justice or Justices making such Order or giving such Judgment to have authorized the drawing up thereof free from the said Omission or Mistake, it shall be lawful for the Court, upon such Terms as to Payment of Costs as it shall think fit, to amend such Order or Judgment, and to adjudicate thereupon as if no such Omission or Mistake had existed: Provided always, that no Objection on account of any Omission or Mistake in any such Order or Judgment brought up upon a Return to a Writ of Certiorari shall be allowed unless such Omission or Mistake shall have been specified in the Rule for issuing such Certiorari.

Rule for Certiorari to state Objections.

VIII. 'And

VIII. 'And whereas the Statutes giving a Right of Appeal against Orders or summary Convictions frequently require a Recognizance or Recognizances to be entered into as a Condition of such Appeal; and Appellants are liable to be prevented from trying their Appeals upon the Merits, in consequence of Imperfections in the taking of such Recognizances:' Be it enacted, That where any Recognizance or Recognizances which shall have been entered into within the Time by Law required before any Justice or Justices for the Purpose of complying with any such Condition of Appeal shall appear to the Court before which such Appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for such Court, if it shall so think fit, to permit the Substitution of a new and sufficient Recognizance or new and sufficient Recognizances to be entered into before such Court in the Place of such insufficient, defective, or invalid Recognizance or Recognizances, and for that Purpose to allow such Time, and make such Examination, and impose such Terms as to Payment of Costs to the Respondent or Respondents, as to such Court shall appear just and reasonable; and such substituted Recognizance or Recognizances shall be as valid and effectual to all Intents and Purposes as if the same had been duly entered into at any earlier Time or Times as required by any Statute or Statutes for that Purpose. Amendment of Recognizances.

IX. And be it enacted, That the Decisions of the Court of General or Quarter Sessions of the Peace upon the Hearing of any Appeal, as to the Sufficiency of the Statement of any Ground or Grounds of Appeal, and as to the amending or refusing to amend any Order or Judgment of a Justice or Justices appealed against, or the Statement of any Ground or Grounds of Appeal, and as to the Substitution of any new Recognizance or Recognizances as aforesaid, shall be final, and shall not be liable to be reviewed in any Court, by means of a Writ of Certiorari or Mandamus, or otherwise. Decisions of Sessions, when final.

X. And be it enacted, That every Court of General or Quarter Sessions of the Peace, on the Trial of any Offence within its Jurisdiction, whenever any Variance or Variances shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof in the Indictment, shall have the same Power in all respects to cause the Indictment to be amended which is given to Courts of Oyer and Terminer and General Gaol Delivery with regard to Offences tried before such last-mentioned Courts by virtue of an Act of the Twelfth Year of Her Majesty's Reign, intituled *An Act for the Removal of Defects in the Administration of Criminal Justice;* and after such Amendment the Trial shall proceed in the same Manner in all respects, both with regard to the Liability of Witnesses to be indicted for Perjury and otherwise, as if no such Variance or Variances had appeared. Amendment of Indictment. 11 & 12 Vict. c. 46.

XI. And be it enacted, That at any Time after Notice given of Appeal to any Court of General or Quarter Sessions of the Peace against any Judgment, Order, Rate, or other Matter, (except an Order in Bastardy, or a Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office,) for which the Remedy is by such Appeal, it shall be lawful for the Parties, by Consent, and by Order of any Judge of one of the Superior Courts of Common Law at *Westminster*, to state the Facts of the Case in the Form of a Special Case for the Opinion of such Superior Court, and to agree that a Judgment in conformity with the Decision of such Court, and for such Costs as such Court shall adjudge, may be entered on Motion by either Party at the Sessions next or next but one after such Decision shall have been given; and such Judgment shall and may be entered accordingly, and shall be of the same Effect in all respects as if the same had been given by the Court of General or Quarter Sessions upon an Appeal duly entered and continued. Power to state a Special Case without going to the Sessions previously.

XII. 'And whereas by a Statute passed in the Tenth Year of King *William* the Third, intituled *An Act for determining Differences by Arbitration*, Provision was made for rendering more effectual the Awards of Arbitrators in the Case of Controversies and Disputes for which there is no other Remedy but by personal Action or by Suit in Equity: And whereas it is expedient in like Manner to facilitate and render more effectual References to Arbitration of Controversies and Disputes for which the Remedy is by Appeal to a Court of General or Quarter Sessions of the Peace:' Be it enacted, That at any Time after Notice given of Appeal to any Court of General or Quarter Sessions of the Peace against any Order, Rate, or other Matter, (except a summary Conviction, or an Order in Bastardy, or any Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office,) for which the Remedy is by such Appeal, it shall be lawful for the Parties, by themselves or their Attornies, and by Order of a Judge of Her Majesty's Court of Queen's Bench, to submit the Matter or Matters of such Appeal to the Award or Umpirage of any Person or Persons, and to agree that such Submission should be made a Rule of the said Court of Queen's Bench, and to insert such Agreement in their Submission or the Condition of the Bond or Promise whereby they oblige themselves respectively to submit to the Award or Umpirage of such Person or Persons; and thereupon such and the like Proceedings in all respects shall and may be taken with regard to Submissions under this Act, and to enforcing Awards or Umpirages thereupon, and to setting aside the same, as are authorized by the said Act of King *William* the Third with regard to the Cases therein provided for; and every Award or Umpirage duly made under this Act shall be as binding and effectual to all Intents as if the same had been a regular Judgment of the said Court of General or Quarter Sessions, and shall and may, on the Application of either Party, be enrolled among the Records of the said Court of Sessions. References to Arbitration. 9 & 10 W. 3. c. 15.

XIII. And be it enacted, That it shall be lawful for any Court of General or Quarter Sessions of the Peace before which any Appeal (except against a summary Conviction, or an Order in Bastardy, or any Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office,) shall be brought, to order, with Consent of the Parties or their References by Order of Court of Sessions.

Attornies, that the Matter or Matters of such Appeal be referred to Arbitration to such Person or Persons and in such Manner and on such Terms as the said Court shall think reasonable and proper; and such Order may be made a Rule of the Court of Queen's Bench, on the Application of either Party; and the Award of the Arbitrator or Arbitrators, or Umpirage of the Umpire, may, on Motion by either Party at the Sessions next or next but one after such Award or Umpirage shall have been finally made and published, or after the Decision of the Court of Queen's Bench on any Motion for setting aside the same, be entered as the Judgment of the Court of General or Quarter Sessions in the Appeal, and shall be as binding and effectual to all Intents as if given by the said Court: Provided always, that the Court of Queen's Bench may, if it think fit, on Application within the Term next after the making and Publication of such Award or Umpirage, either refer the Case back again to the same Arbitrator, Arbitrators, or Umpire, or wholly set aside the Award or Umpirage already made, and may in the latter Event order the Court of General or Quarter Sessions to enter Continuances and hear the Appeal.

Where Reference abortive, Queen's Bench may order Sessions to hear the Appeal.

XIV. And be it enacted, That if upon any Reference to Arbitration under this Act it shall be made to appear to the Court of Queen's Bench that, either from the Death of the Arbitrator or Arbitrators or Umpire, or from any other Cause, it has become impossible that an Award or Umpirage can be made, it shall be lawful for the said Court to order the Court of General or Quarter Sessions of the Peace to enter Continuances and hear the Appeal.

3 & 4 W. 4. c. 42. to be applicable to References under this Act. Arbitrators to have Power of Amendment.

XV. And be it enacted, That the several Provisions relating to Arbitrations contained in an Act of the Fourth Year of King *William* the Fourth, intituled *An Act for the further Amendment of the Law and the better Advancement of Justice*, shall be deemed and taken to be applicable to Arbitrations under this Act; and in every such Arbitration the Arbitrator or Arbitrators or Umpire shall have the same Powers of Amendment which the Court of General or Quarter Sessions of the Peace would have had on the Trial of the Appeal.

Recognizances for Prosecution and Trial of Appeal.

XVI. And be it enacted, That no Recognizance entered into pursuant to any Statute or Statutes for the Prosecution and Trial of any Appeal shall be deemed to be forfeited by such Agreement as aforesaid for the Statement of a Special Case without previously going to the Court of General or Quarter Sessions, or by any Submission to Arbitration under the Provisions of this Act.

3 G. 4. c. 46. Levying and Recovery of Fines, Issues, and Amerciaments.

XVII. 'And whereas by an Act passed in the Third Year of the Reign of King *George* the Fourth, 'intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and 'Recognizances estreated*, Provision is made for authorizing the levying and Recovery of Fines, Issues, 'Amerciaments, and forfeited Recognizances set, imposed, lost, or forfeited by or before any Justice or 'Justices of the Peace in *England*: And whereas it is expedient that the subsequent Proceedings in such 'Cases should be uniform:' Be it enacted, That the Proceedings subsequent to such Authority given for so levying and recovering as aforesaid shall and may be the same in all respects in the Case of such Fines, Issues, and Amerciaments as are by the said Act provided, permitted, and required in the Case of such forfeited Recognizances.

Enforcing Orders of Sessions.

XVIII. And be it enacted, That in all Cases where any Order shall be made by any Court of General or Quarter Sessions of the Peace it shall be lawful for the Court of Queen's Bench, or for any Judge of that Court at Chambers, either in Term or Vacation, upon the Application of any Person entitled to enforce such Order, and upon the Production of a Copy of such Order under the Hand of the Clerk of the Peace or his Deputy, and upon Proof of Refusal or Neglect to obey such Order, to order and direct such Order of the Court of General or Quarter Sessions to be removed into the said Court of Queen's Bench, and thereupon such Order shall be of the same Force and Effect, and may be enforced in the same Manner, as a Rule made by the said Court of Queen's Bench; and all the reasonable Costs and Charges attendant upon such Application and Removal shall be recoverable in like Manner as if the same were Part of such Order.

Extent of Act.

XIX. And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

Commencement of Act.

XX. And be it enacted, That this Act shall come into operation on the First Day of *November* One thousand eight hundred and forty-nine.

Act may be amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLVI.

An Act to facilitate the Union of Turnpike Trusts. [28th *July* 1849.]

'WHEREAS it is expedient, for the better and more economical Management of Turnpike Trusts, 'that all which can be conveniently managed together should be united where the same can be 'effected without Injury to the Creditors of any of the said Trusts:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where the General Annual Meetings of the Trustees of Two or more Turnpike Roads have for Three Years next preceding such Notice as next herein-after mentioned been held at the same Place or at Places distant not more than Ten Miles from each other, Two or more of the Trustees of each of such Roads may call a joint Meeting of the Trustees of such several Roads, at a Place to be specified in the Notice of such Meeting, for the Purpose of taking into consideration a Proposition for the Union of the Trusts of such several Roads, of which Meeting and of the Purpose thereof Twenty-one Days Notice shall be given, in like Manner as Notice of the General Annual Meeting of the Trustees of such respective Roads is by Law required to be

Trustees of several Turnpike Roads may hold joint Meetings, and if deemed expedient to Two Thirds of Trustees present,

be given; and if at such Meeting it shall appear to a Majority, being not less than Two Thirds of the Trustees of each of the Trusts so proposed to be united then present, that such Union is expedient, and that the same can be effected without Injury to the Interests of any of the Creditors of any of the said Trusts, the said Trustees may resolve to unite the same, and shall in such Case, within Twenty Days after such Meeting, send Notice of such Resolution, together with a Report of the Reasons for which the said Union is considered by them expedient, and a Statement of the Income and Expenditure of all the Trusts proposed to be so united, and of the Debts of every such Trust, to all the Creditors of the same, such Notice and Report to be delivered at the usual Place of Abode of every such Creditor, or at the Bank or other Place where the Interest on the Debt due to such Creditor is usually paid, with Instructions to forward the same to such Creditor; and whenever the Assent in Writing to the proposed Union of the Creditors of each of the said Trusts to whom Three Fifths in Amount of the Debts due from such Trust shall be owing, or of Persons legally qualified to assent in behalf of such Creditors, shall have been obtained, the Union of the said Trusts, together with the Assents and the Reports and Accounts on which such Union is founded, shall be registered in the Office of the Clerk of the Peace in every County through which the Roads of such united Trusts pass; and from and after the Date of such Registration the said Trusts shall become and continue One united Trust, and all the Trustees of every Trust so united shall be Trustees of the said united Trusts.

Trusts may be united, on Assent being obtained from Creditors.

II. And be it enacted, That every such Trust shall be called and known as "The United Trust of ——— Roads," and shall be subject to all the Liabilities of each Trust so united, and be entitled to all the Tolls, Profits, and other Property of each such Trust, and all Payments shall be made from the common Fund of the said Trusts so united; and all the Provisions of the General Turnpike Acts shall be applicable to such united Trust.

United Trust subject to Liabilities, &c.

III. Provided always, and be it enacted, That all special Provisions in any of the said Acts as to the Amount of Tolls or Exemptions, or other Arrangements respecting any particular Portion of any One of such Roads, shall be held to apply to that Road only, and not to the whole united Trust.

Special Provisions limited.

IV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, destroy, or alter any Right or Interest of any Person to or in any Office under any Turnpike Trust to which such Person may have been lawfully entitled before the passing of this Act.

Nothing to affect existing Rights, &c.

V. And be it enacted, That any Trust so united may hold its subsequent Meetings at any Place at which any of the said Trusts might have held its Meetings prior to such Union, and that after the Expiration of Three Years may in like Manner and under the same Conditions unite with any other Trust, Trusts, or united Trust meeting at the same.

Meetings of united Trusts.

VI. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Extent of Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. XLVII.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [28th *July* 1849.]

'WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as specially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued, and will remain in force until the Thirty-first Day of *July* in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in *Ireland* should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland* which will expire on the said Thirty-first Day of *July* in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Acts for making, &c. Turnpike Roads in Ireland which will expire on 31st July 1849, &c. further continued.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to continue an Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Dublin, *by* Ashbourne, *to* Slane *and* Drogheda, except so far as the said Act may repeal any former Act.

Nothing in this Act to continue the 7 & 8 G. 4. c. lxvi.

III. Provided also, and be it enacted, That an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Lisburn *in the County of* Antrim *to the Town of* Monaghan, shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime further continue the said Act.

Act 9 G. 4. c. lxxx. to continue until 1st Oct. 1850, and no longer.

IV. Provided also, and be it enacted, That an Act of the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for repairing the Road from the Town of* Athy *in the County of* Kildare, *through the Town of* Castlecomer *in the County of* Kilkenny, *to the City of* Kilkenny, *and from the*

Act 1 & 2 G. 4. c. xxxviii. to continue till 1st Oct. 1850, and no longer.

the Town of Castlecomer *to the Town of* Leighlin Bridge *in the County of* Carlow, *and from the Town of* Carlow *to the said Town of* Castlecomer, shall continue in force until the First Day of *October* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime continue such Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLVIII.

An Act to provide for the Administration of Justice in *Vancouver's Island.* [28th *July* 1849.]

43 G. 3. c. 138.

'WHEREAS an Act was passed in the Forty-third Year of King *George* the Third, intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of* Lower *and* Upper Canada *to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of* North America *adjoining to the said Provinces:* And whereas by an Act passed in the Second Year of King *George* the Fourth, intituled *An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction, within certain Parts of* North America, it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of *Upper Canada* should have the same Civil Jurisdiction, Power, and Authority, as well in the Cognizance of Suits as in the issuing Process, mesne and final, and in all other respects whatsoever, within the *Indian* Territories and other Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada* or of any Civil Government of the *United States*, as the said Courts had or were invested with within the Limits of the said Provinces of *Lower* or *Upper Canada* respectively, and that all and every Contract, Agreement, Debt, Liability, and Demand whatsoever, made, entered into, incurred, or arising within the said *Indian* Territories and other Parts of *America*, and all and every Wrong and Injury to the Person or to Property, real or personal, committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates, or Justices of the Peace, and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of *Upper Canada*, and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada;* and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay* as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any *Indian* Territories or other Parts of *North America* as aforesaid, and the Times and Manner of holding the same, as His Majesty should from Time to Time order and direct, but should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada:* And whereas, for the Purpose of the Colonization of that Part of the said *Indian* Territories called *Vancouver's Island*, it is expedient that further Provision should be made for the Administration of Justice therein:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Proclamation of this Act in *Vancouver's Island* the said Act of the Forty-third Year of King *George* the Third, and the said recited Provisions of the Second Year of King *George* the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the said *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*, shall cease to have Force in and to be applicable to *Vancouver's Island* aforesaid; and it shall be lawful for Her Majesty from Time to Time (and as well before as after such Proclamation) to make Provision for the Administration of Justice in the said Island, and for that Purpose to constitute such Court or Courts of Record and other Courts, with such Jurisdiction in Matters Civil and Criminal, and such equitable and ecclesiastical Jurisdiction, subject to such Limitations and Restrictions, and to appoint and remove, or provide for the Appointment and Removal of such Judges, Justices, and such ministerial and other

43 G. 3. c. 138. and Parts of 1 & 2 G. 4. c. 66. repealed as to Vancouver's Island.

1 & 2 G. 4. c. 66.

other Officers, for the Administration and Execution of Justice in the said Island, as Her Majesty shall think fit and direct.

Power to local Legislature to make Provision for Administration of Justice.

II. Provided always, and be it enacted, That when and so soon as a local Legislature has been established in *Vancouver's Island* it shall be lawful for such Legislature, from Time to Time, by any Law or Ordinance made in the Manner and subject to the Conditions which may be by Law required in respect of Laws or Ordinances made by such local Legislature, to make such Alterations as to such Legislature may seem meet in the Constitution or Jurisdiction of the Courts which may be established in the said Island, and to make all such other Provisions as to such local Legislature may seem meet for and concerning the Administration of Justice in the said Island.

Appeal to Privy Council in Civil Cases.

III. Provided always, and be it enacted, That all Judgments given in any Civil Suit in the said Island shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of *Canada*, and to such further or other Regulations as Her Majesty with the Advice of Her Privy Council shall from Time to Time appoint.

Adjacent Islands deemed Part of Vancouver's Island.

IV. And be it enacted, That all such Islands adjacent to *Vancouver's Island* or to the Western Coast of *North America*, and forming Part of the Dominions of Her Majesty, as are to the Southward of the Fifty-second Degree of North Latitude, shall be deemed Part of *Vancouver's Island* for the Purposes of this Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XLIX.

An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools.

[28th *July* 1849.]

'WHEREAS by an Act passed in the Fifth Year of the Reign of Her Majesty Provisions are made for facilitating the Erection of Schools and Buildings for the Education of poor Persons, which said Act hath been since explained and extended by an Act of the Eighth Year of the Reign of Her Majesty; and it is expedient that further Facilities should be afforded for the Conveyance of Lands for Sites for Schools in Cases where such Lands are comprised with other Lands in Leases, and that some Amendments should also be made in the said Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if Part only of any Lands comprised in a Lease for a Term of Years unexpired shall be conveyed or agreed to be conveyed for the Purposes of the said firstly herein-before mentioned Act, the Rent payable in respect of the Lands comprised in such Lease, and any Fine certain or fixed Sum of Money to be paid upon any Renewals thereof, or either of such Payments, may be apportioned between the Part of the said Lands so conveyed or agreed to be conveyed and the Residue thereof; and such Apportionment may be settled by Agreement between the Parties following, that is to say, the Lessor or other the Owner subject to such Lease of the Lands comprised therein, the Lessee or other the Party entitled thereto by virtue of such Lease or any Assignment thereof for the Residue of the Term thereby created, and the Party to whom such Conveyance as aforesaid for the Purposes of the said firstly herein-before mentioned Act is made or agreed to be made; and when such Apportionment shall so be made it shall be binding on all Under-lessees and other Persons and Corporations whatsoever, whether Parties to the said Agreement or not.

Where Part only of Lands under Lease conveyed, the Rent, and Fine upon Renewal of Lease, may be apportioned.

Liabilities of Tenants, and Remedies of Landlords, as to the Lands not conveyed.

II. And be it enacted, That in case of any such Apportionment as aforesaid, and after the Lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the Lessee, and all Parties entitled under him to the Lands comprised in the Lease not included in such Conveyance, shall, as to all future accruing Rent, and of all future Fines certain or fixed Sums of Money to be paid upon Renewals, be liable only to so much of the Rent and of such Fines or Sums of Money as shall be apportioned in respect of such last-mentioned Lands; and the Party entitled to the Rent reserved by the Lease shall have all the same Rights and Remedies for the Recovery of such Portion of the Rent as last aforesaid as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, and of Fines or Sums of Money to be paid upon Renewals, in case of any Apportionment of the same respectively, shall remain in force with regard to that Part of the Land comprised in the Lease which shall not be so conveyed as aforesaid, in the same Manner as they would have done in case such Part only of the Land had been included in the Lease.

The same Person may grant several Sites for Schools in the same Parish within certain Limits. 4 & 5 Vict. c. 38. § 9.

III. 'And whereas by the said first-recited Act Power is given to any Person or Corporation to grant any Number of Sites for distinct and separate Schools; but after providing that the Site of each School and Residence do not exceed One Acre, it is also provided that not more than One such Site shall be in the same Parish; and Doubts have been entertained as to the Meaning of this last-recited Proviso:' Be it therefore declared and enacted, That nothing in the said Act contained shall prevent any Person or Corporation from granting any Number of Sites for separate and distinct Schools in the same Parish, provided the aggregate Quantity of Land granted by such Person in the same Parish shall not exceed the Extent of One Acre.

Grants of Land for Sites of Schools by Owners or Te-

IV. 'And whereas it would be expedient that the absolute Owners of Land and Tenants in Tail in possession should have the Power of granting Land to a limited Extent for the Purpose of erecting Sites for Schools to be applied and used in and for the Education and Instruction of Persons intended to be

'Masters

nants in Tail to be valid, although Grantor die within Twelve Months.

'Masters or Mistresses of Elementary Schools for poor Persons, without any Risk of such Grant being 'defeated by the Death of the Grantor:' Be it therefore enacted, That it shall be lawful for all Persons, being such absolute Owners or Tenants in Tail in possession as aforesaid, to grant, convey, or enfranchise, by way of Gift, Sale, or Exchange, any Quantity of Land, not exceeding in the whole Five Acres, to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held, applied, and used by such Corporation or Corporations or Trustees in and for the Erection of School Buildings and Premises thereon for the Purpose of educating and instructing, and of boarding during the Time of such Education and Instruction, Persons intended to be Masters or Mistresses of Elementary Schools for poor Persons, and for the Residence of the Principal or Master or Mistress and other Officers of such Institution; and such Gift, Sale, or Exchange shall be and continue valid, if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof: Provided always, that it shall be lawful for the Trustees of such School Buildings and Premises to allow the same to be applied and used, concurrently with the Education and Instruction of such Masters or Mistresses, for the Purpose of boarding other Persons, and of educating and instructing the said Persons in religious and useful Knowledge.

The Owners of Land empowered to vest any Quantity of Land for Purposes of these Acts in Corporations.

V. 'And whereas the absolute Owners of Land may grant, subject to the Regulations and Provisions 'prescribed by the Statutes in such Behalf, any Quantity of such Land to Trustees, to be held upon 'charitable Purposes; and it would be beneficial that they should be authorized to exercise such Power 'in respect of Lands granted for the Sites or for the Endowment of the last-mentioned Schools, or of 'Schools for poor Persons, by vesting the same so as to secure it permanently for the Purpose of the 'Trust, without the Necessity of subsequent Renewals of the Deeds of Trust:' Be it therefore enacted, That where any such Person shall be lawfully entitled to convey an Estate in Land to Trustees, to hold the same upon any charitable Use, and shall be desirous of conveying the same for the Purposes of the Acts herein-before referred to, or this Act, or for the Endowment of such Schools, such Person may grant and convey the same to any Corporation or Corporations as aforesaid, to be held in trust for such Purposes, whatever may be the Quantity of Land or Extent of the Estate so to be granted and conveyed.

Mode of conveying the Lord's and Copyholder's Interest in Land.

VI. And be it enacted, That where Land of Copyhold or Customary Tenure shall have been or shall be granted for the Purposes of the said Acts, the Conveyance of the same by any Deed wherein the Copyholder shall grant and convey his Interest, and the Lord shall also grant his Interest, shall be deemed to be valid and sufficient to vest the Freehold Interest in the Grantee or Grantees thereof, without any Surrender or Admittance or Enrolment in the Lord's Court.

Interpretation of Act.

VII. And be it enacted, That, except in Cases where there shall be something in the Subject or Context repugnant to such Construction, Words occurring in this Act and the above-recited Acts importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender only shall include Females; and the Word "Land" shall include Messuages, Houses, Lands, Tenements, Hereditaments, and Heritages of every Tenure; and the Word "Lease" shall include an Under-lease, Agreement for a Lease, and Missive of Lease; and the Word "Owner" shall include any Person or Corporation enabled under the Provisions of the said firstly herein-before mentioned Act to convey Lands for the Purposes thereof.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. L.

An Act for further amending the Laws relating to Sewers. [28th *July* 1849.]

'WHEREAS considerable Inconvenience and Expense are found to arise from the inefficient State 'of the Laws relating to Sewers, and it is expedient that the same should be amended, and that 'further Provision should be made for the Execution of the Powers vested in Commissioners of Sewers: 'And whereas it is expedient that certain Duties with respect to the Superintendence, Maintenance, and 'Repairs of the Sewers within the respective Commissions of Sewers in *England* should be discharged 'by the Occupiers of sewable Lands within each Commission respectively, without Fee or Reward: And 'whereas it is also expedient that further Provision should be made for the making and enforcing the 'due Payment of Sewers Rates duly assessed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners acting in the Execution of any Commission of Sewers in *England*, at a Court specially to be holden for such Purpose, and whereof Notice shall be given in the Manner prescribed by the Ninth Section of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers*, from Time to Time to partition the several Districts within their respective Commissions into such Sub-Districts as may appear to them most convenient for the Purposes of this Act, and to fix and specify the Boundaries of such Subdivisions respectively, and also to unite any separate Districts or Sub-Districts within their respective Commissions into One or more Districts, and also, from Time to Time as to them shall seem expedient, to re-arrange, adjust, and partition such Districts and Sub-Districts respectively.

Power to Commissioners of Sewers to partition Districts into Sub-Districts.

3 & 4 W. 4. c. 22.

Power to Commissioners to make a separate

II. And be it enacted, That it shall be lawful for the said Commissioners, after every such Partition, Union, or Re-arrangement of Districts or Sub-Districts as aforesaid, from Time to Time, as to the said Commissioners shall seem most expedient, to make a separate and distinct Rate for each and every

District

District or Sub-District now existing or which shall be hereafter constituted under the Provisions of this present Act, such Rate, when collected, to be applied within each such District or Sub-District to and for the several Purposes to which the same may be lawfully applied under the Authority of any of the Acts relating to Sewers or of this Act. Rate for each District.

III. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint One or more competent Person or Persons, being an Occupier of sewable Lands within their respective Commissions, and qualified as herein-after mentioned, to act as Dyke-reeve within each of such Sub-Districts as aforesaid, and also within each of such Districts as are now existing or shall be hereafter constituted under the Provisions of this present Act or the herein-before mentioned Act, and which shall not be partitioned in manner aforesaid, and to assign and prescribe the Duties and Authorities of such Dyke-reeve, and the Time, not exceeding Five Years, during which he shall perform and exercise the same respectively. Power to Commissioners to appoint Dyke-reeves for Districts and Sub-Districts.

IV. And be it enacted, That every Occupier of not less than Ten Acres of sewable Lands, and being of full Age and sound Mind, shall be qualified and liable to be appointed a Dyke-reeve for the District or Sub-District in which such Lands shall be situate; and the said Commissioners shall from Time to Time cause a full and true List to be prepared and kept of all the Persons so qualified and liable to serve the Office of Dyke-reeve for the several Districts and Sub-Districts within their respective Commissions. Qualification of Dyke-reeves.

V. And be it enacted, That it shall be compulsory upon every such Person who shall be appointed by the Commissioners to serve the Office of Dyke-reeve for any such District or Sub-District as aforesaid, either personally or by a Deputy (approved by the Commissioners), to accept such Office, and to perform and discharge the Duties thereof, without Fee or Reward; and if any Person who shall be appointed by the Commissioners to serve the Office of Dyke-reeve shall, after due Notice thereof in Writing, refuse or neglect to take upon himself the Office of Dyke-reeve, or to provide a Deputy to be approved as aforesaid, he shall on Conviction before the said Commissioners forfeit any Sum not exceeding Twenty Pounds, unless he can show good and sufficient Cause to the said Commissioners why he should not be called upon to serve the said Office: Provided always, that every Deputy so approved of and appointed shall have the same Powers and Authorities, and be subject to the Discharge of the same Duty, as any Dyke-reeve appointed under the Authority of this Act. Dyke-reeves to serve without Fee or Reward. Penalty on Dyke-reeves refusing to serve.

VI. And be it enacted, That it shall be lawful for the said Commissioners to impose any Fine not exceeding Forty Shillings, upon the Presentment on Oath of any Dyke-reeve acting within any such District or Sub-District as aforesaid, for any Breach of the Law, Acts, Decrees, Orders, Constitutions, and Ordinances of the Commissioners within such District or Sub-District, in the same Manner as they have now the Power to impose any such Fine upon the Presentment of any Sewers Jury, Bailiff, Surveyor, Expenditor, or other Person, which Presentment shall be heard and determined by the said Commissioners, and to proceed for the Recovery of every such Fine, either in the Manner specified in the herein-before mentioned Act, or in the Manner specified in the Section next herein-after contained, as to the said Commissioners shall seem most expedient; and no such Fine shall be liable to be traversed, any Law or Custom to the contrary notwithstanding. Power to Commissioners to impose Fines not exceeding 40s.

VII. And be it enacted, That for the Purpose of better collecting and recovering the Fines, Amerciaments, Penalties, or Forfeitures imposed by any Commissioners of Sewers, and also the Sewers Rates duly assessed on any sewable Lands lying within the Limits of any Commission of Sewers, it shall and may be lawful for any One Commissioner acting within and for such Limits, upon Complaint of any Expenditor, Dyke-reeve, Collector, or other Officer of Sewers, that any Person liable to the Payment of any such Fine, Amerciament, Penalty, or Forfeiture hath not paid the same, but hath refused so to do, or that any Person duly rated and assessed in One or more such Sewers Rates hath not paid the Sum or Sums thereby charged on such Person, but hath refused so to do, to issue his Summons to such Person to appear, at a Time and Place to be therein specified, before any Two Commissioners acting within and for such Limits, to show Cause why such Person refuses to pay the said Sum or Sums; and upon the Appearance of such Person at the Time and Place appointed as aforesaid, or otherwise upon Proof on Oath or Affirmation to the said Commissioners that such Summons was served on the Person to whom it was so directed, by Delivery to the Party personally or by leaving the same with some Person for him at his last Place of Abode, and also upon like Proof of the Imposition of such Fine, Amerciament, Penalty, or Forfeiture, or of the making of the said Rate, and of the Refusal of such Person to pay the same respectively, it shall be lawful for the said Two or other Commissioners to issue their Warrant to levy the said Sum or Sums, and also the Costs and Expenses incurred in obtaining such Warrant (to be specified therein) and in executing the same, by Distress and Sale of the Goods and Chattels of such Person; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and Costs, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained: Provided always, that if no such Distress or Distresses as aforesaid can be found, the same Rates or Fines, Costs, Charges, and Expenses, together with the Costs and Charges of raising and levying the same, shall and may be raised and levied upon and out of the Lands, Tenements, and Hereditaments, within the Limits of the Commission under and by virtue of which the Distress Warrant shall be issued, of or belonging to the Person, Body Politic or Corporate, upon or against whom the Distress Warrant shall be issued, in such and the same Manner as the same would have been leviable if the same Lands, Tenements, or Hereditaments had been lawfully assessed in the Amount or respective Amounts of the same Rates or Fines, Costs, Charges, and Expenses, to or for a lawful Scot, Rate, or Assessment for the Purposes of the same Commission; and the same Lands, Tenements, and For Recovery of Sewers Rates and Fines.

Hereditaments shall be subject to all such and the same Orders and Decrees as the same would have been subject to, and such Orders and Decrees shall be of the same Force and Authority, as if the same Rates or Fines, Costs, Charges, and Expenses, were a lawful Scot, Rate, or Assessment as aforesaid and unpaid.

One Warrant for any Number of Rate-payers.

VIII. And be it enacted, That for the Saving of Expense in the levying of any Sum or Sums as aforesaid it shall be lawful to make and issue One Summons and One Warrant of Distress against any Number of Persons refusing to pay the same.

To whom Warrants to be directed.

IX. And be it enacted, That the Warrant aforesaid may be directed to the Bailiff, Expenditor, Dykereeve, Collector, or other Sewers Officer within such Limits, and to any other Person or Persons, or to any One or more of them, as by the Two Commissioners of Sewers granting the same shall be deemed fit.

Interpretation of certain Terms.

X. And be it enacted, That for the Purposes of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject Matter or Context repugnant to such Construction; (that is to say,) Words importing the Singular Number shall extend to the Plural, and Words importing the Plural only shall include the Singular; the Word "Person" shall extend to Bodies Politic, Corporate, or Collegiate; the Word "Lands" shall include Lands and Hereditaments of any Tenure whatsoever; the Word "Oath" shall include Affirmation in case of a Quaker, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath; the Expression "District" shall extend to any Level, Valley, District, or Limit within the Commission of any Court of Commissioners, and the Expression "Sub-District" to any Partition or Subdivision of any such Level, Valley, District, or Limit.

CAP. LI.

An Act for the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity in *Scotland*. [28th *July* 1849.]

'WHEREAS an Act of Sederunt was passed by the Court of Session in *Scotland* on the Thirteenth Day of *February* One thousand seven hundred and thirty, setting forth that the Court had often been applied to for appointing Factors on the Estates of Pupils not having Tutors, and of Persons absent who had not sufficiently empowered Persons to act for them, or who were under some Incapacity for the Time to manage their own Estates, to the end that the Estates of such Pupils or Persons might not suffer in the meantime, but be preserved for the Behoof of such Persons and all having Right therein, and therefore establishing certain Regulations in regard to the Conduct of such Judicial Factors, which Regulations are still in force; And whereas the Applications to the Court of Session for the Appointment of such Factors have become very numerous; and it has been found that the existing Regulations and the present Means of enforcing them are imperfect and insufficient for preventing in many Instances the Occurrence of great Irregularity in the Conduct of such Factors, and in consequence thereof great Loss has resulted to the Funds and Estates under their Charge and to the Parties interested therein; and it has therefore become necessary to make further Provision on that Behalf: And whereas it is also expedient to make Provision for the more regular accounting and official Management of Persons who shall hereafter be served as Tutor of Law, or appointed as Tutor-dative to any Pupil, or be served as Curator or appointed as Tutor-dative to any Insane Person or Idiot:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Expression "Judicial Factor" or "Factor" shall mean Factor loco tutoris, Factor loco absentis, and Curator bonis; the Word "Tutor" shall mean any Person who after the passing of this Act shall be served Tutor of Law to any Pupil, or be appointed Tutor-dative to any Pupil or insane Person or Idiot; the Word "Curator" shall mean any Person who after the passing of this Act shall be served as Curator to any insane Person or Idiot; the Word "Accountant" shall mean the Accountant of the Court of Session, to be appointed under the Authority of this Act; the Expression "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session discharging the Duties of Junior Lord Ordinary in Time of Session, and the Lord Ordinary on the Bills in the Time of Vacation; the Expression "Court of Session" or "Court" shall, excepting as to the Power of passing Acts of Sederunt, mean either Division of the Court of Session; the Word "Estate" shall include all Property and Funds, and all Rights heritable and moveable; the Word "Lands" shall include all heritable Subjects; Words used in the Singular Number shall be held to include several Persons or Things, and Words importing the Masculine Gender shall extend and be applied to Females as well as Males.

Interpretation of Terms in this Act.

Judicial Factor to find Caution for duly performing his Duties.

II. And be it enacted, That every Judicial Factor shall, within such Time after his Appointment as the Court shall direct, find Caution for his duly accounting for his Intromissions and Management, and observing and performing every Duty incumbent upon him as Factor, in Terms of the Rules prescribed or to be prescribed for the Discharge of his Office, and in case of his Failure to do so his Appointment shall fall; and no Factor shall enter upon the Duties of his Office, nor shall an Extract of his Appointment be issued, until after such Caution is found and received as sufficient; and the Factor shall extract his Appointment without Delay.

Judicial Factor to lodge with

III. And be it enacted, That every Judicial Factor shall, as soon as may be after extracting his Appointment, and within Six Months at latest from the Date on which his Bond of Caution shall have been received,

received, lodge with the Accountant a distinct Rental of all Lands committed to his Management, specifying the Rents, Revenues, and Profits of such Lands, the existing Leases, and other Rights affecting the Lands, and the public Burdens and other Burdens thereon, and a List of all Monies and Funds belonging and Debts due to the Estate, specifying the Particulars of each Item, and the Interest or Revenue arising from the same, the Document by which the same is vouched, and the Nature and Value of any Security held for the same, and also an Inventory of any Household Furniture, Farm Stocking, Goods, or Moveables, including Rights moveable, forming Part of the Estate; and he shall, without Delay after extracting his Appointment, recover all Writs and Documents of Importance belonging to the Estate, and collect all Monies due to the same not securely invested, and use all reasonable Diligence in ascertaining the exact Nature and Amount of the Estate placed under his Charge; and he shall produce all such Writs and Documents, and Information so obtained by him, along with the said Rental, List of Funds, and Inventory, to the Accountant, which Rental, List, and Inventory, when adjusted and approved of by the Accountant, shall be signed by him and the Factor, and shall form a Ground of Charge against the Factor; and if at any Time thereafter any new Claims or Property belonging to the Estate shall be discovered, the Factor shall report the same in his next Account of Charge and Discharge to the Accountant, who shall make such Alteration on the Rental, List, and Inventory as may be thereby rendered necessary.

the Accountant a distinct Rental of Lands committed to his Management, a List of Funds, and an Inventory of Moveables, &c.

IV. And be it enacted, That the Factor shall close his Account of Charge and Discharge once in every Year, on a Day to be fixed by the Accountant, and within One Month thereafter shall lodge such Account in the Office of the Accountant, with the Vouchers numbered, and referred to in the Account by Number: Provided always, that it shall be competent for the Accountant, on Cause shown, to prorogate the Time for lodging such Accounts and Vouchers, but in no Case shall such Prorogation extend beyond Three Months from the Day fixed for the closing of the Accounts.

Factor to close his Accounts once a Year, and lodge the same with Accountant.

V. And be it enacted, That the Factor shall lodge the Money in his Hands in some One of the Banks in *Scotland* established by Act of Parliament or Royal Charter, in a separate Account or on Deposit, such Account or Deposit being in his own Name as Judicial Factor on the Estate; and if the Factor shall keep in his Hands more than Fifty Pounds of Money belonging to the Estate for more than Ten Days, he shall be charged with a Sum to the Estate at the Rate of Twenty Pounds *per Centum per Annum* on the Excess of the said Sum of Fifty Pounds for such Time as it shall be in his Hands beyond the said Ten Days; and, unless the Money has been so kept from innocent Causes, the Factor shall be dismissed from his Office, and shall have no Claim for Commission.

Factor to lodge Monies in one of the Banks of Scotland;

VI. And be it enacted, That if the Factor shall misconduct himself, or fail in the Discharge of his Duty, he shall be liable to such Fine, and to the Forfeiture of the whole or any Part of his Commission, and to Suspension or Removal from his Office as Factor, and to Payment of Expenses, or to any One or more of such Penalties, as the Court in its Discretion shall decide; and that over and above such further Liability as he may be subject to as accords of Law in reparation of any Loss or Damage sustained by the Estate in consequence of such Misconduct or Failure.

Penalties on Factor for Misconduct.

VII. And be it enacted, That if at any Time it shall appear to the Factor that there is a strong Expediency for granting Abatement of Rent, either temporarily or permanently, or for renewing or granting a Lease for a Period of Years, or for draining, or for erecting Buildings or Fences, or for otherwise improving the Estate in a Manner not coming within the ordinary Course of factorial Management, he shall report the same to the Accountant, who may order any necessary Inquiry, and shall state his Opinion thereon in Writing; and such Report and Opinion may be submitted by the Factor to the Lord Ordinary, with a Note praying for the Sanction of the Court to the Measure proposed; and the Lord Ordinary shall, with or without further Inquiry, report the Matter to the Court, who, if they consider it expedient and consistent with due Regard to the Amount of the Estate at the Time, may sanction the Measure, and the Decision of the Court shall be final, and not subject to Appeal; and if the Estate be held under Entail, it shall be lawful to the Court to authorize the Factor to take Proceedings for constituting as a Charge against the future Heirs of Entail, or otherwise recovering, the Money expended in making any Improvements upon the Estate, under and in Terms of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail*, and under and in Terms of an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Entail in* Scotland; but nothing herein contained shall be held as conferring Power on the Court to authorize the Factor to build or enlarge a Mansion House upon the Estate, or to charge the Estate and future Heirs of Entail to a greater Extent than One Half the Amount with which the Heir in possession, if under no Incapacity to act, could have charged the Estate under the said Acts, or either of them; and if any Factor having Charge of the Estate of any Lunatic or other Person incapable of managing his own Affairs shall deem it proper for the Comfort or Welfare of such Person that the whole or a Part of such Estate should be sunk on Annuity, he shall report the Matter to the Accountant, who shall state his Opinion thereon in Writing, and such Report and Opinion shall be submitted by the Factor, with a Note as aforesaid, to the Lord Ordinary, who shall report the Matter to the Court, and it shall be in the Power of the Court to sanction the Measure, and the Decision of the Court shall be final, and not subject to Appeal; and in all other Matters in which special Powers are, according to the existing Practice, in use to be granted by the Court, the Court shall have Power to grant the same in like Manner and Form as is above provided.

Factor may apply for special Powers.

10 G. 3. c. 51.

11 & 12 Vict. c. 36.

Before special Powers, &c. are granted, Court to order Intimation, &c.

VIII. And be it enacted, That in all Cases in which Application shall be made to the Lord Ordinary or the Court by any Factor, or other Person having Right to make the same, for special Powers or for the extraordinary Application of Money or Funds or Property belonging to any Estate, the Lord Ordinary or Court shall order such Intimation to be made as may be deemed proper.

Power to appoint Accountant.

IX. And be it enacted, That it shall be lawful for Her Majesty and Her Heirs and Successors to appoint a Person versant in Law and Accounts, to be called The Accountant of the Court of Session, for performing the Duties of that Office, with such yearly Salary, not exceeding Six hundred Pounds, payable quarterly out of the Fee Fund established by this Act, and with such Accommodation of Office Room, or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, or any Three or more of them, but such Salary shall always be restricted, so as not to exceed the clear existing Proceeds of the aforesaid Fee Fund after deducting all other Charges thereon; and the Accountant shall be allowed Two Clerks, whom he shall appoint, with a Salary not exceeding Two hundred Pounds yearly for the First and One hundred and fifty Pounds yearly for the Second, which Salaries shall also be paid quarterly out of the said Fee Fund; and the Accountant shall hold no other official Situation in the Court, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice; and he shall not directly or indirectly have any Management of or Intromission with any Money of any Estate under Charge of the Court; provided always, that it shall be competent for the Court or for any Lord Ordinary to remit to the Accountant to examine and report in regard to any Matter depending before the Court or such Lord Ordinary, not connected with his official Duties, and in which it shall appear to the Court or such Lord Ordinary that the Report of an Accountant should be obtained, and for such Business the Accountant shall be entitled to reasonable Remuneration.

General Nature of Accountant's Duty;

X. And be it enacted, That the Accountant shall superintend generally the Conduct of all Judicial Factors and Tutors and Curators coming under the Provisions of this Act already appointed or to be hereafter appointed, and shall see that they duly observe all Rules and Regulations affecting them for the Time.

to assign a Day for closing first Account;

XI. And be it enacted, That on the Factor's Bond of Caution being received as sufficient, it shall be transmitted by the Clerk to the Process to the Accountant, who shall forthwith give a written Intimation, dated and signed, to the Factor or his Agent, stating that the Bond has been received, and assigning the Day on which the Factor is to close his first Account, being not less than Six nor more than Eighteen Months from the Date of such Intimation; and on the Death or Insolvency of the Cautioner of any Factor such Factor shall forthwith give Notice in Writing to the Accountant of such Death or Insolvency, and the Accountant shall, as soon as the Fact shall come to his Knowledge, by means of such Notice or otherwise, require new Caution to be found.

to adjust the Rental, List, and Inventory;

XII. And be it enacted, That the Accountant shall see that the Factor lodges a Rental, List, and Inventory in Terms of this Act, and shall, along with the Factor or his Agent, examine, verify, and adjust, and with the Factor sign the same, and shall ascertain the Circumstances of the Estate, and call for all necessary Documents, so as to form a clear Rule of Charge against the Factor at the Commencement of his Office, and the Accountant shall retain such Rental, List, and Inventory.

and to audit the Accounts.

XIII. And be it enacted, That the Accountant shall see that the Factor's Accounts of Charge and Discharge, with the Vouchers thereof, are duly lodged, and shall thereafter examine the same without undue Delay, and audit the Account on the general Principles of good ordinary Management for the real Benefit of the Estate and of those interested therein, and he shall consider the Investments of the Estate and the Sufficiency thereof, and he shall be entitled to require from the Factor all necessary Information and Evidence, and he shall fix the Amount of the Factor's Commission for the Period embraced by the Audit according to his Opinion of what is just in each particular Case, and he shall strike the Balance and shall state the Result of his Audit in the Form of a short Report, and if he has made any Corrections on the Account, he shall, if required by the Factor, explain such Corrections and his Reasons for making them.

Rules of exact Diligence may be dispensed with.

XIV. And be it enacted, That the Accountant shall have Power, upon Report to and with the Approval of the Lord Ordinary, where the Sum involved exceeds Twenty Pounds, and without such Report and Approval where the Sum involved is less than Twenty Pounds, to dispense with the Rules of exact Diligence in any Matter of factorial Management.

Accountant's Report conclusive against Factor, if not objected to, and if Objections, how to be disposed of.

XV. And be it enacted, That the Accountant's Audit and Report shall be conclusive against the Factor and his Cautioner if written Objections shall not be lodged by the Factor with the Accountant within Twenty Days from the Date of such Audit and Report being communicated to the Factor; but if Objections be lodged, the Accountant shall consider the same, and may alter his Report if he sees Cause; and unless the Objections are allowed or departed from, the Account and Report and whole Proceedings shall be transmitted by the Accountant to the Lord Ordinary, who shall call the Factor or his Agent, and if necessary the Accountant, before him at Chambers in reference thereto, and the Lord Ordinary or the Court, if the Matter shall be reported or brought under Review, may affirm, vary, or reverse the Audit and Report of the Accountant, and may reserve any Question or Questions which are raised in the Objections for the Factor till the final Audit of his Accounts, directing the Account to be balanced for the present, as the Lord Ordinary or the Court may think expedient and just; and no Judgment of the Lord Ordinary, pronounced as aforesaid, shall be subject to Review at the Instance of the Accountant, nor, in case the Lord Ordinary shall reserve any Question as aforesaid, shall it be competent to the Factor to reclaim against such Reservation; but in case the Lord Ordinary shall decide against

against the Factor, he may bring the Interlocutor under Review of the Court, by a short Note of Appeal from the Lord Ordinary's Judgment, and the Judgment of the Court shall not be subject to Appeal at this Stage nor till the Termination of the Factory, without the Leave of the Court: Provided always, with reference to such Discussion between the Accountant and the Factor, that at the Audit of the Factor's Accounts, at the Termination of his Factory, it shall be competent to the Factor and his Representatives, or to any succeeding Factor, or to any Parties beneficially interested in the Estate, to enter upon such Matter of Objection, if the same has been reserved, but if the same has been decided by the Lord Ordinary or the Court, the Decision shall not be opened up except upon Cause shown; and the Factor shall not be entitled to charge the Expense of any such Proceedings against the Estate, without the special Authority of the Lord Ordinary or the Court.

Cautioner may be heard before the Accountant.

XVI. And be it enacted, That it shall be lawful for the Cautioner to appear and be heard before the Accountant during the course of the Audit, or to state Objections to the Audit within Twenty Days from the Date of the Report being intimated to the Factor as aforesaid, unless the Accountant shall grant further Time, not exceeding Six Weeks; and for the Purpose of stating such Objections the Accountant shall, if required, furnish to the Cautioner a Copy of his Report, and the Expense of such Copy, and of any Discussion that shall take place during or after the Audit at the Instance of the Cautioner, shall be borne by the Cautioner, and not by the Estate: Provided always, that no Objection stated on the Part of the Cautioner shall be any Ground for delaying any Consignation of any Balance ordered by the Accountant or otherwise giving immediate Effect to the Audit.

Parties interested may, upon Cause shown, open up Audit of Accounts.

XVII. And be it enacted, That, either at the Termination of the Factory or during its Subsistence, it shall be competent for any Party beneficially interested in the Estate, or for any succeeding Factor, to make Appearance, and upon Cause shown to open up the Audit of all Accounts which have been audited by the Accountant in Absence of such Party or succeeding Factor, and also all Questions in the Accounting which have either not been submitted to the Decision of the Lord Ordinary or the Court or been reserved, and also all Questions which have been decided merely as between the Accountant and the Factor or between the Factor and some other Beneficiary, reserving always to the Factor and his Representatives their Answers and Defences as accords of Law; but if such Party or succeeding Factor shall so appear, and such Question shall be opened up and decided, the Judgment, if pronounced between the Factor and a Party beneficially interested, shall be final and conclusive as between them and their Representatives, and if pronounced between the Factor and succeeding Factor, shall be final and conclusive against the Factor and the Estate.

Accountant to make an annual Report of all Judicial Factories, which shall be printed.

XVIII. And be it enacted, That the Accountant shall make an annual Report to the Court of Session, containing such Particulars as he may think fit, or as the Court may by Act of Sederunt or otherwise require, of all Judicial Factories, whether granted before or after the passing of this Act, then subsisting or remaining unsettled, and of his own Proceedings in reference to the same, and such annual Report shall be printed at the Cost of the Fee Fund established by this Act.

Accountant to make Requisitions and Orders on the Factor;

XIX. And be it enacted, That the Accountant shall make all such Requisitions or Orders on the Factor as he may consider necessary; and if such Requisition or Order shall be disobeyed or neglected, he shall report the same to the Lord Ordinary, giving previous Notice to the Factor or his Agent, who shall lodge Objections in Writing, if he any has, within Forty-eight Hours after such Notice; and the Lord Ordinary is hereby empowered, on considering such Requisition or Order with the Objections thereto, if any, to recal or vary, confirm or repeat, such Requisition or Order; and the Interlocutor of the Lord Ordinary shall be final and conclusive against the Accountant, and also against the Factor, unless he shall, at the Time of pronouncing Judgment, give Notice of his Intention to bring the Judgment under Review, in which Case the Lord Ordinary shall dispose of the Matter of Expenses and give any Interim Order that may be necessary, which Interim Order shall not be subject to Review.

and to report to the Lord Ordinary or the Court the Factor's Failure in Duty.

XX. And be it enacted, That the Accountant shall, at all Times when requisite, report to the Lord Ordinary or the Court any Disobedience of any Requisition or Order, and any Misconduct or Failure in Duty on the Part of a Factor, or any Claims arising against a dismissed Factor or a Factor's Cautioner, or against the Representatives of a Factor or Cautioner deceased; and it shall be competent for the Lord Ordinary or the Court, on the Accountant's Report, to deal immediately with the Matter as accords of Law.

When Malversation suspected, a Case to be submitted to Her Majesty's Advocate.

XXI. And be it enacted, That if the Accountant shall possess Information that shall lead him on reasonable Grounds to suspect Malversation or Misconduct on the Part of the Factor, such as may infer Removal or Punishment, he shall be entitled to lay a Case before Her Majesty's Advocate, who shall have Power to direct such Inquiry and to take such Proceedings by Petition and Complaint, or otherwise, as he shall think proper.

Provision as to Factories constituted before the passing of the Act.

XXII. And be it enacted, with regard to all Factories subsisting at the Date of the passing of this Act, That if no Inventory and Rental has been lodged in Terms of the aforesaid Act of Sederunt, the Factor shall forthwith, after the passing of this Act, lodge a Rental, List of Funds, and Inventory of Moveables in manner provided by this Act, and the same shall be adjusted and signed as also hereinbefore provided; and if his Accounts shall be in arrear, he shall forthwith lodge the same, with the Vouchers, in the Manner provided by this Act, and the Accountant shall audit his Accounts in so far as not already audited; and the Factor shall, in reference to all Monies which may come into his Hands after the passing of this Act, consign the same in Bank, in manner and under the Penalties herein provided; and in reference to any Balance which may be in his Hands at the Date of the passing of this Act, he shall consign the same in Bank at latest before the First Day of *June* One thousand eight hundred and

and fifty, after which Date the Provisions of this Act for consigning Money shall apply to such Factor in all respects; and in all other respects the whole Provisions of this Act shall take effect from and after the passing thereof, in regard to Factories constituted before the passing of this Act, in so far as the same admit of Application thereto.

Provision as to past Factories informally settled or desperate.

XXIII. And be it enacted, in regard to all Factories constituted before the passing of this Act, That any Settlement made of any such Factory, though informal, shall be held as a *primâ facie* Discharge to the Factor, and the Accountant shall not report the same as a subsisting Factory, or require further Proceedings therein, but reserving the Right of all Parties interested in the Estate to show Cause to the Accountant or the Court why such Settlement should not be held as a Discharge to the Factor, in which Case, if the Cause shown shall be satisfactory to the Accountant or the Court, the Factory shall be held as subsisting and be proceeded with; and in any such Factory in which, though there has been no Settlement, it shall appear that no Benefit is likely to be derived by the Parties interested in the Estate from farther Proceedings therein, and no Party interested shall make Appearance and require such Proceedings, the Accountant shall place amongst the Papers connected with the Estate a Memorandum of the Circumstances, and shall state in his Report that further Proceedings are for the present unadvisable.

Power to Treasury to appoint additional Clerks to bring up Arrears.

XXIV. 'And whereas there is at present a great Arrear in auditing the Accounts of Judicial Factors 'in the Factories now existing, and it may be beyond the Power of the Accountant to bring up such 'Arrear with the Aid only of his ordinary Establishment:' Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to appoint such additional Clerks as may be required for that Purpose, but during such Time only as such additional Assistance shall be required for such Purpose, and to permit such Clerks to be remunerated out of the Fee Fund hereby established by Salary or otherwise.

Act made applicable to Tutors of Law, Tutors-dative, and Curators to Insane Persons.

XXV. And be it enacted, That, except as to the Mode of Appointment and Caution, the Provisions of this Act relating to Judicial Factors, or relating to the Office, Powers, and Duties of the Accountant appointed by this Act, shall be applicable, in so far as the same admit of Application, to every Person who, after the passing of this Act, shall be served Tutor of Law to any Pupil, or appointed Tutor-dative to any Pupil or Insane Person or Idiot, or served Curator to any Insane Person or Idiot.

Bonds of Caution for Tutors and Curators.

XXVI. And be it enacted, That, from and after the passing of this Act, in every Service of a Person as Tutor of Law to a Pupil, or as Curator to an Insane Person or Idiot, there shall, besides the Obligations usually inserted therein, be inserted in the Bond of Caution taken by the Clerk in such Service an Obligation to observe and perform every Duty incumbent on such Person, in Terms of the Rules prescribed or to be prescribed for the Discharge of his Office in all respects, together with a Consent to Registration in the Books of Council and Session for Execution; and such Bond of Caution shall be transmitted, with the other Steps of Procedure, to the Director of Chancery, who shall forthwith transmit the same to the Accountant; and no Extract of the Retour in such Service shall be given out, nor any Letters of Tutory or Curatory be issued thereon, until such Bond of Caution shall have been received by the Director of Chancery; and in Bonds of Caution to be taken in the Court of Exchequer from Tutors-dative to Pupils or Insane Persons or Idiots there shall, besides the usual Obligations, be inserted an Obligation to the Effect aforesaid; and such Bonds of Caution shall remain in the Court of Exchequer, according to the Rules of that Court.

Amount of Caution for Factors, &c. limited, and Bonds of Caution, &c. taken.

XXVII. And be it enacted, That it shall be lawful for the Court of Session or Court of Exchequer, as the Case may be, to limit upon Cause shown the Caution to be found by Factors and Tutors and Curators to a specified Amount, and also to authorize, if they shall deem it expedient, Bonds or Policies of the *British* Guarantee Association, or other public Company incorporated by Act of Parliament or Royal Charter carrying on Guarantee Business within *Scotland*, to be accepted and taken instead of Bonds of Caution by private Individuals.

Certified Copy of Letters of Tutory or Curatory to form the Basis of a summary Process.

XXVIII. And be it enacted, That whenever the Director of Chancery shall issue Letters of Tutory or Curatory, proceeding on any Service or Gift dated after the passing of this Act, he shall transmit a certified Copy of such Letters to the Accountant, who, after making an Entry thereof in his Books, shall transmit the same to One of the Principal Clerks of Session in order of Seniority and by Rotation; and such certified Copy, when so transmitted, shall be held as establishing a summary Process in regard to the Estate to which such Letters relate before that Division of the Court to which such Clerk shall belong, to the same Effect as if the Tutor or Curator to whom such Letters are issued had been appointed Judicial Factor by the Court on a Petition in ordinary Form; and such certified Copy shall be held for the Purposes of this Act as equivalent to such Appointment.

Tutors, &c. served before the passing of this Act may put themselves under its Provisions.

XXIX. And be it enacted, That any Person who before the passing of this Act shall have been served Tutor of Law to any Pupil, or appointed Tutor-dative to any Pupil or Insane Person or Idiot, or served Curator to any Insane Person or Idiot, shall with Consent of his Cautioner have Right at any Time during the Continuance of his Office to place himself and his Cautioner and the Estate under the Provisions of this Act, by presenting to the Director of Chancery a written Statement of his Desire to that Effect, signed by himself and his Cautioner and duly attested, and the Director of Chancery shall retain such Statement, and shall transmit a certified Copy thereof, and of the Letters of Tutory or Curatory issued to the Applicant, to the Accountant, who shall transmit the same to one of the Principal Clerks of Session in the Manner aforesaid, and such certified Copies when so transmitted shall be held as establishing a summary Process in regard to the Estate as aforesaid and the whole Provisions of this Act shall thereafter be applicable to the said Tutor or Curator and his Cautioner and the Estate in the same Manner as if such Tutor or Curator had been served or appointed after the passing of this Act, and the Tutor or Curator

Curator and his Cautioner shall be held as bound for due Fulfilment of all the Provisions of this Act accordingly.

Rental, List, and Inventory to be equivalent to tutorial or curatorial Inventory.

XXX. And be it enacted, That the Rental, List, and Inventory lodged with the Accountant in Terms of this Act by any Tutor or Curator as aforesaid shall be held as equivalent to the tutorial or curatorial Inventory directed to be given up by an Act of the *Scottish* Parliament, passed in the Year One thousand six hundred and seventy-two, intituled *Act concerning Pupils and Minors, and their Tutors and Curators;* and the Report of any additional Funds or Property belonging to the Pupil or Insane Person or Idiot, in Terms of this Act, shall be held as equivalent to an Eik to a tutorial or curatorial Inventory in Terms of the said recited Act which is hereby repealed, in so far as may be necessary to give Effect to these Enactments, but no farther.

Resignation, &c. of Tutors and Curators.

XXXI. And be it enacted, That the Court shall have Power, on Cause shown, to remove or accept the Resignation of any Tutor or Curator coming under the Provisions of this Act, and to appoint a Factor loco tutoris or Curator bonis in his Room.

Remuneration and Responsibility of Factors, &c. not altered.

XXXII. And be it enacted, That nothing herein contained shall be held to confer on any such Tutor or Curator a Right not now existing in Law to Remuneration for the Discharge of the Duties attached to his Office, or to limit his Powers or alter the Rules of his Responsibility as by Law now existing, excepting in so far as is herein expressly provided.

Accountant may require Information from Banks.

XXXIII. And be it enacted, That the Accountant shall have Power to require the Officers of any Bank with which any Factor or Tutor or Curator shall have opened an Account for the Estate under his Care, to exhibit all Entries in the Books of such Bank connected with such Estate, and the Officers of such Bank are hereby required to exhibit the same accordingly, and to allow the Accountant to take such Copies thereof as he may require.

Discharge of Factors, Tutors, and Curators.

XXXIV. And be it enacted, That it shall be competent for any Factor, Tutor, or Curator, at the Termination of his Office, to present a Petition to the Court for his Discharge, calling all Persons interested in the Estate, so far as known to him, as Parties to such Petition, and the Court shall order such Intimation and Service as they may think fit; and it shall be competent to any Persons so called, or to any other Persons showing Right and Interest, to appear as Parties, and upon Cause shown to open up the Audit of the Factor's Accounts, and thereafter, and after receiving the Report of the Accountant, and making any further Inquiry which may be necessary, the Court shall pronounce Judgment thereon; and such Judgment, if it shall discharge such Factor, Tutor, or Curator, shall be final and conclusive against all Parties concerned, though pronounced in Absence, provided the same shall not be opened up as a Decree in Absence in the Court of Session within the Time limited for appealing to the House of Lords, or shall not be appealed from within that Time.

Accountant to be Custodier of Bank Receipts.

XXXV. And be it enacted, That the Accountant shall be the Custodier of all Bank Deposit Receipts and other Vouchers for Sums of Money already placed or to be hereafter placed in Bank under Authority of the Court, and of all judicial Bonds of Caution and other judicial Bonds granted or to be granted under the Authority of the Court or any of the Judges thereof, or in reference to the Business thereof, and all other Documents of a like Nature, which, according to the present Law or Practice, are intrusted to the Keeping of the senior Principal Clerk of Session, who, after the Commencement of this Act, shall cease to discharge his present Duty as Custodier of such Documents, and shall transfer all such Documents as are in his Possession to the Accountant; and thereafter the Clerk in each Process in which Consignation is made shall lodge all such Bank Receipts and Bonds or Vouchers in the Hands of the Accountant, whose Acknowledgment therefor shall be an Acquittance to such Clerk.

Records in the Accountant's Office to be open for Inspection.

XXXVI. And be it enacted, That the whole Records and Papers relating to Factories, Tutories, and Curatories retained in the Accountant's Office shall be open to Inspection on Payment of such Fees as may be fixed by the Court; but shall remain in the Office, and not be lent out unless under Authority of the Court or of the Lord Ordinary, and Copies therefrom, attested by the Accountant, shall have the same Authority as the Originals themselves, and shall be furnished to any Party requiring the same, on Payment therefor of such Fees as may be fixed by the Court; and such Fees for Inspection and attested Copies shall be paid weekly by the Accountant into the Fund herein-after established.

Banks to accumulate Principal and Interest on Accounts and Deposits.

XXXVII. And be it enacted, That from and after the passing of this Act every Bank in *Scotland* with which any Money shall have been or shall be deposited or lodged by any Judicial Factor, Tutor, or Curator, or under Authority of any Court in *Scotland*, or with reference to any Suit in any Court in *Scotland*, whether on Deposit Receipt or on Account Current, or otherwise, shall once at least in every Year accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest together as Principal; and any Bank failing so to do shall be liable to account as if such Money had been so accumulated.

Provision for Accountant's Illness or temporary Absence.

XXXVIII. And be it enacted, That in case of the Illness or temporary Absence of the Accountant the Lord President of the Court of Session, or other Judge acting as President for the Time, may authorize any one of the Accountant's Clerks or other qualified Person to discharge the Duties of the Accountant for the Time.

Establishment of Fee Fund.

XXXIX. And be it enacted, That for establishing the Fee Fund herein-before mentioned there shall be payable by each Estate under charge of a Judicial Factor, and by each Estate of a Pupil to whom a Tutor of Law shall hereafter be served, and by the Estate of every Pupil, Insane Person, or Idiot to whom a Tutor-dative shall hereafter be appointed, and by the Estate of every Insane Person or Idiot to whom a Curator shall hereafter be served as aforesaid, and by all other Estates or Parties whom the Court may deem to have Benefit from the Services of the Accountant, such Fees as shall from Time to Time be authorized by the Court, having due Regard to the Sums required for the Purposes of this Act,

and

and to the Interests of the Estates to be benefited thereby; and such Fees shall be lodged by the Accountant at least once in every Week in that Bank in *Edinburgh* which for the Time shall be employed by Government to transact its Business there; and such Fees, with any Interest accruing thereon, shall form a Fee Fund, out of which the Accountant shall draw and pay his own Salary and the other Salaries herein directed to be paid, and the whole Expenses attending his Office and Duties; and the Accountant shall annually exhibit an Account of his Intromissions with the said Fee Fund to the Queen's and Lord Treasurer's Remembrancer of the Court of Exchequer in *Scotland*, who is hereby required to examine and audit such Account, and thereafter to submit the same to the Lord President of the Court of Session with a view to the Re-consideration by the Court of the Fees then in use to be charged, and such Fees shall be so regulated, increased, or diminished by the Court from Year to Year, or oftener, as to keep up the Fee Fund to an Amount sufficient for answering the Charges thereon, and for providing such reserved Fund as may be necessary to meet the current and contingent Expenses of the Establishment; and any Surplus arising on such Fee Fund shall be paid over to the said Queen's and Lord Treasurer's Remembrancer, and remain in his Hands to meet the future Charges on such Fee Fund; and the Accountant shall enter into Bond to Her Majesty with Surety for his Intromissions to the Satisfaction of the said Queen's and Lord Treasurer's Remembrancer, and to such Amount, and either by a public Company or private Individual, as to him may seem proper.

Power to pass Acts of Sederunt.

XL. And be it enacted, That it shall be competent to the Court of Session, and they are hereby authorized and required, from Time to Time to pass such Acts of Sederunt as shall be necessary or proper for the further Regulation of the Manner of appointing Judicial Factors, and the Manner of discharging their Duty, and the Manner of discharging the Duties of the Accountant, and the Manner of applying the Provisions of this Act to the Case of Tutors and Curators, and the Forms of Process to be used in pursuance of this Act, and the Manner of verifying by Affidavit, Declaration, Certificate, or otherwise the Sufficiency of the Caution offered for Factors, Tutors, and Curators, and all other Matters requisite for more effectually carrying out the Purposes of this Act.

Act may be amended, &c.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LII.

An Act to suspend, until the First Day of *October* One thousand eight hundred and fifty, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [28th *July* 1849.]

[*This Act is the same, except as to Dates, as* 11 & 12 *Vict. c.* 65.]

CAP. LIII.

An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors in *Ireland*. [28th *July* 1849.]

'WHEREAS it is expedient to amend several of the Laws relating to Attornies and Solicitors practising in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of an Act passed in the Parliament of *Ireland* in the Seventh Year of the Reign of *George* the Second, intituled *An Act for the Relief of Mortgagees, and for making the Process in Courts of Equity more effectual against Mortgagors who abscond and cannot be served therewith, and against Persons who, being served, refuse to appear, and also for better regulating the Payment of the Fees of Attornies and Solicitors*, as relates to the better regulating the Payment of the Fees of Attornies and Solicitors, and also another Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act of the Parliament of* Ireland *passed in the Seventh Year of the Reign of His Majesty King* George *the Second, for better regulating the Payment of Fees of Attornies and Solicitors, and other Purposes therein mentioned*, be and the same are hereby repealed, save so far as such Acts or Parts of Acts, or any of them, repeal the whole or any Part of the same or any other Act or Acts, and also save and except so far as relates to any Matters or Things done at any Time before the passing of this Act, all which Matters and Things shall be and remain good, valid, and effectual to all Intents and Purposes whatsoever as if this Act had not passed, and also save and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the passing of this Act.

So much of 7 G. 2. (I.) as relates to better regulating Payment of Fees repealed; also, 1 & 2 G. 4. c. 17.

Attornies and Solicitors not to commence an Action for Fees until One Month after Delivery of their Bill.

II. And be it enacted, That from and after the passing of this Act no Attorney or Solicitor, nor any Executor, Administrator, or Assignee of any Attorney or Solicitor, shall commence or maintain any Action or Suit for the Recovery of any Fees, Charges, or Disbursements for any Business done by such Attorney or Solicitor, until the Expiration of One Month after such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall have delivered unto the Party to be charged therewith, or sent by the Post to or left for him at his Counting-house, Office of Business, Dwelling House, or last known Place of Abode, a Bill of such Fees, Charges, and Disbursements, and which Bill shall either be subscribed with the proper Hand of such Attorney or Solicitor (or, in the Case of

of a Partnership, by any of the Partners, either with his own Name or with the Name or Style of such Partnership), or of the Executor, Administrator, or Assignee of such Attorney or Solicitor, or be enclosed in or accompanied by a Letter, subscribed in like Manner, referring to such Bill; and upon the Application of the Party chargeable by such Bill within such Month it shall be lawful, in case the Business contained in such Bill or any Part thereof shall have been transacted in the High Court of Chancery, or in any other Court of Equity, or in any Matter of Bankruptcy or Lunacy, or in case no Part of such Business shall have been transacted in any Court of Law or Equity, for the Lord High Chancellor or the Master of the Rolls, and in case any Part of such Business shall have been transacted in any other Court, for the Courts of Queen's Bench, Common Pleas, or Exchequer, or any Judge of either of them, and they are hereby respectively required, to refer such Bill, and the Demand of such Attorney or Solicitor, Executor, Administrator, or Assignee, thereupon, to be taxed and settled by the proper Officer of the Court in which such Reference shall be made, without any Money being brought into Court, and the Court or Judge making such Reference shall restrain such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, from commencing any Action or Suit touching such Demand pending such Reference; and in case no such Application as aforesaid shall be made within such Month as aforesaid, that it shall be lawful for such Reference to be made as aforesaid either upon the Application of the Attorney or Solicitor, or the Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill may have been so as aforesaid delivered, sent, or left, or upon the Application of the Party chargeable by such Bill, with such Directions and subject to such Conditions as the Court or Judge making such Reference shall think proper; and such Court or Judge may restrain such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, from commencing or prosecuting any Action or Suit touching such Demand pending such Reference, upon such Terms as shall be thought proper: Provided always, that no such Reference as aforesaid shall be directed upon an Application made by the Party chargeable with such Bill after a Verdict shall have been obtained or a Writ of Inquiry executed in any Action for the Recovery of the Demand of such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, or after the Expiration of Twelve Months after such Bill shall have been delivered, sent, or left as aforesaid, except under special Circumstances, to be proved to the Satisfaction of the Court or Judge to whom the Application for such Reference shall be made; and upon every such Reference, if either the Attorney or Solicitor, or Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill shall have been delivered, sent, or left, or the Party chargeable with such Bill, having due Notice, shall refuse or neglect to attend such Taxation, the Officer to whom such Reference shall be made may proceed to tax and settle such Bill and Demand *ex parte*; and in case any such Reference as aforesaid shall be made upon the Application of the Party chargeable with such Bill, or upon the Application of such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, and the Party chargeable with such Bill shall attend upon such Taxation, the Costs of such Reference shall, except as herein-after provided for, be paid according to the Event of such Taxation; that is to say, if such Bill when taxed be less by a Sixth Part than the Bill delivered, sent, or left, then such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall pay such Costs; and if such Bill when taxed shall not be less by a Sixth Part than the Bill delivered, sent, or left, then the Party chargeable with such Bill, making such Application or so attending, shall pay such Costs; and every Order to be made for such Reference as aforesaid shall direct the Officer to whom such Reference shall be made to tax such Costs of such Reference to be so paid as aforesaid, and to certify what upon such Reference shall be found to be due to or from such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, in respect of such Bill and Demand, and of the Costs of such Reference, if payable: Provided also, that such Officer shall in all Cases be at liberty to certify specially any Circumstances relating to such Bill or Taxation, and the Court or Judge shall be at liberty to make thereupon any such Order as such Court or Judge may think right respecting the Payment of the Costs of such Taxation: Provided also, that where such Reference as aforesaid shall be made when the same is not authorized to be made, except under special Circumstances, as herein-before provided, then the said Court or Judge shall be at liberty, if it shall be thought fit, to give any special Directions relative to the Costs of such Reference: Provided also, that it shall be lawful for the said respective Courts and Judges, in the same Cases in which they are respectively authorized to refer a Bill which has been so as aforesaid delivered, sent, or left, to make such Order for the Delivery, by any Attorney or Solicitor, or the Executor, Administrator, or Assignee of any Attorney or Solicitor, of such Bill as aforesaid, and for the Delivery up of Deeds, Documents, or Papers in his Possession, Custody, or Power, or otherwise touching the same, in the same Manner as has heretofore been done as regards such Attorney or Solicitor by such Courts or Judges respectively where any such Business had been transacted in the Court in which such Order was made: Provided also, that it shall not in any Case be necessary, in the first instance, for such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, in proving a Compliance of this Act, to prove the Contents of the Bill he may have delivered, sent, or left, but it shall be sufficient to prove that a Bill of Fees, Charges, or Disbursements, subscribed in the Manner aforesaid, or enclosed in or accompanied by such Letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other Party to show that the Bill so delivered, sent, or left was not such a Bill as constituted a *bonâ fide* Compliance with this Act: Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity to authorize an Attorney or Solicitor to commence an Action or Suit for the Recovery of his Fees, Charges, or Disbursements against the Party chargeable therewith, although One Month shall not have expired from the Delivery of a Bill as aforesaid, on

On Application within One Month, Bills, whether relating to Business transacted in any particular Court or not, may be referred to the proper Officer for Taxation.

As to Taxation if Application not made till after One Month.

No Taxation after Twelve Months, except under special Circumstances.

Payment of Costs of Taxation.

Payment of Sum found due.

Courts may order Attorney or Solicitor to deliver his Bill, and deliver up Deeds, &c.

Evidence of Delivery of Bill.

Power to Judge to authorize Action before Expiration of One Month.

on Proof to the Satisfaction of the said Judge that there is probable Cause for believing that such Party is about to quit *Ireland*.

Bills may be taxed upon Application of Third Parties.

III. And be it enacted, That where any Person not the Party chargeable with any such Bill within the Meaning of the Provisions herein-before contained shall be liable to pay or shall have paid such Bill, either to the Attorney or Solicitor, his Executor, Administrator, or Assignee, or to the Party chargeable with such Bill as aforesaid, it shall be lawful for such Person, his Executor, Administrator, or Assignee, to make such Application for a Reference for the Taxation and Settlement of such Bill as the Party chargeable therewith might himself make; and the same Reference and Order shall be made thereupon, and the same Course pursued in all respects, as if such Application was made by the Party so chargeable with such Bill as aforesaid: Provided always, that in case such Application is made when under the Provisions herein contained a Reference is not authorized to be made, except under special Circumstances, it shall be lawful for the Court or Judge to whom such Application shall be made to take into consideration any additional special Circumstances applicable to the Person making such Application, although such Circumstances might not be applicable to the Party so chargeable with the said Bill as aforesaid if he were the Party making the Application.

Lord Chancellor may direct Taxation of Bills chargeable on Executors.

IV. And be it enacted, That it shall be lawful, in any Case in which a Trustee, Executor, or Administrator has become chargeable with any such Bill as aforesaid, for the Lord High Chancellor or the Master of the Rolls, if in his Discretion he shall think fit, upon the Application of a Party interested in the Property out of which such Trustee, Executor, or Administrator may have paid or been entitled to pay such Bill, to refer the same, and such Attorney's or Solicitor's, or Executor's, Administrator's, or Assignee's Demand thereupon, to be taxed and settled by the proper Officer of the High Court of Chancery, with such Directions and subject to such Conditions as such Judge shall think fit, and to make such Order as such Judge shall think fit for the Payment of what may be found due, and of the Costs of such Reference, to or by such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, by or to the Party making such Application, having regard to the Provisions herein contained relative to Applications for the like Purpose by the Party chargeable with such Bill, so far as the same shall be applicable to such Cases; and in exercising such Discretion as aforesaid the said Judge may take into consideration the Extent and Nature of the Interest of the Party making the Application: Provided always, that where any Money shall be so directed to be paid by such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, it shall be lawful for such Judge, if he shall think fit, to order the same or any Part thereof to be paid to such Trustee, Executor, or Administrator so chargeable with such Bill, instead of being paid to the Party making such Application; and when the Party making such Application shall pay any Money to such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, in respect of such Bill, he shall have the same Right to be paid by such Trustee, Executor, or Administrator so chargeable with such Bill as such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, had.

Copy of Bill to be delivered to Person making Application, &c.

No Re-taxation except under special Circumstances.

V. And be it enacted, That for the Purpose of any such Reference, upon the Application of the Person not being the Party chargeable within the Meaning of the Provisions of this Act as aforesaid, or of a Party interested as aforesaid, it shall be lawful for such Court or Judge to order any such Attorney or Solicitor, or the Executor, Administrator, or Assignee of any such Attorney or Solicitor, to deliver to the Party making such Application a Copy of such Bill, upon Payment of the Costs of such Copy: Provided always, that no Bill which shall have been previously taxed and settled shall be again referred, unless under special Circumstances the Court or Judge to whom such Reference is made shall think fit to direct a Re-taxation thereof.

Payment of Bill not to preclude Taxation.

VI. And be it enacted, That the Payment of any such Bill as aforesaid shall in no Case preclude the Court or Judge to whom Application shall be made from referring such Bill for Taxation, if the special Circumstances of the Case shall, in the Opinion of such Court or Judge, appear to require the same, upon such Terms and Conditions and subject to such Directions as to such Court or Judge shall seem right, provided the Application for such Reference be made within Twelve Calendar Months after Payment.

Power for Taxing Officer to request Officers of other Courts to tax Portions of the Bill.

VII. And be it enacted, That in all Cases in which such Bill shall have been referred to be taxed and settled the Officer to whom such Reference is made shall be at liberty to request the proper Officer of any other Court having such an Officer to assist him in taxing and settling any Part of such Bill, and such Officer so requested shall thereupon proceed to tax and settle the same, and shall have the same Powers in respect thereof as upon a Reference to him by the Court of which he is such Officer, and shall return the same, with his Opinion thereon, to the Officer who shall have so requested him to tax and settle the same.

Application for taxing Bills of Costs, how to be made.

Certificate of the Officer.

Judgment may be entered.

VIII. And be it enacted, That all Applications made under this Act to refer any such Bill as aforesaid to be taxed and settled, and for the Delivery of such Bill, and for the delivering up of Deeds, Documents, and Papers, shall be made in the Matter of such Attorney or Solicitor; and that upon the Taxation and Settlement of any such Bill the Certificate of the Officer by whom such Bill shall be taxed shall (unless set aside or altered by Order, Decree, or Rule of Court,) be final and conclusive as to the Amount thereof, and Payment of the Amount certified to be due and directed to be paid may be enforced according to the Course of the Court in which such Reference shall be made; and in case such Reference shall be made in any Court of Common Law it shall be lawful for such Court or any Judge thereof to order Judgment to be entered up for such Amount, with Costs, unless the Retainer shall be disputed, or to make such other Order thereon as such Court or Judge shall deem proper.

Construction of Terms.

IX. And be it enacted, That in the Construction of this Act the Word "Month" shall be taken to mean a Calendar Month; and every Word importing the Singular Number only shall extend and be applied

to

to several Persons, Matters, or Things, as well as One Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to One Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Person" shall extend to any Body politic, corporate or collegiate, municipal, civil, or ecclesiastical, aggregate or sole, as well as an Individual, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LIV.

An Act to continue until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.* [28th *July* 1849.]

* 4 & 5 Vict. c. 59.

CAP. LV.

An Act to abolish the Gaol of *Newgate* in the County of the City of *Dublin*, and provide Compensation for the Officers thereof, and to enable the Grand Jury of the County of the said City to increase the Salaries of the Chaplains of certain other Gaols thereof, and to re-assess on the County of the said City certain Arrears of Grand Jury Cess. [28th *July* 1849.]

'WHEREAS the Gaol of *Newgate* in the County of the City of *Dublin* has for some Time been used as a Depôt for Prisoners under Sentence or Rule of Transportation: And whereas it is expedient to abolish the said Gaol of *Newgate* as a Prison for the Reception of Prisoners, save as such Depôt:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of the Privy Council thereof, by an Order in Council, to order and declare that on or before a Day to be specified in such Order all Prisoners then being and remaining in Custody in the said Gaol of *Newgate* (if any), save such Prisoners as shall be confined therein under Sentence or Rule of Transportation, shall be transmitted and removed to such other Gaol or Gaols, Prison or Prisons, of the County of the City of *Dublin* as shall be specified and directed by the said Order, and that all such Prisoners as might heretofore have been lawfully committed to the said Gaol of *Newgate*, save Prisoners under Sentence or Rule of Transportation, shall on and after the said Day so to be specified in the said Order, be committed to such other Gaol or Gaols, Prison or Prisons, of the said County of the City of *Dublin* as shall be specified and directed in the said Order; and when such Order shall have been made, then on and after the said Day so specified in such Order no Court or Justice of the Peace, or other Person, shall commit any Prisoner or Person, save Prisoners under Sentence or Rule of Transportation, to Custody in the said Gaol of *Newgate*, but all such Prisoners as might theretofore be lawfully committed to the said Gaol of *Newgate* shall be committed to such Gaol or Prison of the County of the City of *Dublin* as shall be so specified and directed by the said Order in Council; and on the said Day so specified, or as soon thereafter as all Prisoners (if any) then remaining in Custody in the said Gaol of *Newgate*, save as aforesaid, shall be transmitted or removed to such other Gaol or Gaols, Prison or Prisons, as aforesaid, the said Gaol of *Newgate* shall cease to be a Gaol or Prison for the Custody of Prisoners for the County of the City of *Dublin*; and the Duties of the several Officers thereof, or belonging thereto, shall cease and determine, and their respective Offices shall be abolished; and thenceforth it shall not be lawful for the Grand Jury of the County of the City of *Dublin* to present any Sum of Money whatsoever for the Support of the said Gaol of *Newgate*, or for any Office or Officer thereunto belonging, save as herein-after mentioned: Provided always, that nothing herein contained shall prevent the same continuing as a Depôt for Prisoners under Sentence or Rule of Transportation, until the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall otherwise declare.

Lord Lieutenant and Privy Council may order all Prisoners (not under Sentence of Transportation) confined in the Gaol of Newgate in Dublin to be removed to other Prisons, and after their Removal Newgate to cease to be a Prison for the said City.

II. And be it enacted, That as soon as the said Gaol of *Newgate* shall, under the Provisions of this Act, cease to be a Prison for the Custody of Prisoners for the County of the City of *Dublin*, and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, by Warrant under his or their Hand, declare that the same is no longer required as a Depôt for Prisoners under Sentence or Rule of Transportation, it shall and may be lawful for the Grand Jury of the said County of the City of *Dublin*, at any Presenting Term, by Presentment, to appoint so many and such Persons, not less than Six and not more than Twelve in Number, as to them shall seem fit, as Trustees for the Sale of the said Gaol; and thereupon the said Gaol of *Newgate* and the Site thereof, and all the Rights, Members, and Appurtenances thereto belonging, shall vest in the said Trustees, their Heirs, Executors, Administrators, and Assigns, as the Case may be, for all such Estate or Interest as and for which the same is now held, possessed, or enjoyed by any Person or Persons, to the Use of or in trust for the Grand Jury of the County of the City of *Dublin*, or for the said County of the City of *Dublin*; and it shall and may be lawful for any Three or more of the said Trustees so to be appointed by the said Grand Jury to sell and dispose of the said Gaol and the Site thereof, and the Rights, Members, and Appurtenances thereof, either by public Auction or by private Contract, and either in One Lot or in several Lots, or the Materials thereof separately,

The Gaol of Newgate, when no longer required as a Depôt, to be sold by Trustees to be appointed by the Grand Jury.

rately, as to them shall seem fit, to such Person or Persons as shall be willing to become the Purchaser or Purchasers of the same, or any Part thereof; and any Three or more of such Trustees so appointed by the said Grand Jury shall have full Power and Authority to enter into all necessary Contracts for such Sale or Sales, and to rescind and vary the same, and to give full and effectual Discharge or Discharges for the Purchase Money of the said Premises, or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchaser or Purchasers thereof, or any Part thereof, for all the Estate or Interest vested in the Trustees so appointed by the said Grand Jury, their Heirs, Executors, Administrators, or Assigns, as aforesaid, in the said Premises, or in the said Part or Parts thereof respectively so sold and conveyed; and all such Purchase Money, after deducting the necessary Expenses of such Sale or Sales, shall be paid to the Treasurer of the County of the City of *Dublin*, to be placed to the Credit of the County of the said City.

Compensation for the Officers of Newgate.

III. And be it enacted, That it shall be lawful for the Grand Jury of the County of the City of *Dublin* at the Presenting Term next after the Abolition of the Offices of the said Officers of the Gaol of *Newgate* as aforesaid, and for every subsequent Grand Jury of the said County of the said City at every subsequent Presenting Term, and they are respectively hereby required, from Time to Time to present One Moiety of such respective annual Sums as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, by an Order made after the passing of this Act, approve and direct, but not exceeding the respective annual Sums mentioned in the Schedule hereunto annexed, the same to be paid by half-yearly Instalments, to the several Persons named in the said Schedule during the Terms of their respective Lives, for the Loss of their respective Offices so abolished as herein-before mentioned: Provided always, that if any of the Persons so named in the said Schedule and therein described as competent for Service shall be nominated and appointed to any Office or Employment in or relating to any of the Gaols of the County of the City of *Dublin*, the Salary and Emoluments of which Office or Employment shall be equal to or shall exceed the Amount of Salary and Emoluments to which such Officer is now entitled, and which are mentioned and set forth in the said Schedule, then and in such Case the Compensation so hereby provided for every Person so appointed and employed shall cease and determine from the Day of such Nomination and Appointment: Provided also, that if any Person so to be nominated and appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall utterly cease and determine.

Compensations to Persons superannuated or removed.

IV. And be it enacted, That when and as often as any Person named in the said Schedule, and hereafter appointed to any Office or Employment in or relating to any of the Gaols of the County of the City of *Dublin*, shall, in consequence of Infirmity, Injury sustained in the Discharge of his Duty, or other Cause, be superannuated and removed from his last-mentioned Office or Employment in such Prison as incompetent, it shall and may be lawful for the Grand Jury of the said County of the City of *Dublin* and they are hereby required to award to such Person such Compensation or Retiring Allowance, in addition to the Sum named in the said Schedule, in connexion with the Name of such Person as shall, taking into consideration the Length of Service and Merits of such Person, seem to them just and reasonable, but so that the total annual Sum to be received by such Party for Compensation or retiring Allowance under this Act shall not exceed Three Fourths of the annual Salary of such last-mentioned Office or Employment; and the said Grand Jury shall, at each *Easter* and *Michaelmas* Term, present to and for such Person so superannuated as aforesaid the Moiety of such Sum as shall have been awarded to such Person, in addition to the Sum named in the said Schedule in connexion with the Name of such Person as aforesaid: Provided always, that if such Person shall be removed from his Office or Employment in any of the said Prisons for such Misconduct as would warrant his Removal from any Office held during good Behaviour, he shall not be entitled to any Compensation or Retiring Allowance other than the Sum named in the said Schedule in connexion with the Name of such Person.

The Treasury may sanction an Increase in such Superannuation Allowances in consideration of a previous Service in the Dublin Police Force.

V. 'And whereas certain of the said Officers of the Gaol of *Newgate* in the said Schedule mentioned 'had previously to their Appointment to such Offices served in the *Dublin* Police Force, and it may be 'reasonable that the Length of their Service in the said Police Force should be taken into consideration in 'estimating the Amount of Compensation or Superanpuation Allowance to be paid to them under the Pro- 'visions of this Act:' Be it therefore enacted, That it shall be lawful for any of the said Officers who shall have been serving in the said Police Force before and at the Time of his Appointment to an Office in the said Gaol of *Newgate* to apply to the Commissioners of Her Majesty's Treasury that in consideration of such previous Service in the said Police Force an Addition may be made to the annual Sum named in the said Schedule in connexion with the Name of such Person, and thereupon it shall be lawful for the said Commissioners or any Three of them to order in manner aforesaid that such additional annual Sum as they may deem reasonable in consideration of such previous Length of Service in the said Police Force shall be paid to such Party, in addition to the said annual Sum herein-before provided to be paid as Compensation or Superannuation to such Party, and the same shall be presented by the said Grand Jury from Time to Time, and be paid to such Party, together with and in like Manner as the said annual Sum herein-before provided to be paid as Compensation or Superannuation to such Party: Provided always, that the total annual Sum to be so received by such Party shall in no Case exceed the Amount of Three Fourths of the annual Salary payable to such Party in respect of his Office which shall have been so abolished or from which he shall have been superannuated.

Provision for Chaplains of Gaols.

VI. 'And whereas on account of the Increase of the Number of Prisoners who shall hereafter be 'confined in the Gaols or Prisons of the County of the City of *Dublin*, called the *Richmond* Bridewell 'and the *Richmond* Female Penitentiary, it is expedient to augment the Sums which the Grand Juries 'of the said County of the City of *Dublin* are authorized to present annually as a Recompence for 'the

'the Services of the Chaplains of the said Prisons: And whereas the Number of Prisoners professing 'the Roman Catholic Religion in each of the said Gaols is so considerable as to require the entire Services 'of a Roman Catholic Clergyman wholly unconnected with the Discharge of any other ecclesiastical or 'parochial Duties:' Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the Grand Jury of the County of the City of *Dublin*, at each *Easter* and *Michaelmas* Term, to present a Sum not exceeding the Sum of Fifty Pounds Sterling as and for the Salary of each of the Roman Catholic Chaplains of the *Richmond* Bridewell and *Richmond* Female Penitentiary, provided it shall fully appear to the said Grand Jury and to the Court that such Chaplain has devoted his entire Time to the Duties of such Office during the preceding Half Year, and duly and regularly discharged the several Duties of his Office; and that it shall be lawful to and for the said Grand Jury of the County of the City of *Dublin*, at each *Easter* and *Michaelmas* Term, to present a Sum not exceeding the Sum of Twenty-five Pounds as and for the Salary of the Protestant Chaplains of each of the said Prisons, and a Sum not exceeding the Sum of Sixteen Pounds Thirteen Shillings and Four-pence as and for the Salary of the Protestant Dissenting Chaplains of each of the said Prisons, provided it shall appear to the said Grand Jury and to the Court that such Chaplains have duly and regularly executed the several Duties of their Offices; and provided also, that it shall not be lawful for any Grand Jury to present any Salary for any such Chaplain as aforesaid, if it shall appear to them that such Chaplain is interdicted or prohibited from exercising the Functions of his Office either by the Rules of the Church to which he belongs or by any other competent Authority.

Insolvent Arrears due by the several Parishes at the Presenting Term next after passing of this Act to be assessed on the City at large.

VII. 'And whereas large Sums of Money heretofore presented to be raised by Grand Jury Presentments in the said County of the City of *Dublin* are now due and owing by several of the Parishes and 'Portions of Parishes thereof, which have accrued due and accumulated by reason of the Insolvency and 'Inability of the said Parishes and Portions of Parishes to pay the same, and the same are in fact irrecoverable: And whereas it is expedient that the said insolvent Arrears now due should be re-applotted 'and assessed on the County of the City of *Dublin* at large, instead of the Parish or Portion of a Parish 'where such Arrears became due:' Be it therefore enacted, That it shall and may be lawful for the Grand Jury of the said County of the City of *Dublin*, at the Presenting Term next after the passing of this Act, or, in case the same shall not then be done, at the Presenting Term next after, to ascertain, by such Ways and Means as to them shall seem fit, the Particulars and Amount of insolvent Arrears of Grand Jury Cess then remaining due and unpaid by the several Parishes of the said County of the City of *Dublin*, and to present and assess the Amount of such insolvent Arrears so ascertained upon the several Parishes or Portions thereof in the County of the City of *Dublin*, according and in proportion to their respective Valuation in the general Valuation or Assessment returned to the Treasurer of the Levy of the City of *Dublin* under the Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Levy of Grand Jury Cess in the County of the City of* Dublin, which Sums so presented shall be chargeable, payable, and recoverable in the same Manner as the other Sums presented at the said Term.

1 & 2 Vict. c. 51.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

Names.	Offices.	Present Amount of Salaries and Emoluments.	Qualification for Service.	Annual Amount of Compensation.
		£ s. d.		£ s. d.
John Smyth	Governor	577 18 3	Incompetent	338 10 0
Frederick Bournes	Deputy Governor	234 0 4	Competent	136 10 2
Robert S. Bell	Registrar and Turnkey	127 13 9½	Incompetent	74 9 8
Thomas M'Dermott	Turnkey	77 13 9½	Competent	38 16 11
Robert Canterbury	Ditto	77 13 9½	Competent	38 16 11
John Carter	Ditto	77 13 9½	Competent	32 7 5
Cassan Matthews	Hospital Turnkey	80 5 9½	Competent	33 9 1
James K. Thompson	Schoolmaster and Turnkey	60 3 2½	Competent	20 1 1
James E. Toole	Assistant Turnkey	49 15 2½	Incompetent	20 14 8
John Ramsbottom	Ditto	49 15 2½	Incompetent	20 14 8
James Raymond	Ditto	49 15 2½	Competent	12 8 9
Mrs. Matilda Christian	Matron	85 13 9½	Incompetent	49 19 9
Mrs. Anne Bell	Ditto	65 13 9½	Incompetent	32 16 11
Mrs. Jane Richardson	Hospital Matron	35 3 9½	Incompetent	17 11 11
Rev. Thos. R. Shore	Protestant Chaplain	50 0 0	- - -	25 0 0
Rev. J. C. M'Cann	Roman Catholic Chaplain	50 0 0	- - -	16 13 4
Rev. William Wilson	Protestant Dissenting Chaplain	33 6 8	- - -	8 6 8

CAP. LVI.

An Act to continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*.* [28th *July* 1849.]

* 5 & 6 Vict. c. 123.

CAP. LVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [28th *July* 1849.]

8 & 9 Vict. c. 118.

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Fourth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Inclosures mentioned in Schedule may be proceeded with.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Second Annual Inclosure Act 1849."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Saint Harmon	Radnor	5th January 1849.
Loxton	Somerset	15th February 1849.
Swannington, Brandiston and Haverland	Norfolk	26th June 1848.
Brasted Chart	Kent	8th February 1849.
Saint Ive Down	Cornwall	29th March 1849.
Creigbyther	Radnor	8th February 1849.
Hailey and Crawley	Oxford	8th February 1849.
Rumburgh Common	Suffolk	12th April 1849.
Hailsham, Hellingly and Arlington	Sussex	22d March 1849.
Binsted	Southampton	5th January 1849.
Ponsonby	Cumberland	20th January 1849.
Calder	Cumberland	20th January 1849.
Crosby and Birkby	Cumberland	28th February 1849.
Rotherwick	Southampton	7th June 1849.
Brockley	Suffolk	14th June 1849.
Bedfield Long Green	Suffolk	15th April 1846.
Bradfield Saint George	Suffolk	14th June 1849.

CAP. LVIII.

An Act to extend to the Officers of Inland Revenue the Privilege of becoming Members of the Excise Benevolent Fund Society. [28th *July* 1849.]

'WHEREAS a certain Society called "The Excise Benevolent Fund Society" has been formed under the Sanction of the Commissioners of Excise in connexion with the *Atlas* Insurance Company in *London*, and under a Deed of Settlement bearing Date the Fifth Day of *August* One thousand eight hundred and forty-five, enabling Persons employed in the Excise to insure their Lives at Rates and according to a Table of Premiums in the said Deed mentioned and referred to, and a Fund has been established

'established under the Provisions of the said Deed, and called "The Excise Benevolent Fund," for the 'Purpose of granting Annuities and Allowances to Widows and Orphans of the Assured, and pecuniary 'Assistance to superannuated Members of the said Society: And whereas the Privilege of becoming 'Members of the said Society is by the said Deed of Settlement limited to Persons employed in the Ex-'cise, and by an Act passed in the present Session of Parliament the respective Boards of Excise and 'Stamps and Taxes, have become One Consolidated Board of Commissioners of Inland Revenue, and all 'Officers of Excise as well as of Stamps and Taxes are by virtue of the said Act deemed to be Officers 'of Inland Revenue: And whereas the establishing of the said Excise Benevolent Fund Society has been 'found beneficial to the public Service, by conducing to the good Conduct of the Officers of Excise who 'have become Members thereof, and it is expedient to extend the said Privilege of becoming such Mem-'bers to all Officers and other Persons employed in the Department of Inland Revenue who may be 'desirous of availing themselves thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Society shall be called "The Inland Revenue Life Assurance and Benevolent Fund Society," and all Officers of Inland Revenue, and all Persons employed in the Department of Inland Revenue, may, if they shall think fit, be received Members of the said Society on the Terms and Conditions in the said Deed of Settlement mentioned or referred to, and shall have and be entitled to all the Benefits and Advantages arising therefrom, and such Members and their respective Widows and Orphans shall be entitled, under and subject to the Terms and Conditions, Rules and Regulations, contained in the said Deed, and to any Rules or Regulations made or to be made in conformity therewith, to participate in the said Benevolent Fund in common with the Persons who have become Members of the said Society before the passing of this Act, and their respective Widows and Orphans, and from henceforth the said Fund shall be called "The Inland Revenue Benevolent Fund."

The Excise Benevolent Fund Society to be called "The Inland Revenue Life Assurance and Benevolent Fund Society," and all Officers of Inland Revenue entitled to become Members thereof.

II. And be it enacted, That all Persons who at any Time heretofore have effected or at any Time hereafter shall effect Insurances on their Lives respectively, as Members of the said Society, shall be deemed to have become and to be such Members, upon the Terms and Conditions of the said Deed of Settlement, whether such Deed shall have been executed by them respectively or not; and all such Persons shall be held and deemed to be bound by the Provisions of the said Deed, and shall be entitled to the Benefits and Advantages thereof, notwithstanding that such Deed shall not have been executed by them, or that some One or more of the Persons named therein as Parties thereto may not have executed the same.

Persons effecting Insurances, as Members of the Society, to be bound by the Deed of Settlement, &c.

III. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

Public Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. LIX.

An Act to amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in *Ireland*. [28th *July* 1849.]

'WHEREAS by an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, the Commissioners of Public Works in *Ireland* were authorized to make Loans to Owners of Land in *Ireland* for the Improvement of such Land, upon 'the Terms and Conditions in the said Act mentioned; and it was thereby provided, that in respect of 'such Loans annual Rent-charges should be charged upon the Lands to be improved, and should be 'recoverable as therein mentioned: And whereas the Proceedings for Recovery of such Rent-charges 'are attended with considerable Inconvenience and Expense, by reason of its being necessary to examine 'as Witnesses the Clerks in the several Offices by and through which Advances have been made; and it 'is expedient that the said Act should be amended as herein mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Proceedings which have been or shall be taken for Recovery of any Rent-charge under the said Act a Certificate under the Hand of the Paymaster of Civil Services in *Ireland* for the Time being, or of such Person as the Commissioners of Her Majesty's Treasury may from Time to Time appoint (of which Appointment Notice to be published in the *Dublin Gazette* shall be sufficient Evidence), certifying that a Loan has been made or agreed to be made under the said Act, and certifying the Amount thereof, and the Number and Amount of the Instalments advanced on account of such Loan, and the annual Amount of Rent-charge payable in respect thereof, and the Lands charged with such Rent-charge, and how much is due in respect thereof, shall be conclusive Evidence of the Matters therein certified as aforesaid.

10 & 11 Vict. c. 32.

In Proceedings under recited Act the Certificate of the Paymaster of Civil Services shall be Evidence.

II. And be it enacted, That in any Proceedings which have been or shall be taken on any Security given in respect of the Expenses of obtaining a Report upon and investigating the Subject of any Application for a Loan under the said Act, or on any Bond or other Security given for the due Application of Monies advanced or to be advanced under the said Act, the Certificate of the Commissioners of Public Works in *Ireland*, under their Common Seal, certifying the Amount of the Expenses of obtaining such Report upon and investigating the Subject of such Application for a Loan under the said Act, including all Expenses consequent upon any such Investigation, or (as the Case may be) certifying the Amount of the

Certificate of Commissioners of Public Works shall be Evidence in case of Proceedings for Amount of preliminary Expenses, &c.

the Monies advanced by the said Commissioners, and the Amount of such Monies the Application of which shall not have been accounted for to the said Commissioners according to the Condition of such Bond or other Security, shall be conclusive Evidence of the Matters therein certified as aforesaid.

If Parties neglect to comply with Provisions of recited Act, or proceed with the Works, Commissioners may decline to make Advance.

III. And be it enacted, That in any Case in which an Order for a Loan shall have been made by the said Commissioners under the said Act, and the Person for the Time being entitled to the Benefit of such Order shall neglect to comply with the Provisions of the said Act, or the Rules and Regulations of the said Commissioners for the Purpose of obtaining any Advance or Instalment in respect of such Loan, or if after any such Instalment or Instalments shall have been advanced by the Paymaster of Civil Services such Person shall, after Notice by the said Commissioners of his Default in this Behalf, neglect to proceed with the Works for which such Loan shall have been made or agreed to be made, with such Diligence and Expedition as shall be satisfactory to the said Commissioners, it shall be lawful for the said Commissioners (if they think fit so to do), by Order under their Common Seal, to direct that the Amount of such Loan, or such Part thereof as shall be then remaining unpaid, shall not be issued; and thereupon the Monies applicable to such Loan, or to the Residue of such Loan, as the Case may be, may be applied to other Loans under the Provisions of the said Act.

Commissioners may sanction Alterations of Plan, &c., and substitute others in lieu thereof.

IV. And be it enacted, That it shall be lawful for the said Commissioners, upon the Application of the Owner, where it shall appear to them expedient so to do, from Time to Time to sanction the Alteration or Modification of any Plan, Specification, or Estimate originally approved of by them in relation to any Works for which any Loan has been agreed or ordered to be made under the said Act, or, in substitution, in whole or in part, for any such Plan, Specification, and Estimate, to sanction and approve of a Plan, Specification, and Estimate for other Works for any of the Purposes in the said Act mentioned, and to direct the Works to be carried on according to the Plan, Specification, and Estimate so altered or modified or substituted as aforesaid; and the Provisions of the said Act applicable in the Case of an Alteration or Modification of any Plan, Specification, or Estimate whereby the Advance of a further Sum of Money is required for the Completion of any Works, or the Expenditure is diminished, shall be applicable, under the like Circumstances, in the Case of any Alteration, Modification, or Substitution made under this Act.

Repeal of so much of recited Act as requires Certificate of Amount, &c.

V. And be it enacted, That so much of the said recited Act as requires that the said Commissioners shall execute in duplicate a Certificate stating the Amount of the Sums actually advanced in respect of any Loan under the Provisions of the said Act, and the Times of advancing the same, and the Registry of One of such Certificates, shall be repealed.

Recited Act and this Act to be One; and Loans under 12 & 13 Vict. c. 23. &c. to be deemed Loans under recited Act.

VI. And be it enacted, That the said recited Act and this Act shall be construed together as One Act; and all Loans made for the Purposes of the said recited Act out of any Money authorized to be advanced under an Act passed in the present Session of Parliament, intituled *An Act to authorize further Advances of Money for the Improvement of Landed Property in* Ireland, *and the Extension and Promotion of Drainage and other Works of public Utility in* Ireland, or under any other Act authorizing Loans to be made for the Purposes of the said recited Act, shall, for the Purposes of the Provisions of the said recited Act and of this Act applicable to the Loans under the said recited Act, be deemed to have been made under such Act.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LX.

An Act further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings. [28th *July* 1849.]

10 & 11 Vict. c. 10.

'WHEREAS by an Act passed in the Tenth Year of Her Majesty's Reign, intituled *An Act to render valid certain Proceedings for the Relief of Distress in* Ireland, *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings*, it was, amongst other things, enacted, that the Money mentioned in any such Undertaking as therein referred to, or so much thereof as by an Award to be made by the Commissioners of Public Works, or any Two of them, should appear to have been expended upon any of the Lands specified in any such Undertaking, should be a Charge on the Lands specified in such Undertaking and Award, and the Money mentioned in any such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, should be charged upon, raised, and levied from and out of the Lands so specified in such Award, and should be payable, at the Time or Times appointed in such Award, by the Person or Persons therein mentioned, and should be raised, levied, and recovered as therein mentioned by such Persons as the Commissioners of the Treasury should from Time to Time appoint: And whereas by an Act of the

11 & 12 Vict. c. 106.

last Session of Parliament, intituled *An Act to amend an Act of the Tenth Year of Her present Majesty for rendering valid certain Proceedings for the Relief of Distres in* Ireland, *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings*, Provision was made for giving Notice of such Awards to the Parties interested therein, and for the Registry of the same: And whereas Awards have been from Time to Time made by the said Commissioners of Public Works under the Provisions of the said first-mentioned Act and the said Act for the Amendment thereof, making payable the Sums respectively mentioned in the said Awards, with Interest thereon from the Tenth Day of *October* One thousand eight hundred and forty-seven, by half-yearly Instalments, in Ten Years, payable on the Fifth Day of *April* and Tenth Day of *October* in every Year, the

first

'first of the said Instalments to be paid on the Tenth Day of *October* in the Year One thousand eight 'hundred and forty-eight: And whereas the Paymaster of Civil Services in *Ireland* has been appointed 'by the Commissioners of Her Majesty's Treasury to receive Payment of the Sums specified in the said 'Awards: And whereas it is expedient to authorize the Principal Sums and Interest payable under the 'said Awards to be paid or satisfied by Rent-charges as herein-after mentioned, and it is expedient other-'wise to amend the said first-recited Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Application of the Person who for the Time being is liable to the Payment of any Instalment under any such Award as aforesaid the said Paymaster of Civil Services may, with the Sanction of the Commissioners of Her Majesty's Treasury, substitute for the Principal Money and Interest payable under such Award such Rent-charge as herein mentioned, and in every such Case the said Paymaster of Civil Services shall ascertain the Amount of Interest on the Principal Sum specified in the Award, such Interest being calculated from the Tenth Day of *October* One thousand eight hundred and forty-seven to the Fifth Day of *April* One thousand eight hundred and forty-nine at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and such Amount of Interest shall be added in each Case to the Principal Sum specified in the Award; and for and in lieu of every Sum of One hundred Pounds of such compound Sum, after giving Credit for such Payments (if any) as may have been made in respect of such Principal and Interest respectively, there shall be charged on the Lands specified in the Award a Rent-charge of Six Pounds Ten Shillings, and so in proportion for any less Amount, such Rent-charge to be payable for the Term of Twenty-two Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and forty-nine, and to be paid by equal half-yearly Payments on the Tenth Day of *October* and the Fifth Day of *April*, the first of such Payments to be made on the Tenth Day of *October* One thousand eight hundred and forty-nine; and the said Paymaster shall execute a Certificate under his Hand specifying the Amount of the compound Sum in respect of which such Rent-charge shall be payable, and the Amount of such Rent-charge, and the Lands to be charged therewith, and such Certificate shall be retained in the Office of the said Paymaster; and such Paymaster shall, on the Request and at the Expense of the Proprietor of the Lands so charged, issue to him a Duplicate or Copy of such Certificate; and from and after the Execution of such Certificate such Lands shall, without any Registry of such Certificate, become charged with such Rent-charge, in like Manner and with the like Priority as the Money which would have been payable under the Award in respect of which such Certificate shall issue stood charged on the same Lands under the said Acts of the Tenth Year of Her Majesty and of the last Session of Parliament; and every such Certificate in respect of the Lands therein specified shall be binding upon all Persons having any Estate or Interest in such Lands, and shall be conclusive Evidence that all Requisites with respect thereto have been duly complied with.

The Treasury may authorize the Payment of the Sums mentioned in Awards under recited Act, by Rent-charges for Twenty-two Years.

II. And be it enacted, That the Rent-charges which shall become chargeable on Lands under this Act shall be paid into the Bank of *Ireland* to the Credit of the said Paymaster, and by him carried to the Account of the Consolidated Fund, and the Receipt of the said Paymaster shall be a sufficient Discharge for the same.

Rent-charges to be paid as directed.

III. And be it enacted, That all the Powers and Provisions of an Act of the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, and of an Act of the present Session of Parliament to amend such Act, for increasing the Amount and shortening the Term of any Rent-charge chargeable on Lands under such Act of the Tenth Year of Her Majesty, for redeeming any such Rent-charge or a Part thereof, concerning the Payment of and Liability to such Rent-charge, concerning Deduction by Occupiers, Sub-lessees, and Sub-lessors from their Rent of Money paid on account of any such Rent-charge, for and auxiliary to the recovering and enforcing Payment of any such Rent-charge, and any half-yearly Payment thereof, and the Arrears thereof, and Costs, Charges, and Expenses in relation thereto, for the Release of a Portion of the Lands charged with any such Rent-charge (during the Continuance of such Rent-charge), for the Release of the Lands charged, on the Expiration or Discharge of any such Rent-charge, and on Payment of Arrears, and of all Costs, Charges, and Expenses, and concerning the Investment by Trustees in the Purchase or upon Mortgage of Land charged with any such Rent-charge, shall extend and be applicable to any Rent-charge to be charged under this Act, and to the Land to be charged therewith, in the same Manner as if such Rent-charge had been charged under such Act of the Tenth Year of Her Majesty, the Term "Owner" in such Powers and Provisions being for the Purposes of this Act construed to mean Proprietor within the Terms of the Act of the Fifth Year of Her Majesty, "to promote the Drainage of Lands and Improvement of Navigation and Water Power "in connexion with such Drainage in *Ireland*."

Provisions of 10 & 11 Vict. c. 32. and 12 & 13 Vict. c. 59. extended to Rent-charges under this Act.

5 & 6 Vict. c. 89.

IV. 'And whereas in several Cases in which Awards have been made by the Commissioners of Public 'Works Two or more Persons, not holding as Joint Tenants, Tenants in Common, or as Coparceners, 'have been named in such Awards as Proprietors of the Lands in such Awards respectively mentioned, 'whose separate Liability to the Amounts in such Awards respectively mentioned is not ascertained or 'defined; and in certain other Cases Awards have been made which have been found to be in some Particulars inaccurate, and in other Cases defective or erroneous Awards have been made omitting to charge 'the Lands of certain Proprietors with the Amounts expended thereon or for the Benefit of the same; 'and it is therefore expedient that the said Commissioners of Public Works should have Power in such 'first-mentioned Cases to determine and ascertain the Amount or Proportion to which the Lands of each 'of such Persons or Proprietors are respectively liable, and to make new Awards according to such

Where Two or more Persons, not being Joint Tenants, &c., are named in Award, Commissioners empowered to make new Award.

'Determination, and also in such other Cases that said Commissioners of Public Works should have 'Power to make new Awards in lieu of such inaccurate, defective, or erroneous Awards:' Be it therefore enacted, That in all Cases in which Two or more Persons, not being Joint Tenants, Tenants in Common, or Coparceners, are named in any of the Awards made under the said recited Acts, or either of them, as the Proprietors of the Lands liable to the Repayment of the Monies in any such Award mentioned, and thereby charged and secured on such Lands, and the Amount or Proportion to which the Lands of each Proprietor in such Award mentioned are liable is not therein defined or ascertained, it shall be lawful for the said Commissioners of Public Works, or any Two of them, to ascertain and determine, as to them shall seem just and reasonable, the Proportion or Amount to which the Lands of each such Proprietor are liable, and to make further or new Awards determining and specifying the Lands of each such Proprietor, and the Proportion or Amount to which the Lands of each such Proprietor are liable; and in any Case in which by reason of the said Commissioners having heretofore made any inaccurate, defective, or erroneous Award, or in any other Case whatsoever in which the said Commissioners shall deem it right or expedient so to do, it shall be lawful for the said Commissioners of Public Works, or any Two of them, to make such new Award in the Premises, in lieu and stead of any such inaccurate, defective, or erroneous Award, or in lieu or stead of any other Award, as to the said Commissioners shall seem meet; and the Lands in every such new Award mentioned shall remain charged with and subject and liable to the Amount specified in every such new Award relating to the same in the same Manner as Lands of Proprietors are charged with and made subject and liable to the Sums specified in any Award heretofore made under and by virtue of the Provisions of the said recited Acts; and every such new Award shall be good, valid, and effectual to all Intents and Purposes whatsoever, and shall be reputed, deemed, and taken to be made in accordance with and under the Provisions of the said recited Acts and this Act, and every such new Award shall be substituted in the Place and Stead of the former Award.

In Cases of inaccurate, defective, &c. Awards, Commissioners may make new Awards.

Lands in new Award charged.

New Awards to be good, valid, &c.

V. And be it enacted, That all the Provisions of the said recited Acts shall extend to and apply to any new Award to be made under the Provisions of this Act.

Recited Acts to extend to new Awards.

VI. And be it enacted, That in all Cases of new Awards to be made by the said Commissioners of Public Works under the Provisions of this Act, and where the Award in lieu of which any such new Award shall be made shall have been registered previously to the making of such new Award, it shall and may be lawful for the said Commissioners of Public Works in *Ireland*, and they are hereby authorized and required, to issue a Certificate under the Hands of Two of the said Commissioners, to the Effect that the Award so registered shall not be taken or deemed to be a Charge or Incumbrance on the Lands in such Award mentioned; and every such Certificate shall be in such Form as the said Commissioners shall deem fit; and upon Production of such Certificate (of the signing of which by the said Commissioners as aforesaid no Affidavit shall be required) to the Registrar of the Office for registering Deeds, Conveyances, and Wills in *Ireland*, or his Deputy, the said Registrar or his Deputy shall make an Entry of such Certificate in the Margin or at the Foot of the Registry of the Award to which such Certificate shall relate; and such Registrar or his Deputy shall thereupon file such Certificate, and retain the same upon Record in the said Registry Office; and such Registrar or his Deputy shall thereupon also make an Entry to the Effect before mentioned on the said original Award to which such Certificate shall relate, for the Purpose of showing that such Award has been cancelled.

In all Cases of new Awards, if original Award registered, Commissioners to issue Certificate exonerating Lands in original Award from Charge.

Certificate to be registered.

VII. And be it enacted, That no Fees whatsoever shall be payable for or in respect of such Registration of any such Certificate, anything in any former Act to the contrary notwithstanding, nor shall any such Certificate be liable to any Stamp Duty whatever.

Registration of Certificate not liable to Fees or Stamp Duty.

VIII. 'And whereas under the Provisions of an Act made and passed in the Tenth Year of Her 'Majesty, intituled *An Act to facilitate the Employment of the Labouring Poor for a limited Period in the 'distressed Districts in* Ireland, a Presentment was made at an Extraordinary Presentment Sessions held at 'Balbriggan for the Barony of *Balrothery East* in the County of *Dublin*, on or about the Twenty-sixth 'Day of *October* One thousand eight hundred and forty-six, for the Sum of Ten thousand Pounds, to be 'raised off the said Barony as therein mentioned, and by such Presentment a Sum of One thousand five 'hundred Pounds, Part of the said Sum of Ten thousand Pounds, was allocated to improve and deepen the 'Harbour of *Balbriggan:* And whereas the Allocation of the said Sum of One thousand five hundred 'Pounds was made at the Instance of *George Alexander Hamilton* Esquire, M.P., the Proprietor of the 'Estate adjoining the said Harbour, upon his agreeing to repay the Amount which should be expended 'on the improving and deepening of the said Harbour, and it is expedient to make Provision for Repay-'ment of the same:' Be it therefore enacted, That the Amount mentioned in such Presentment, or so much thereof as by an Award to be made by the said Commissioners of Public Works, or any Two of them, (and which said Award the said last-mentioned Commissioners, or any Two of them, are hereby authorized to make,) shall appear to have been expended upon such Work of improving and deepening the said Harbour of *Balbriggan*, shall be a Charge on all Lands the Property of the said *George Alexander Hamilton*, or on such Parts thereof as shall be specified in such Award, and on all Dues arising out of the said Harbour; and the Amount mentioned in such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, to be calculated from the Fifth Day of *April* One thousand eight hundred and forty-nine, shall be charged upon and raised and levied from and out of the Lands specified in such Award, and shall be payable by Forty-four equal half-yearly Instalments on every Tenth Day of *October* and Fifth Day of *April* in each and every Year, by the said *George Alexander Hamilton*, or by the Person or Persons who shall be the Owner or Proprietor of such Lands for the Time being, until the Amount specified in such Award, with Interest as aforesaid, shall be fully paid, the first

Commissioners to make Award respecting Amount expended on Harbour at Balbriggan pursuant to Presentment under 9 & 10 Vict. c. 107.

Payment

Payment thereof to be made on the Tenth Day of *October* next, or in lieu thereof there shall be charged and payable a Rent-charge of Six Pounds Ten Shillings for every One hundred Pounds for a Term of Twenty-two Years.

Lands in such Award charged with Amount and Interest.

IX. And be it enacted, That the Lands which shall be specified in that Behalf in such last-mentioned Award shall from and after the Registry of such Award be charged with the Amount mentioned in such Award, with the Interest thereon as aforesaid, with the same Priority as Money charged by an Award under the said first-recited Act; and all the Provisions of the said first-recited Act of the Tenth Year of Her Majesty, and of the said Act of the last Session of Parliament, and of this Act, which relate or apply to Awards made or to be made thereunder with respect to Monies expended on Works of Drainage and Subsoiling, shall extend and apply to the said Award which the said Commissioners are authorized to make with respect to the Expenses incurred in the Execution of the said Works in the said Harbour of *Balbriggan*, so far as the same may be applicable, and not inconsistent with the Provisions hereby made respecting the same.

Provisions of 10 & 11 Vict. c. 10., 11 & 12 Vict. c. 106., and this Act, to apply to such Award.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXI.

An Act to continue, until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.* [28th *July* 1849.]

* 3 & 4 Vict. c. 89.

CAP. LXII.

An Act to authorize the Advance of Money out of the Consolidated Fund to the *Midland Great Western* Railway of *Ireland* Company. [28th *July* 1849.]

'WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and Employment of the Poor*, and which said Act recites the aforesaid Act and several other Acts which had been passed, making Provisions for and regulating Loans and Advances to be made by the Commissioners therein mentioned or appointed in pursuance thereof, who are commonly called and herein-after referred to as the Public Works Loan Commissioners: And whereas an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Dublin *to* Mullingar *and* Longford, *to be called* "The Midland Great Western *Railway of* Ireland," and the Company by the said Act incorporated for the aforesaid Purposes was by the said Act incorporated by the Name of "The *Midland Great Western* Railway Company of *Ireland*," but which Company in the Acts next after mentioned is called "The *Midland Great Western* Railway of *Ireland* Company:" And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Deviation in the authorized Line of the said Railway, and also a Branch Railway to the River* Liffy: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Railway from* Mullingar *to* Athlone: And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make certain Deviations in the authorized Line of the said Railway, and to amend the Acts relating thereto*: And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Railway from* Athlone *to* Galway, and by the first-mentioned Act incorporating the said Company the Company was authorized to purchase the Royal Canal therein mentioned, which when purchased was to be vested in the *Midland Great Western* Railway of *Ireland* Company, with all the Powers of the said Canal Company, and such Canal has been accordingly purchased: And whereas the said Railway from *Dublin* to *Mullingar* has been completed, and opened for the Use of the Public, but no Part of the said Lines from *Mullingar* to *Athlone* or from *Athlone* to *Galway* has been begun, but a Portion of the Capital for the making the said Line from *Mullingar* to *Athlone* has been raised, but no Part of the Capital for making the said Railway from *Athlone* to *Galway* has been yet raised: And whereas the Construction and Completion of the said Railway between *Athlone* and *Galway* will contribute to the Advantage and Improvement of the respective Counties and Districts adjoining or near to such Railway, and therefore it is expedient that the Baronies and Half Baronies of the Counties and the County of the Town after mentioned should to the Extent after mentioned pay or contribute towards the Payment of any Monies and the Interest of any Monies borrowed to complete the said Line under

57 G. 3. c. 34.

9 & 10 Vict. c. 80.

8 & 9 Vict. c. 119.

9 & 10 Vict. c. 210.

9 & 10 Vict. c. 224.

10 & 11 Vict. c. 130.

10 & 11 Vict. c. 176.

'the Provisions of this Act: And whereas an Application has been made to the said Public Works 'Loan Commissioners by the said *Midland Great Western* Railway of *Ireland* Company for the Loan of 'the Sum of Five hundred thousand Pounds in aid of the Expense of making and completing the said 'Railway between *Athlone* and *Galway*, and it is deemed expedient to make an Advance of Money out 'of the Consolidated Fund for the Purpose of such Loan:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the Purpose of such Loan the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under their Hands, from Time to Time or at any one Time, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to direct the Issue thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt of a Sum or Sums of Money not exceeding in the whole Five hundred thousand Pounds.

Power to Treasury to charge the Consolidated Fund, and direct the Issue thereout of 500,000*l.*

II. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued out of the Consolidated Fund as aforesaid, and they shall continue the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the "National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid.

To be carried to the Account of the Commissioners for the Reduction of the National Debt on account of Public Works Loan Fund.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, if they shall think fit, to authorize and require the said Public Works Loan Commissioners to advance and lend to the said Railway Company by such Instalments, on such Terms and subject to such Conditions and Stipulations as the said Commissioners of Her Majesty's Treasury shall direct, any Sum or Sums of Money not exceeding in the whole Five hundred thousand Pounds, and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, not exceeding the Rate of Three Pounds Ten Shillings *per Centum per Annum*, shall be secured by such Mortgage or Mortgages, and in such other Manner as is herein-after mentioned or referred to.

Treasury empowered to authorize Public Works Loan Commissioners to make Advances to Railway Company.

IV. And be it enacted, That all Monies advanced shall be secured to be repaid by every such Mortgage as aforesaid, with Interest after the Rate not exceeding Three Pounds Ten Shillings *per Centum per Annum* on the Principal Sum thereby secured from the Time of advancing the same, by equal half-yearly Payments, the first of such Payments to be made at the Expiration of Six Calendar Months from the Date of every such Mortgage, and if such Interest shall be duly paid half-yearly then no Part of the Principal secured by any such Mortgage shall be required to be repaid for Ten Years from the Date of every such Mortgage, and after the Expiration of Ten Years from the Date of every such Mortgage, and during such Time as the Principal and Interest Monies shall be punctually paid half-yearly as herein-after mentioned, the said Principal Sum advanced shall be repaid, with Interest, in manner following; that is to say, there shall be paid half-yearly as from the Expiration of the said Ten Years the Sum of Two Pounds Ten Shillings *per Cent.* on the Principal Money originally advanced, and a sufficient Part of such half-yearly Payments shall be first applied in discharge of the Interest from Time to Time accruing due on that Part of the Principal Sum which shall from Time to Time be unpaid, and the Residue of such half-yearly Payments shall be applied in discharge of the Principal Money secured until the whole thereof, with Interest thereon, shall be paid off.

Provisions to be contained in Mortgages for Payment of Principal and Interest.

V. And be it enacted, That it shall be lawful for the said Railway Company at any Time or from Time to Time to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds, and to mortgage, convey, assign, and assure to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct, all and every the Railways and Undertakings authorized to be constructed by the said recited Acts relating to the said Company, and the Works, Lands, Property, Chattels, and Effects of the Company connected therewith, and also the Canal, Lands, Property, Chattels, and Effects purchased or agreed to be purchased of the Royal Canal Company in the last-mentioned Acts or one of them particularly mentioned, and all Rates, Tolls, Profits, and Receipts accruing and hereafter to accrue to or for the Use of the said Railway Company, and all other Works and Property of or to which the said Railway Company now is or hereafter may be seised, possessed, or entitled in any Manner howsoever, for securing the Repayment of any Sum or Sums of Money which shall be so borrowed as aforesaid, anything in the said Acts relating to the said Railway Company, or any Acts incorporated with or forming Part of any of the said Acts, to the contrary thereof in anywise notwithstanding; and such Securities for the Monies so to be borrowed may be made under such Conditions, and with such Stipulations and Provisions, as the said Commissioners of the Treasury shall direct, anything in the said Acts relating to the said Company to the contrary notwithstanding.

Power for Railway Company to borrow Money of Public Works Loan Commissioners.

Security to be made as Treasury shall direct.

VI. And be it enacted, That no Security to be given to the said Public Works Loan Commissioners or their Secretary as aforesaid shall be invalidated or otherwise affected by any Defect or Informality in any Meeting or Proceeding of the said Railway Company or the Directors thereof, or by reason of any Nonobservance of any of the Provisions contained in any of the said Acts relating to the said Railway Company, or in respect of the Application of any of the Monies by the said Acts authorized to be raised, or the Distribution of the Shares of the said Company, or otherwise howsoever; and every such Security

Securities given to Public Works Loan Commissioners to have Priority.

shall

shall be valid and effectual to all Intents and Purposes, and have Priority over all Dividends, Interest, or other Monies payable or which may become payable to Shareholders in the said Railway Company, and over all Mortgages, Bonds, Charges, and Securities whatsoever which have been or shall be hereafter created or given by the said Railway Company, except a certain Security given to Trustees named as the Trustees of the Royal Canal Company for a Part of the Amount of the Purchase Money for the said Canal, and in respect of which Security a Sum not exceeding One hundred and thirty-five thousand eight hundred and sixty Pounds Fifteen Shillings and Eight-pence, with the current Half Year's Interest thereon, is now due and owing.

Incorporated Name of Railway Company.

VII. And be it enacted, That the said Railway Company incorporated by the said first herein-before mentioned Act which relates to the said Company shall for the Purposes of this Act be deemed and taken to have been incorporated by the Name of "The *Midland Great Western* Railway of *Ireland* Company," and all Acts done by the said Company under the Name by which the said Company was first incorporated shall be binding and effectual, and all Acts done or to be done by the said Company in the Name of the "*Midland Great Western* Railway of *Ireland* Company" shall be as binding as if they had been done in the Name by which the said Company was originally incorporated.

Baronies in Galway, and Two Baronies in Roscommon, to pay a Sum equal to Interest on Advances in certain Events.

VIII. And be it enacted, That if any Monies shall be borrowed by the said Railway Company under the Provisions of this Act, then so long as any Part whatever of the Principal Monies borrowed shall remain unpaid, and as from the Time of any such Loan or Loans respectively, a Sum equal to One Pound Fifteen Shillings *per Cent.* on the Sum or Sums originally borrowed shall (subject as after mentioned) be paid half-yearly to the said Railway Company by the Barony of *Moycarn* and the Barony of *Athlone* in the County of *Roscommon*, and by all the several Baronies and Half Baronies in the County of *Galway*, and by the County of the Town of *Galway*, all in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, rateably and in the Proportions to be ascertained as after mentioned: Provided nevertheless, that if after the said Railway from *Athlone* to *Galway*, or any Part thereof, shall have been opened, there shall be any Profit made by such Railway in any Half Year (such Profit to be ascertained as after mentioned), then the Amount thereof shall be deducted from the half-yearly Amount which would otherwise be payable by such Baronies and Half Baronies and County of the Town of *Galway;* and if such Profit shall equal or exceed the Amount so to be paid, then no such Payment shall be made.

Treasury to appoint Arbitrator to determine Proportion to be paid by each Barony, &c.

IX. And be it enacted, That for the Purpose of ascertaining the Proportions in which the said Baronies and Half Baronies and County of the Town of *Galway* shall pay the said Sum so to be paid half-yearly as aforesaid, and during such Time as the same shall be payable, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint a Person or Persons who shall by his or their Award in Writing assess and determine the relative Proportions in which such Sum shall be paid and made up by each of the said several Baronies and Half Baronies and County of the Town of *Galway*, such Person or Persons taking into consideration the Benefit or supposed Benefit (immediate or prospective) which such Baronies and Half Baronies and County of the Town of *Galway* may in his or their Opinion be likely to derive from the Formation and opening of such Railway; and the Award of such Person or Persons under his or their Hand or Hands shall, when allowed by the said Commissioners of Her Majesty's Treasury, in all respects be final and binding on the said Baronies and Half Baronies and County of the Town of *Galway;* and from and immediately after the Allowance of such Award by the said Commissioners of Her Majesty's Treasury the said several Baronies and Half Baronies and County of the Town of *Galway*, and all Lands, Tenements, and Hereditaments therein respectively, shall be and are hereby charged and made chargeable with the Payment of such Sum in the several Proportions specified and set forth in such Award; and after such Award shall have been allowed in manner aforesaid the same, and such Duplicates thereof as may be necessary, shall be delivered to the said Railway Company upon their Request, and upon Payment by them to such Person or Persons making such Award as aforesaid of such Remuneration, if any, for his or their Trouble in making such Award as the said Commissioners of Her Majesty's Treasury shall determine.

Treasury to appoint Auditors of Company's Accounts.

X. And be it enacted, That the Commissioners of Her Majesty's Treasury, during such Period as any Principal or Interest Monies shall remain unpaid in respect of the Securities to be given to the said Public Works Loan Commissioners as aforesaid, shall and they are hereby authorized and required from Time to Time to appoint a fit and proper Person or fit and proper Persons (not exceeding Three in Number) to audit the Accounts of the said Railway Company, and to make Certificates in pursuance of the Directions herein-after contained; and that it shall and may be lawful to and for the said Commissioners of Her Majesty's Treasury during such Period as aforesaid from Time to Time to revoke the Appointment of such Auditor or Auditors, or any of them, and such Auditor or Auditors from Time to Time to remove, and his or their Powers and Authorities to revoke, and any other Person or Persons in the Place of such Person or Persons so displaced, or of any Person dying, to appoint, with the same Powers or Authorities, and the said Railway Company shall pay to each of the Persons so appointed such a Sum for his Trouble in making such Audit as the said Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine.

For the Purpose of ascertaining net Profits, Railway Company to keep separate Accounts re-

XI. And be it enacted, That for the Purpose of ascertaining the Amount of net Profits (if any) of the whole or any Portion of the said Railway from *Athlone* to *Galway* the said Railway Company shall from Time to Time, and at all Times so long as any Principal Monies shall remain unpaid in respect of any Securities to be given to the said Public Works Loan Commissioners as aforesaid, keep the Accounts of the Receipts and Expenditure relating to the whole or any Portion of the Railway between *Athlone* and

lating to Line between Athlone and Galway.

and *Galway*, and all Matters connected therewith, separate and distinct from the Accounts of all other Receipts and Expenditure by the said Railway Company, such Accounts to be kept in such Manner and Form as such Auditor or Auditors shall from Time to Time direct; and that the said Company shall, after any such Advances, and within One Calendar Month after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, make out or cause to be made out and rendered to the said Auditor or Auditors a full, true, and distinct Account of all the Receipts and Expenditure for the then preceding Half Year of and relating to the said Railway from *Athlone* to *Galway*, and every Part thereof, which Account the said Auditor or Auditors shall and he or they is or are hereby authorized and empowered to examine with the Documents or Vouchers evidencing the same (which Documents and Vouchers, and all Books, Papers, and Accounts in the Custody or Control of the said Railway Company relating to the Business of the said Company, shall, upon the Request of the said Auditor or Auditors to that Effect, be forthwith produced by the said Company to him or them, who shall be at liberty to examine the same); and for the Purpose of judging of the Accuracy of such Account such Auditor or Auditors shall and may and he and they is and are hereby empowered to examine all other the Accounts of the said Company relating to the other Parts of the said Railway or Branches now made or hereafter to be made; and which said Accounts and the Vouchers relating to the same the said Company are hereby directed to keep and produce during such Time as aforesaid as the said Auditor or Auditors shall direct, and he or they shall adjust and balance such Accounts relating to the said Railway from *Athlone* to *Galway*, and complete such Audit for the Purpose of ascertaining whether during such preceding Half Year any Profit shall have been made, and of preparing such Certificate as is herein-after mentioned; and the Opinion of such Auditor or Auditors as to the Mode of keeping and balancing such Accounts as aforesaid, and as to the Monies or Proportion of Monies to be charged to the said Railway from *Athlone* to *Galway*, either as Capital or Income, and as to all other Matters relating to the said Accounts, or what in his or their sole Opinion shall be considered as Profit, shall in all respects be final and conclusive on all Parties.

Accounts to be audited.

Auditor shall, on Completion of each Audit, ascertain if Company have made Payments as by Security for Loans they are liable to, and also Amount of Profits.

XII. And be it enacted, That such Auditor or Auditors shall on the Completion of every half-yearly Audit, and so long as any Monies advanced to the said Railway Company as aforesaid shall remain unpaid, ascertain and determine whether the said Railway Company have, by themselves or otherwise, for the preceding Half Year, made such half-yearly Payments as by virtue of the Security or Securities for any such Loan or Loans they shall be liable to pay, and also after the said Railway from *Athlone* to *Galway*, or any Part thereof, shall have been completed and open to the Public, (from a Profit and Loss Account of the Income and Expenditure of the said Railway from *Athlone* to *Galway*,) ascertain and determine the Amount, if any, of Profit which shall appear on such Account to have been made during such Half Year.

Auditors to certify Sums payable by certain Baronies.

XIII. And be it enacted, That when such Auditor or Auditors shall find that the said Railway Company have made such Payments as aforesaid for the preceding Half Year, and not before, then he or they shall by a Certificate under his or their Hand or Hands certify the same, and also the Amount of Profit (if any), after the said Railway between *Athlone* and *Galway*, or any Part thereof, shall have been opened, appearing on such Account as aforesaid, and (after deducting such Profit (if any) from the Amount of the said half-yearly Payments of One Pound Fifteen Shillings *per Centum* secured to be paid by such Baronies and Half Baronies and County of the Town of *Galway* as aforesaid) the said Auditor or Auditors shall in such Certificate ascertain and state the Balance remaining to be paid to make up such half-yearly Payments of One Pound Fifteen Shillings *per Centum* as aforesaid, and the proportionate Part of such Balance which is to be raised and levied in each such Barony and Half Barony and County of the Town of *Galway*, such proportionate Parts to be ascertained and determined according to the several Proportions to be specified and set forth in the herein-before mentioned Award: Provided nevertheless, that after the said Railway between *Athlone* and *Galway*, or any Part thereof, shall have been completed and opened to the Public, and when and so often as the Profit on such Account as aforesaid shall equal or exceed the said half-yearly Payments of One Pound Fifteen Shillings *per Centum*, secured to be paid by such Baronies and Half Baronies and County of the Town of *Galway*, then such Auditor or Auditors shall state the same in such Certificate, and that consequently for such Half Year no Payment is to be made in respect of such half-yearly Payments secured to be made by the said Baronies and Half Baronies and County of the Town of *Galway*, and every such Certificate shall be final and binding on all Parties.

Proviso.

Provisions with respect to Profit and Loss Account.

XIV. And be it enacted, That in taking and keeping the aforesaid Account of Profit and Loss no Payment by the said Railway Company to the said Public Works Loan Commissioners, nor any Receipts by the said Railway Company in respect of such half-yearly Payments of One Pound Fifteen Shillings *per Centum*, shall be taken into account as Profit or Loss, but the same shall solely contain the Amount of Income and Expenditure relating to the aforesaid Railway from *Athlone* to *Galway*; and when in any One Half Year the Amount of Profit shall exceed the Sum which in case of no Profit would have been payable by such Baronies and Half Baronies and County of the Town of *Galway*, then, after deducting therefrom the Amount which would otherwise have been so payable, the Balance of any Profit remaining shall be carried to the next half-yearly Account as Profit.

Auditors to deliver Certificate to Railway Company.

XV. And be it enacted, That the said Auditor or Auditors shall, on the Request of the said Railway Company, and within One Calendar Month after the Date of every such Certificate, deliver the said Certificate, and a Duplicate or Duplicates thereof, to the said Company.

Sums mentioned in

XVI. And be it enacted, That the said Railway Company shall from Time to Time deliver the said Certificate, or such Duplicate thereof as aforesaid, to the Secretary of the Grand Jury of each County

or

or County of a Town in which any such Barony or Half Barony or County of a Town as aforesaid shall be situate, and each Secretary of the Grand Jury shall lay such Certificate or Duplicate thereof before the Grand Jury of such County or County of a Town at the next Assizes after he shall receive the same, and it shall be lawful for every such Grand Jury and they are hereby required, without Application to Presentment Sessions, to present the Sum specified to be payable in every such Certificate relating to such County or County of a Town to be raised and levied off such respective Baronies or Half Baronies in each of the said Counties, or off such County of a Town, and the same shall be raised and levied accordingly together with and in like Manner and subject to like Provisions as other Monies presented by such Grand Jury at the same Assizes, and the Treasurer of such County or County of a Town shall pay the Sum so presented by the Grand Jury, when and as by him received, unto the said Railway Company, or in such other Manner as the said Company shall direct: Provided always, that if the Grand Jury of any such County or County of a Town shall fail to present the Sum or any Part thereof specified to be payable in any such Certificate relating to such County or County of a Town, the Treasurer of such County or County of a Town shall and he is hereby required to insert such Sum or such omitted Part thereof in his Warrant for raising the Monies presented at the same Assizes, as if such Sum had been duly presented by such Grand Jury to be raised in manner herein-before mentioned off the respective Baronies or Half Baronies properly chargeable therewith as aforesaid, or County of a Town (as the Case may be), and the same shall be raised and levied off such Barony or Half Barony or County of a Town (as the Case may be) accordingly, as if the same had been so presented, and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided in the Case of such Money being presented by the Grand Jury.

Auditor's Certificate to be presented by Grand Jury, and paid by Treasurer.

In case the Grand Jury fail to present, Treasurer shall insert such Sum in the Warrant, which shall be levied as if it had been presented

XVII. And be it enacted, That, notwithstanding the said Railway Company may borrow any Monies in pursuance of this Act, such borrowing shall not prevent their borrowing any Sum or Sums of Money which by the aforesaid Acts relating to the said Railway they are or shall be authorized to borrow, and they shall be entitled to borrow the same in all respects as to Amount, Security, or otherwise as if this Act had not passed, and as if no Monies had been borrowed under the Powers of this Act, except that the Securities to be given by the said Company shall be subject in all respects to the Securities at any Time to be made in pursuance of this Act, and except that if the said Company shall borrow any Monies in pursuance of the Powers of this Act the said Company shall not be entitled, in pursuance of the Powers contained in the said Act for making the said Railway from *Athlone* to *Galway*, to borrow any of the Monies by that Act authorized to be borrowed.

Railway Company's Powers of borrowing Money not to be affected by this Act, except as herein mentioned.

XVIII. 'And whereas it is expedient, for the Purpose of employing the Poor in that Part of *Ireland*, 'that the said Railway Company should be enabled to enter into possession of the Land and other Here- 'ditaments required for the Purposes of the said Railway from *Mullingar* to *Galway*, and by the said 'Acts respectively relating to such Railway authorized to be taken by the said Company: And whereas 'the said Railway forms the central Part of the Main Line from *Dublin* to *Galway*, and the whole Line 'of Railway Communication cannot be completed unless Provision is made for constructing the said Line 'from *Mullingar* to *Athlone* simultaneously with that from *Athlone* to *Galway*, and the said Company 'have agreed to proceed therewith without Delay upon obtaining immediate Possession of the Land 'necessary for that Purpose:' Be it therefore enacted, That the said Company shall cause to be made out, and to be signed with the Names of their Engineer and Secretary, Maps and Schedules of all such Lands and Hereditaments, together with the Names of the Owners or reputed Owners, Lessees, and Occupiers thereof, as far as the same can be reasonably ascertained, with Estimates of the gross annual Value, and the Value thereof in Fee, (taking into consideration Damage by way of Severance, and any other Matters by "The Lands Clauses Consolidation Act, 1845," required to be considered, if necessary,) of all such Lands and Hereditaments respectively required for the Purposes of the said Railway from *Mullingar* to *Galway*, and every such Map shall be upon a Scale of Two hundred Feet to the Inch; and all Lands, Buildings, Yards, Courtyards, and Lands within the Curtilage of any Building and Ground cultivated as a Garden shall be marked with the distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans and Sections of the said Railway, and shall have put thereon a distinct Valuation to each Number; and the Company shall deposit such Maps, Schedules, and Estimates at the Office of the Commissioners of Public Works in the City of *Dublin*, and a Copy of such Maps, Schedules, and Estimates with the Secretary of the Grand Jury of the County, County of a City, or County of a Town in which such Lands, Tenements, and Hereditaments shall be situate.

Company to make out Maps and Schedules of Lands, &c. required for Railway from Mullingar to Galway.

Maps, &c. to be deposited with the Commissioners of Public Works, and a Copy with Secretary of Grand Jury.

XIX. And be it enacted, That such last-mentioned Commissioners shall consider such Valuations as aforesaid, and may at their sole Discretion alter or vary the same, and may call for such further Information relating thereto as they shall think fit; and so soon as the said last-mentioned Commissioners or any Two of them shall from Time to Time have signified in Writing their Approval and Sanction of any such Maps, Schedules, and Estimates deposited as aforesaid, or any Part thereof, it shall be lawful for the said Company from Time to Time to enter upon any Lands and Hereditaments described in such Plans so deposited as aforesaid, the Estimate of the Value whereof shall have been approved as aforesaid, and thenceforward to hold the same in Fee discharged of all Estates and Interests whatsoever of any Person or Body whomsoever; and further, that the said Company shall proceed to deposit so much of the said Maps, Schedules, and Estimates so approved of as aforesaid, as relates to each Parish in which any Lands or Hereditaments required to be taken for the Purposes of the said Railway between *Mullingar* and *Galway* are situate with the Clerk of the Poor Law Union of every such Parish, and thereupon the Company shall publish a Notice once in the *Dublin Gazette*, and once for Three successive Weeks in some one and the same Newspaper circulated in the County in which such Lands, Tenements, and Hereditaments

Power for Company to take possession of Lands, &c. on Approval of Plans and Estimates by the Commissioners of Public Works.

Plans to be deposited and Notices given.

Hereditaments are situate; and every such Notice shall state the Time and Place of depositing such Maps, Schedules, and Estimates with the Clerk of such Union, and the Sanction and Approval of the said Maps, Schedules, and Estimates by the said Commissioners of Public Works, and shall require all Persons claiming to have any Right to or Interest in the Lands and Hereditaments required for the Purposes of the said Railway in such Parish to deliver to the Company on or before a Day to be named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices) a short Statement in Writing of the Nature of such Claim or Right, and a short Abstract of the Title on which the same shall be founded, such Statement and Abstract to be paid for by the said Company.

Certificates of Value to be delivered by Company.

XX. And be it enacted, That within Thirty Days from the Delivery of such Statement and Abstract as aforesaid the said Company shall, when it shall appear to them that the Party or Parties so claiming as aforesaid are absolutely entitled to the said Lands or Hereditaments claimed by them, deliver to such Party or Parties, on Demand, a Certificate under the Company's Seal stating the Amount of the Valuation so put by the Company as aforesaid; and where it shall appear to the said Company that there are different Interests existing in the same Lands or Hereditaments, then the said Company shall apportion the Amount of their said Valuation according to such different Interests, and shall deliver, on Demand, to each Party claiming such different Interests as aforesaid, a Certificate under the Seal of the said Company stating the Valuation of the Interest to which such Party so claiming as aforesaid is in the Opinion of the Company entitled to receive; and where more Land or Hereditaments than is included in One Number shall be claimed by the same Party or Parties, such Land or Hereditaments, and the Valuations thereof or of the Interest therein, may be included in One Certificate if the Company shall think fit, such Certificates to be prepared by and at the Costs of the said Company.

Amount mentioned in Certificates to be paid to Parties, on Demand, or into Court of Exchequer in Ireland.

XXI. And be it enacted, That the said Company shall, on Demand, pay to the Party or Parties to whom any such Certificate shall have been given, or into the Court of Exchequer in *Ireland* in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificates to the Party or Parties to whom or in whose Favour such Certificates shall be given, his or her Executors, Administrators, or Assigns; and if the said Company shall wilfully make default in such Payment as aforesaid, then the Party or Parties named in such Certificate shall be entitled to enter up Judgment against the said Company in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificates respectively, in the same Manner in all respects as if they had been, by Warrant of Attorney from the said Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs as is usual in like Cases; and all such Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Company entering on any such Lands or Hereditaments as aforesaid.

Receipts duly stamped to operate as a Conveyance.

XXII. And be it enacted, That where any Monies shall be paid on such Certificates as aforesaid, the Parties receiving such Monies shall give to the said Company Receipts for the same, and such Receipts shall have the Effect of a Release or Conveyance of all the Estate and Interest of such Parties in the said Lands or Hereditaments, and of that of all Parties claiming under or through them, so as such Receipts shall have the same Stamp impressed thereon in respect of the Purchase Monies mentioned in such Certificate, but exclusive of the Amount paid for Severance and consequential Damages, as would have been necessary if the same had been an actual Conveyance of such Estate or Interest, such Receipts to be prepared by and at the Costs of the said Company.

If Parties making Claim are deemed not entitled, or shall be under Disability, or if Title shall not be satisfactorily deduced, Monies to be paid into Court.

XXIII. And be it enacted, That if it shall appear to the said Company from such Statement and Abstract as aforesaid or otherwise that the Party or Parties making such Claim as aforesaid are not absolutely entitled to the said Lands or Hereditaments, or shall be under any Disability, or if the Title to such Hereditaments shall not be satisfactorily deduced to the said Company, then the Amount of any such Valuations as aforesaid, or of any Monies to be recovered on any Traverse as after mentioned, or payable in respect of any Judgment or Execution as after mentioned, exceeding Twenty Pounds, shall, on the Request of any Party claiming any Interest in the Lands or Hereditaments included in any such Valuations, or without such Request, if the said Company shall think fit, be paid into Court in all respects as by "The Lands Clauses Consolidation Act, 1845," is provided in Cases of Sales by Parties under Disability; and such Monies shall be dealt with in all respects as if the same had been paid into Court in pursuance of the Provisions of the said last-mentioned Act on a Sale of any such Lands or Hereditaments by a Party under Disability as defined by the same Act; and every such Sum not exceeding Twenty Pounds may be paid and applied to the Parties who under the Lands Clauses Consolidation Act would be entitled to receive the same in case their Lands or the Interests therein had been taken under the Powers in the said Lands Clauses Consolidation Act contained.

Value of Lands not claimed within Twelve Months to be paid into Court.

XXIV. And be it enacted, That when the said Company shall have taken possession of any Lands or Hereditaments under the Provisions of this Act, and no Claim shall have been made in respect thereof, or of some particular Interest therein, within One Year from the Time of the Company taking possession, then the said Company shall pay the Amount of such Valuation, either of the Fee or of any derivative Interest therein not claimed for as aforesaid, into Court, as is by the said Lands Clauses Consolidation Act, 1845, provided in Cases where Lands are taken possession of on no Title being shown, and the same shall be accordingly dealt with as by the said Act is provided.

Nothing to prevent Company requiring further Evidence of Title, at their Costs.

XXV. And be it enacted, That nothing herein-before contained shall prevent the said Company from requiring any further Abstract of Title or Statement respecting any Lands or Hereditaments included in any such Valuations, in addition to the Abstract or Statement herein-before mentioned, if they shall think fit, so as any such further Information be obtained at the Costs of the said Company.

XXVI. And

Delivery of Certificate by Company may be enforced by Court of Chancery.

XXVI. And be it enacted, That if from any Reason whatsoever the said Company shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Interest in any Lands or Hereditaments, the Possession whereof shall have been taken by the Company as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may be enforced by any Party or Parties by Application to the High Court of Chancery in *Ireland* in a summary Way by Petition; and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the said Company by such Application as aforesaid.

Parties dissatisfied with Amount certified, or Valuation, may enter a Traverse at Assizes.

XXVII. And be it enacted, That it shall be lawful for every Person or Persons named in any Certificate issued under the Provisions herein-before contained, or in anywise claiming under such Person or Persons, and who shall be dissatisfied with the Amount in such Certificate certified to be payable, and also for all Parties claiming any Interest in any Monies so paid into Court as aforesaid, and who shall be dissatisfied with the Amount of the Valuation of the Hereditaments in respect of which such Monies shall be so paid into Court as aforesaid, or of any Interest therein, at the Assizes next following the giving such Certificates or the Payment of Money into Court, whichever shall first happen, or at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes respectively to the Secretary of the Company of the Amount of Damages intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim by him or her, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland:* Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Ten Pounds; and further that no Party or Parties shall have any other Remedy for the Purpose of ascertaining the Amount of the Value of any Lands or Hereditaments to be taken under the Powers of this Act, or of impeaching the Amount of the Valuation put thereon as aforesaid, other than by means of such Traverse as aforesaid, anything in any of the aforesaid Acts or any Acts incorporated therewith, or in this Act, to the contrary notwithstanding.

Verdict on Traverse to have Effect of Judgment.

XXVIII. And be it enacted, That the Entry of the Verdict of the Jury in all Cases of every Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment in an Action at Law obtained in the Court of Queen's Bench in *Ireland* against the said Company, and may be enforced by like Remedies against the said Company as in the Case of Judgments in Actions at Law by all Parties interested therein; and in Cases where a Certificate shall have been delivered such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages and any Costs payable by the said Company, be delivered up to the said Company; and such Receipt for such Damages shall be given as is herein-before provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Lands or Hereditaments, the Amount of the Valuation of which shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the said Company shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court, but if the Amount of the Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the said Company, be paid into Court, and the Payment of such Difference into Court, and the Payment of any Costs payable by the said Company in respect of such Traverse, shall be a good Discharge to the said Company on any such Verdict in the Nature of a Judgment as aforesaid.

Provisions of 8 & 9 Vict. c. 18. extended to this Act.

XXIX. And be it enacted, That all the Provisions of the said Lands Clauses Consolidation Act, 1845, shall be held to extend to this Act, except so far as the same are altered or varied or are inconsistent with the Powers and Provisions of this Act.

Additional Lands may be taken under this Act.

XXX. And be it enacted, That it shall be lawful for the Company to take and hold Lands which by the Acts for making the said Railway from *Mullingar* to *Galway* they are authorized to take for additional Purposes, subject and according to the Provisions of this Act, and as if they were Part of the Lands herein-before authorized to be taken by the said Company.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

XXXI. And be it enacted, That all and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Public Works Loan Commissioners, and recited or referred to in the said first-mentioned Act passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, shall not be affected by any Act or Acts of Parliament passed or to be passed, save so far as the same may be therein and thereby altered, varied, or repealed, by express Reference to the said recited Acts or this Act; and all and every the said several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and to the Securities to be given in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Power for Public Works Loan Commissioners, with the Consent of Treasury, to take possession of the Railway, &c. between Athlone and Galway, and to transfer the same, and all the Company's Interest, Rights, and Privileges therein or relating thereto, to other Parties, if the Railway from Mullingar to Galway be *not* completed by 31st Dec. 1851.

XXXII. And be it enacted, That in case the said Railway between *Mullingar* and *Galway* shall not be completed by the said Railway Company and opened for the Use of the Public on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-one, and in case any Monies shall have been advanced to the said Railway Company under the Provisions of this Act, and which shall be unpaid, then and thereupon it shall be lawful for the Public Works Loan Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time after the said Thirty-first Day of *December* One thousand eight hundred and fifty-one, and notwithstanding any subsequent Receipt of Interest or Principal, to enter upon and take possession of the entire Line of Railway belonging to the said Company between *Athlone* and *Galway*, or so much thereof as shall be completed, and all Lands and Hereditaments acquired or agreed to be acquired by the said Railway Company for the Purposes of the said Line, and any Stations or Buildings belonging to or intended to be appropriated to the said Line, and thenceforth to hold the same freed and discharged from all Claim and Demand whatsoever both at Law and in Equity of the said Railway; and the said Public Works Loan Commissioners, with such Consent as aforesaid, may transfer the said Line, Property, and Effects to any Company or Partnership or Party, subject nevertheless to the Payment by such Transferee of the Monies due to the said Public Works Loan Commissioners, and Interest, in all respects as is or shall be provided with respect to the Payment thereof by the said Railway Company; and thereupon such Transferee shall be entitled to have the said Line, Property, and Effects for his own Use, freed and discharged from all Claims and Demands whatsoever of the said Railway Company; and, as regards the said Line from *Athlone* to *Galway*, and the Property therein, such Transferee shall have all and every the Rights, Powers, and Privileges by any of the said recited Acts or this Act given or vested in the said Railway Company, and in all respects as if the same were herein repeated and conferred on or given to such Transferee, to the end and intent that such Transferee may complete the said Line, and acquire Lands and Hereditaments for that Purpose, and work the same, and receive and take Tolls in respect thereof, in all respects as the said Railway Company is by the said Acts or any of them, or this Act, authorized to do, and may in respect of such Railway from *Athlone* to *Galway* stand in the Place of the said Railway Company; and all the Powers and Provisions herein contained with respect to the Securities to be given as aforesaid, and the Powers and Provisions applicable to the said Railway Company, shall apply to such Transferee, and the said several Baronies and Half Baronies and County of the Town of *Galway* shall in all respects be liable to contribute and pay to such Transferee the Monies they would (but for such Transferee) be liable to pay to the said Railway Company, and the same shall be raised and paid accordingly as herein-before is directed, in all respects as if the same were payable to the said Railway Company; and any such Transfer may be made on such Terms and Conditions as the said Public Works Loan Commissioners, with such Consent as aforesaid, may think fit; and on any such Transfer the said Transferee shall in all respects stand in the Place of the said Railway Company as regards the Liability or the Securities to the said Public Works Loan Commissioners, and as if the same had been made to the said Public Works Loan Commissioners by such Transferee instead of by the said Railway Company, except so far as the same may be altered by reason of any special Terms and Provisions made on such Transfer.

Act may be amended, &c.

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LXIII.

An Act to authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*. [28th *July* 1849.]

'WHEREAS it is expedient to authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue, out of the growing Produce of the Consolidated Fund of the said United Kingdom, any Sum or Sums of Money, not exceeding One hundred and fifty thousand Pounds, for affording Relief to certain distressed Poor Law Unions in *Ireland*, which Sum or Sums shall be paid to such Person or Persons, at such Time or Times, and under such Conditions and Restrictions, as the said Commissioners of Her Majesty's Treasury shall direct; and such Sum or Sums shall be charged on and be repayable out of the Produce of any Rate or Rates to be levied in any Union or Unions in *Ireland* under the Provisions and in pursuance of an Act passed in this present Session of Parliament, intituled *An Act to make Provision, until the Thirty-first Day of* December *One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in* Ireland; and all the Powers and Provisions contained in the said Act for the Repayment of the Sum of Money thereby authorized to be issued shall also extend to the Sum hereby authorized to be issued as aforesaid.

Treasury may issue One hundred and fifty thousand Pounds for Relief of distressed Poor Law Unions in Ireland.

12 & 13 Vict. c. 24.

CAP. LXIV.

An Act to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs. [28th *July* 1849.]

'WHEREAS by the Act of the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, Authority is given to Justices of the Peace for Counties to act in

'certain

'certain Matters relating to the Poor, and Doubts have been entertained whether the same Powers 'extend to Justices of the Peace having Jurisdiction within Cities and Boroughs, and it is expedient 'that such Doubts should be removed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding anything in the said Act contained, all Powers and Authorities which by the said Act may be exercised out of General or Quarter Sessions by Two or more Justices of any County, may be exercised within any City or Borough by any Two or more Justices of the Peace having Jurisdiction within such City or Borough respectively, as fully in all respects as by the Justices of the County in or for any Parish of such County.

Justices of the Peace in Cities and Boroughs may act in the Relief of the Poor under 43 Eliz. in such Cities, &c.

II. And be it enacted, That nothing heretofore done in any City or Borough for the Purposes of the said Act by any Two or more Justices having Jurisdiction in such City or Borough shall be deemed or taken to have been illegally or insufficiently done by reason only that neither of the said last-mentioned Justices was Mayor, Bailiff, or Head Officer of such City or Borough, but everything so done by such Two or more Justices, if otherwise lawful, shall be deemed to be and to have been valid to all Intents and Purposes.

Acts of the Justices in any City or Borough confirmed.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. LXV.

An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates. [28th *July* 1849.]

'WHEREAS there are several Parishes and Places in *England* and *Wales* Parts of which are comprised in Boroughs not subject to contribute to the County Rate or County or District Police 'Rate, while the Parts out of the Borough are liable to contribute thereto: And whereas there are 'several Parishes Parts of which are comprised in Boroughs which are subject to District, Borough, and 'other Rates, while the Parts out of the Borough are not liable to contribute thereto:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Parish or Place separately maintaining its own Poor shall be divided in manner hereinbefore stated, and any County Rate, or County or District Police Rate, or other Rate which may by Law be raised in like Manner as a County Rate, shall be assessable upon the Part of the Parish or Place which is comprised within the County and excluded from the Borough, the Overseers of such Parish or Place shall, on Receipt of any Precept or other lawful Demand from the Justices of the County, or other due Authority in that Behalf, demanding the Payment of any Sum of Money as the Contribution of the Part of such Parish or Place out of the Borough towards any such Rate as aforesaid, with all convenient Speed assess the Sum so required upon the Persons liable within such Part of the Parish or Place to pay the Poor Rate therein, by means of a separate Rate, to be made, allowed, and published in like Manner as the Poor Rate, and either by themselves or by the Collector of Poor Rates for the Time being appointed for the said Parish or Place shall collect the same separately or with the Poor Rate payable by the Parties assessed thereto, and for the Purposes of assessing and collecting the same shall have all such Powers, Authorities, Privileges, Protections, and Incidents as belong to them in the assessing and Collection of the Poor Rate; and all Provisions of the Law for enforcing the Collection of the Poor Rate, and recovering the Costs of the Proceedings therein, shall be applicable to the Collection of the Rate or Rates herein provided for.

The Overseers of Parishes situated partly within Boroughs and partly without to collect the County Rates, County Police Rates, and District Police Rates leviable on the Part of the Parish not comprised within the Borough.

II. And be it enacted, That in every Case in which any such Parish or Place shall be partly within and partly without any Borough, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish or Place, upon the Receipt of any Warrant from the Mayor, or any Justice or Justices of the Peace, High Constable, or other Officer duly authorized to act in that Behalf within the Borough, for the Payment of Money for the Contribution of the Part of such Parish within such Borough towards any District, Borough, or other Rate, (which Warrants every such Mayor, Justice of the Peace, High Constable, and other Officer shall be severally empowered to direct to them in like Manner as if the whole of such Parish or Place were within their Borough,) shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates in that Part of their Parish or Place which is within the Borough, the Amount mentioned in the Warrant, either as a separate Rate or Rates, for which the said Overseers shall have all the Powers which belong to them for levying a Rate for the Relief of the Poor, or with and as Part of the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of the Parish or Place may be liable in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Borough, and out of the Monies so levied and collected shall pay the Amount mentioned in the Warrant to the Person duly authorized to receive the same, and in default thereof shall be subject to all the Provisions and Penalties provided by this Act, or any Act concerning the Nonpayment of any Borough Rate.

Similar Provision for the Collection of the Borough Rate in Places similarly situated.

III. And be it enacted, That any Person assessed to any Rate made under the Authority of this Act may appeal against the same in like Manner, and with the like Consequences in all respects, and subject to the same Provisions and Regulations, as in Appeals against the Poor Rate; and that every Overseer and

Appeal against the Rate, and Audit of the Accounts.

and Collector shall account for the Money levied, collected, and expended under the Authority of this Act, to the Auditor of the District comprising such Parish or Place, in like Manner as for the Poor Rate, and if any Balance be found to be in his Hands shall apply the same towards the next Rate required for the Purpose of this Act, or shall pay the same to his Successor in Office; and in default of his so applying the same while in Office, or making Payment to his Successor within Seven Days after the Balance shall have been found, such Auditor shall proceed to recover the same from the Person holding the same, in like Manner as Sums certified by him to be due from Persons accounting shall from Time to Time be recoverable, and he shall be paid his Costs and Expenses, when not recovered from the Defendant, by the then Overseers of the Parish or Place, who shall be reimbursed out of the Balance of such Rate, or, if need be, out of the next Rate.

Mode of procuring the Funds when the Precept is sent to the Guardians of the Union comprising the divided Place. 7 & 8 Vict. c. 33.

IV. And be it enacted, That where a Precept shall be issued to the Guardians of the Union comprising any such Parish or Place, under the Provisions of the Act passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties*, and such Precept shall contain a Sum to be assessed and charged in respect of any such Rate as is herein provided for upon a Part of such Parish or Place as aforesaid, the said Guardians may require the Overseers of such Parish or Place to pay to their Treasurer a Sum of Money sufficient to enable the said Guardians to pay the Sum so assessed, with the other Sums mentioned in the said Precept to the Treasurer of the County or other Person lawfully authorized to receive it; and the said Overseers shall pay the Amount out of any Monies in their Possession belonging to the Parish or Place, or to the Part of such Parish or Place respectively, and reimburse themselves, if necessary, by a Rate, to be levied as herein-before described, upon the Persons liable thereto, or if they have no such Monies shall forthwith proceed to levy and collect the requisite Amount by such Rate, and pay the same over to the Treasurer of the said Guardians: Provided nevertheless, that if such Overseers make default, and do not make the requisite Payment within the appointed Time, they shall be subject to be proceeded against in like Manner as the Overseers of a Parish wholly situated within the County are subjected to under the Provisions of the said Act.

Where the Amount required for the County or other Rate is small, the making of the Rate for Reimbursement may be postponed.

V. And be it enacted, That where the Amount required in respect of any such County Rate, Police or District Police Rate, from any Part of such Parish or Place as aforesaid, shall in the Judgment of such Overseers be so small as to render the levying and collecting of a separate Rate for it inconvenient, the Overseers may postpone the Reimbursement of themselves for any such Advance as aforesaid, and they or their Successors may afterwards, on the Recurrence of the next Precept or other lawful Demand, or of that next but one, levy and collect such a Rate as aforesaid to raise the whole Amount so previously advanced and unsatisfied out of the Poor Rates of the Parish, as well as the Amount required by the then Precept or Demand, and shall apply the Sum so collected in Reimbursement of the previous Payments, and the Satisfaction of such Precept or Demand, and shall apply the Balance, if any, towards the Discharge of the next Precept or Demand.

Repeal of certain Part of 1 Vict. c. 81.

VI. And be it enacted, That from the Twenty-ninth Day of *September* One thousand eight hundred and forty-nine so much of the Act passed in the First Year of Her Majesty, intituled *An Act to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in* England *and* Wales, as applies to the making, levying, and collecting the County Rate and Borough Rate in divided Parishes or Places, shall, except in respect of Rates before that Time made, levied, or collected, or of any Arrears of Rates in course of being collected, be repealed, and all Balances which may remain over the Sums required by the Precepts under which the Rate was levied shall be applicable towards the Discharge of the next County Rate or Borough Rate assessed upon such divided Parish or Place, and if not so applied by the Party holding the same shall be recoverable by the Person entitled to receive the same, on Complaint before Two Justices of the Peace of the County having Jurisdiction in that Part of the Parish or Place, who shall make an Order for the Payment of the Sum due, to be enforced in like Manner and with the like Consequences as Orders of Justices for the Payment of Money shall be then by Law enforceable.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXVI.

An Act for enabling Colonial Legislatures to establish Inland Posts. [28th *July* 1849.]

5 G. 3. c. 25. 7 W. 4. & 1 Vict. c. 33. 3 & 4 Vict. c. 96. 7 & 8 Vict. c. 49.

'WHEREAS under or by virtue of an Act passed in the Fifth Year of His late Majesty King *George* the Third, intituled *An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen* Anne, *and in other Acts, relating to the Revenue of the Post Office*, and an Act passed in the First Year of Her present Majesty, intituled *An Act for the Management of the Post Office*, and an Act passed in the Fourth Year of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, and an Act passed in the Eighth Year of Her present Majesty, intituled *An Act for the better Regulation of Colonial Posts*, Her Majesty's Postmaster General has, by himself or his Deputies, the exclusive Privilege of establishing Posts, collecting, conveying, and delivering Letters, and collecting Postage, within Her Majesty's Colonies, and the Commissioners of Her Majesty's Treasury have Authority from Time to Time to fix the Rates of Postage to be charged within such Colonies: And whereas the

said

'said Postmaster General and Commissioners of Her Majesty's Treasury respectively have, in exercise 'of such Privilege and Authority, established Posts and fixed Rates of Postage in certain of such 'Colonies: And whereas it is expedient to authorize the Establishment of Posts and Postage Rates in 'Her Majesty's Colonies by the Legislatures of such Colonies:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Legislatures or proper Legislative Authorities of Her Majesty's Colonies, or any of them, by Acts, Laws, or Ordinances to be from Time to Time for that Purpose made and enacted in the Manner and subject to the Conditions by Law required in respect of Acts, Laws, or Ordinances of such Legislatures or Legislative Authorities, to make such Provisions as such Legislatures or Legislative Authorities may think fit for and concerning the Establishment, Maintenance, and Regulation of Posts or Post Communications within such Colonies respectively, and for charging Rates of Postage for the Conveyance of Letters by such Posts or Post Communications, and for appropriating the Revenue to be derived therefrom.

Colonial Legislatures may establish Posts, &c.

II. Provided always, and be it enacted, That where in any Colony Her Majesty's Postmaster General shall have actually established any Post or Post Communication, and his Powers and Privileges in relation to such Post or Post Communication shall not have determined under this Act, no such Act, Law, or Ordinance of the Legislature or Legislative Authority of such Colony in relation to the Matters aforesaid, or any of them, shall take effect, unless the same shall be assented to by Her Majesty, with the Advice of Her Privy Council, nor until the Time when such Assent shall be proclaimed in the Colony, or such subsequent Time as in the Order of Her Majesty in Council by which the Assent to such Act, Law, or Ordinance may be signified shall be fixed in this Behalf.

Provision as to Colonies in which Posts have been established by the Postmaster General.

III. And be it enacted, That where, under the Provision herein contained, the Assent of Her Majesty in Council is required to such Act, Law, or Ordinance, the Rates of Postage charged in such Colony under the Acts herein-before referred to, or any of them, or under any Warrant or Warrants of the Commissioners of Her Majesty's Treasury issued in pursuance of such Acts or any of them, and the Authority of such Commissioners to fix the Rates of Postage to be charged in such Colony, and the Powers and Privileges of Her Majesty's Postmaster General, his Deputies, Servants, and Agents, in relation to the Posts or Post Communications within such Colony, shall, from the Time at which such Act, Law, or Ordinance shall take effect, cease and determine; and, save as aforesaid, the Authority, Powers, and Privileges aforesaid shall cease and determine upon the passing of such Act, Law, or Ordinance, unless Her Majesty shall think fit to disallow the same.

After Establishment of Posts by Colonial Legislature Powers of Postmaster General, &c. to cease.

IV. Provided always, and be it enacted, That no such Act, Law, or Ordinance as aforesaid shall affect the Privileges, Powers, or Authorities of Her Majesty's Postmaster General, his Deputies, Servants, or Agents, or the Commissioners of Her Majesty's Treasury, otherwise than as respects the Posts or Post Communications within the Limits of the Colony by the Legislature or Legislative Authority of which such Act, Law, or Ordinance shall be made and enacted, and the Rates of Postage to be charged for the Transmission or Conveyance of Letters within such Limits.

Act of Colonial Legislature only to extend to Inland Posts.

V. Provided also, and be it enacted, That nothing herein contained shall affect the Provisions of an Act of the Tenth Year of Her Majesty, intituled *An Act to make further Provision for the Government of the* New Zealand *Islands*, or of any Act passed or to be passed in the present Session of Parliament, "for the better Government of Her Majesty's *Australian* Colonies," empowering the General Assemblies to be established or convened under such respective Acts to make Laws for regulating the Post Offices within and the Carriage of Letters between the said Islands and Colonies respectively, which should control and supersede any Laws, Statutes, or Ordinances repugnant thereto enacted by the Assemblies of the separate Provinces of the said Islands or by the separate Legislatures of the said Colonies respectively.

Act not to affect Powers of General Assemblies under 9 & 10 Vict. c. 103., or any Act concerning the Government of Australian Colonies.

VI. And be it enacted, That in this Act the Expression "Her Majesty's Colonies" shall be interpreted according to the Meaning assigned to that Expression by the said Act passed in the Fourth Year of Her present Majesty; and the Term "Letters" shall include Letters and Packets, Newspapers, Pamphlets, and other printed Papers.

Interpretation of Act.

VII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

Act may be amended, &c.

CAP. LXVII.

An Act to extend the Remedies of Sequestrators of Ecclesiastical Benefices. [28th *July* 1849.]

'WHEREAS it is expedient to extend the Remedies for the Recovery of the Profits of sequestered 'Benefices:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act every Sequestrator who shall then have been or who shall thereafter be appointed by a Bishop or other Ordinary, or by any competent Ecclesiastical Court, to levy, collect, gather, or receive the Profits of any Ecclesiastical Benefice, by virtue or in pursuance of any Writ of Fieri facias de bonis ecclesiasticis, Levari facias de bonis ecclesiasticis, Sequestrari facias, or of any Sequestration made or issued by Authority of Law, may and is hereby authorized and empowered, from Time to Time, to bring and prosecute any Action at Law or Suit in Equity, or levy any Distress, or take any other Proceeding in his own Name as the Sequestrator

Sequestrator enabled to sue in his own Name for Tithes, Rent, &c. due to the Incumbent of the Benefice sequestered.

trator of such Benefice, without further Description, for the Recovery of any Tithes, Tithe Rent-charge, Tithe Composition or Substitution, Obvention, Pension, Portion, or other Payment for or in the Nature or in lieu of Tithe, or any other Rent or annual Sum, Dues, or Fees payable to the Incumbent of such Benefice, or of any Messuages, Lands, Tenements, or Hereditaments subject to such Sequestration, or of any Rent due or Payment reserved or made payable to the Incumbent of such Benefice under any Lease of or Covenant or Agreement to let any such Messuages, Lands, Tenements, or Hereditaments, Tithes, Tithe Rent-charge, or other Parcel of the Benefice to which the Appointment of such Sequestrator relates: Provided always, that nothing herein contained shall be construed to empower the Sequestrator of any Benefice to bring, prosecute, levy, or take any Action, Suit, Distress, or other Proceeding by virtue of this Act, except against the Incumbent of such Benefice, which might not lawfully have been brought, prosecuted, levied, or taken by the Incumbent of such Benefice if such Benefice had not been under Sequestration: Provided also, that no Sequestrator appointed under a Sequestration issued at the Suit or Instance of any Creditor shall be bound to commence, prosecute, levy, or take any Action, Suit, Distress, or other Proceeding as aforesaid under the Provisions of this Act, unless and until Security, to be approved by such Sequestrator, shall be given by the Creditor at whose Suit or Instance such Sequestration shall have been issued, for indemnifying such Sequestrator and the Bishop or other Ordinary or Ecclesiastical Court from all Costs, Charges, and Expenses incurred or to be incurred in the Commencement, Prosecution, or Conduct of such Action, Suit, or Distress, or other Proceeding to which he or they respectively may become liable in consequence thereof, the Expense of such Security to be deducted or allowed out of any Money to be received by the Creditor by virtue of such Action, Suit, Distress, or other Proceeding.

Sequestrator not to bring or take Actions, except &c.

Sequestrator may require Indemnity from the Creditor at whose Suit the Sequestration shall issue.

All Payments under the Act to be deemed Profits of the Benefice.

II. And be it enacted, That the Payment or Render to such Sequestrator lawfully entitled, with or without Suit, by the Party thereunto liable, of any such Tithe, Tithe Rent-charge, Tithe Composition or Substitution, Rent, Dues, Fees, or Payment, shall effectually discharge the Party making the same from all Liability to the Incumbent of such Benefice in respect thereof, and that such Sequestrator shall and may apply and shall account for the Monies received or arising under or by virtue of any such Render, Payment, or Recovery in like Manner as other Goods and Profits of the Benefice liable to Sequestration: Provided always, that nothing herein contained shall make any Alteration in the Law respecting the Application of the Money received by a Sequestrator, or the Security to be given by him for his duly accounting for the same.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXVIII.

An Act for facilitating the Marriage of *British* Subjects resident in Foreign Countries.

[28th *July* 1849.]

4 G. 4. c. 91.

'WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* 'the Fourth, intituled *An Act to relieve His Majesty's Subjects from all Doubt concerning the* 'Validity of certain Marriages solemnized abroad: And whereas the Provisions of the said Act are 'applicable only to the Cases of Marriages solemnized by a Minister of the Church of *England* in the 'Chapel or House of any *British* Ambassador or Minister residing within the Country to the Court of 'which he is accredited, or in the Chapel belonging to any *British* Factory abroad, or in the House of 'any *British* Subject residing at such Factory, and of Marriages solemnized within the *British* Lines by 'any Chaplain or Officer, or other Person officiating under the Orders of the Commanding Officer of a '*British* Army serving abroad: And whereas large Numbers of Her Majesty's Subjects are resident 'abroad at Places where the Provisions of the said Act are not applicable: And whereas it is expedient to 'afford greater Facilities for the Marriage of Her Majesty's Subjects resident abroad:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages (both or One of the Parties thereto being Subjects or a Subject of this Realm) which from and after the passing of this Act shall be solemnized in the Manner in this Act provided in any Foreign Country or Place where there shall be a *British* Consul duly authorized to act in such Foreign Country or Place under this Act shall be deemed and held to be as valid in the Law as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Marriages solemnized abroad in manner provided by this Act to be valid.

Notice of every intended Marriage to be given to Consul.

II. And be it enacted, That in every Case of Marriage intended to be solemnized under the Provisions of this Act One of the Parties shall give Notice under his or her Hand, in the Form of the Schedule (A.) to this Act annexed, or to the like Effect, to the Consul within whose District both the Parties shall have dwelt, not less than One Calendar Month then next preceding, and shall state therein the Name and Surname and the Profession or Condition of each of the said Parties intending Marriage, the Dwelling Place of each of them, and that each of them has dwelt within such District during such One Calendar Month at the least.

Consul to file Notices, register them in a Book, and suspend

III. And be it enacted, That the Consul shall file all such Notices, and keep them with the Archives of his Consulate, and shall also forthwith enter a true and exact Copy of every such Notice fairly into a Register to be by him kept for that Purpose, and shall likewise suspend a like true and exact Copy of every such Notice in some conspicuous Place in the Office of his Consulate during Seven successive Days

if

if the Marriage is to be solemnized by Licence, or Twenty-one successive Days if the Marriage is to be solemnized without Licence, before any Marriage shall be solemnized in pursuance of such Notice; and the said Register and suspended Copies shall be open at all reasonable Times, without Fee, to the Inspection of Persons desirous of inspecting the same; and upon the Receipt of every such Notice, and before registering and suspending the same, the Consul shall be entitled to have a Fee of Ten Shillings. Copies in the Office of the Consulate.

IV. And be it enacted, That any Person authorized in that Behalf as herein-after mentioned may, at any Time before the Solemnization of any such intended Marriage, forbid the Solemnization of such intended Marriage, by writing the Word "forbidden" opposite to the Entry of the Notice of such intended Marriage in the Register, and by subscribing thereto his or her Name and Place of Abode, and his or her Character in relation to either of the Parties by reason of which he or she is so authorized; and in case the Solemnization of any such intended Marriage shall be so forbidden the Notice shall be void, and such intended Marriage shall not be solemnized under such Notice. Persons duly authorized may forbid the Solemnization of any Marriage.

V. And be it enacted, That the like Consent shall be required to any Marriage by Licence under the Provisions of this Act as is now required by Law to Marriages solemnized in *England* by Licence; and every Person whose Consent to a Marriage by Licence is required by Law is hereby authorized to forbid a Marriage under the Provisions of this Act, whether such Marriage is intended to be by Licence or without Licence. Like Consent to any Marriage by Licence as is required in England.

VI. And be it enacted, That before any Marriage by Licence shall be solemnized under this Act both the Parties intending Marriage shall appear before the Consul, and each of them shall make Oath, or shall make his or her solemn Affirmation or Declaration instead of an Oath, that he or she believeth that there is not any Impediment of Kindred or Alliance, or other lawful Hindrance, to the said Marriage, and that both of the said Parties have for the Space of One Calendar Month immediately preceding respectively had their usual Places of Abode within the District of such Consul, and where either of the Parties, not being a Widower or Widow, shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person having Authority to give such Consent, as the Case may be; and when and as soon as such Oath, Affirmation, or Declaration shall have been made, the Consul shall, on Payment of a Fee of Twenty Shillings, certify under his Hand on the original Notice and also in the Register that Licence has been granted for the Solemnization of the Marriage in respect of which such Notice was given; and such Certificate shall be deemed and taken to be a Licence for such Marriage. Consul may grant Licences for Marriage.

VII. And be it enacted, That any Person, on Payment of a Fee of Twenty Shillings to the Consul, may enter a Caveat with the Consul against the Solemnization of the Marriage of any Person named therein, such Caveat being signed by or on behalf of the Person who enters the same, and stating his or her Place of Residence, and the Ground of Objection on which his or her Caveat is founded; and if any Caveat be entered as aforesaid no Marriage of the Person named therein shall be solemnized until the Consul shall have examined into the Matter of the Caveat, and shall be satisfied that it ought not to obstruct the Solemnization of the said Marriage, or until the Caveat shall be withdrawn by the Party who entered the same; and in Cases of Doubt it shall be lawful for the Consul to transmit to One of Her Majesty's Principal Secretaries of State a Copy of such Caveat, with such Statement in relation thereto as such Consul may think fit, and such Secretary of State shall refer the same to the Registrar General of Births, Deaths, and Marriages in *England*, for his Decision; and the said Registrar General, having decided thereon, shall transmit his Decision in Writing to the said Secretary of State, who shall communicate the same to the said Consul: Provided always, that in case the Consul refuse to solemnize or to allow to be solemnized in his Presence the Marriage of any Person requiring such Marriage to be solemnized, such Person shall have a Right of Appeal to One of Her Majesty's Principal Secretaries of State, who shall thereupon either confirm the Refusal or direct the Solemnization of the Marriage. Caveat against Marriages may be lodged with Consul.

VIII. And be it enacted, That whenever any Marriage shall not be had within Three Calendar Months next after Notice shall have been so given to and entered by the Consul as aforesaid, or where, in the Case of any such Caveat as aforesaid, a Statement shall have been transmitted as aforesaid, or where, on such Refusal as aforesaid of the Consul, a Person shall appeal as aforesaid, and the Marriage shall be directed to be solemnized, then, within Three Calendar Months after the Receipt from the Secretary of State of the Decision with respect to such Caveat or on such Appeal, the Notice shall be void; and the Marriage in respect of which such Notice was given shall not be solemnized until a new Notice shall have been given, and Copies thereof entered in the Register, and suspended in the Office of the Consulate, in accordance with the Provisions of this Act. When Marriage not solemnized within Three Months a new Notice required.

IX. And be it enacted, That after the Expiration of Seven Days if the Marriage is by Licence, or of Twenty-one Days if the Marriage is without Licence, after Notice shall have been so given to and entered by the Consul as aforesaid, provided no lawful Impediment be shown to the Satisfaction of the Consul why the Marriage should not be solemnized, and that the Marriage has not been forbidden in manner herein provided, it shall be lawful for the Consul to solemnize, or allow to be solemnized by any other Person in his Presence, the Marriage in respect of which such Notice shall have been given, between and by the Parties described in such Notice; and every such Marriage shall be solemnized at the *British* Consulate, with open Doors, between the Hours of Eight and Twelve in the Forenoon, in the Presence of Two or more Witnesses, and may be solemnized, in the Presence of the Consul, according to the Rites of the United Church of *England* and *Ireland*, or according to such other Form and Ceremony as the Parties thereto may see fit to adopt, or may, where the Parties shall so desire, be solemnized by the Consul; and in the Solemnization of every such Marriage not solemnized according to the Rites of the United After Seven Days by Licence, or Twenty-one Days without Licence, Marriages may be solemnized at the British Consulate, by or in the Presence of the Consul and Two Witnesses.

United Church of *England* and *Ireland*, in some Part of the Ceremony, and in the Presence of the Consul and Witnesses, each of the Parties shall declare,

'I Do solemnly declare, That I know not of any lawful Impediment why I *A.B.* may not be joined in Matrimony to *C.D.*'

And each of the Parties shall say to the other,

'I Call upon these Persons here present to witness, That I *A.B.* do take thee, *C.D.*, to be my lawful wedded Wife [*or* Husband].'

Marriage Fees to the Consul.

X. And be it enacted, That the Consul shall be entitled, for every Marriage which shall be solemnized under this Act by him or in his Presence, to have from the Parties married the Sum of Twenty Shillings, if the Marriage shall be by Licence, and otherwise the Sum of Ten Shillings.

Consul to register Marriages in Duplicate in Books to be sent by the Registrar General through the Secretary of State.

XI. And be it enacted, That the Consul shall forthwith register in Duplicate every Marriage solemnized as aforesaid in Two Marriage Register Books to be furnished to him for that Purpose from Time to Time by the Registrar General (through One of Her Majesty's Principal Secretaries of State), according to the Form provided for the Registration of Marriages by an Act of the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, or as near to such Form as the Difference of the Circumstances will admit of; and the Entry in each such Book of every such Marriage shall be signed by the Person by whom the Marriage shall have been solemnized, if there shall be any such Person other than the Consul, and by the Consul and both the Parties married, and attested by Two Witnesses; and all such Entries shall be made in regular Order from the Beginning to the End of each such Book, and the Number of the Place of Entry in each Duplicate Marriage Book shall be the same.

Copies of the Marriage Register Book to be forwarded yearly to the Secretary of State.

XII. And be it enacted, That in the Month of *January* in every Year every Consul shall make and transmit to One of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar General, a true Copy, certified by such Consul under his Hand and Consular Seal, according to the Form in the Schedule (B.) to this Act annexed, of all the Entries of Marriages during the preceding Year in the Register Book kept by him; and if there shall have been no Marriage registered during such preceding Year, the Consul shall certify such Fact under his Hand and Consular Seal; and the Consul shall keep the said Duplicate Marriage Register Books safely until the same shall be filled, and one of such Duplicate Marriage Register Books, when filled, shall be transmitted to One of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar General.

Proof of Residence of Parties or Consent not necessary to establish Marriage.

XIII. And be it enacted, That after any Marriage shall have been solemnized under this Act it shall not be necessary, in support of such Marriage, to give any Proof of the actual dwelling for the Time required by this Act of either of the Parties, previous to the Marriage, within the District wherein such Marriage was solemnized, or of the Consent of any Person whose Consent thereto is required by Law, nor shall any Evidence to prove the contrary be given in any Suit touching the Validity of such Marriage.

Consul may ask certain Particulars, &c.

XIV. And be it enacted, That it shall be lawful for the Consul by whom or in whose Presence any Marriage is solemnized under this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

In case of fraudulent Marriage, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

XV. And be it enacted, That if any Marriage shall be had under the Provisions of this Act by means of any wilfully false Notice, Oath, Affirmation, or Declaration made by either Party to such Marriage, as to any Matter to which a Notice, Oath, Affirmation, or Declaration is by this Act required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for the Forfeiture of all Estate and Interest in any Property accruing to the offending Party by such Marriage; and the Proceedings thereupon, and the Consequences thereof, shall be the same as are provided by Law in the like Case with regard to Marriages solemnized by Licence in *England* according to the Rites of the Church of *England*.

Persons taking false Oaths, &c. guilty of Perjury.

XVI. And be it enacted, That every Person who shall knowingly and wilfully make any Oath, Affirmation, or Declaration, or sign any false Notice, required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid any such Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury; and such Offender may be tried in any County or Place in *England* in the same Manner and may be dealt with in all respects as if the Offence had been committed in such County or Place in *England*.

The Certificate of Consul to be Evidence.

XVII. And be it enacted, That in any and every Action or Suit for Forfeiture, and upon any and every Prosecution for Perjury, as aforesaid, the Declaration and Certificate of the Consul, under his Hand and Consular Seal, shall be received and taken as good and valid Evidence in the Law of all Facts and Matters stated in such Declaration and Certificate, without its being necessary for the said Consul to attend in Person to prove the same.

Provisions of Registration Act extended to this Act.

XVIII. And be it enacted, That this Act shall be taken to be Part of the said Act for registering Births, Deaths, and Marriages in *England*, as fully and effectually as if incorporated therewith; and that every Consul shall be deemed a Registrar under the said Act; and that all the Provisions and Penalties of the said Act relating to any Registrar, or Register of Marriages or certified Copies thereof, shall be taken to extend to every such Consul, and the Registers of Marriages under this Act, and to the certified Copies thereof, so far as the same are applicable thereto.

Consuls may be authorized by Secretary of State to solemnize Marriages.

XIX. And be it enacted, That every *British* Consul General and Consul already appointed or hereafter to be appointed to reside in any Foreign Country or Place, who shall be directed or authorized, by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, to solemnize and register Marriages, and any Person duly authorized to act in the Absence of such Consul, or, in any Foreign Place where

where there is no *British* Consul resident, any Vice Consul or Consular Agent who shall be directed or authorized as aforesaid by One of Her Majesty's Principal Secretaries of State to solemnize and register Marriages in such Place, shall, in the Country or Place in which he is so appointed to reside, or in which he is directed or authorized to solemnize and register Marriages as aforesaid, be a Consul duly authorized for all the Purposes of this Act; and in the Construction of this Act the Term "Consul" shall (save where such Construction would be inconsistent with the Context) be construed to mean a Consul so authorized; and the District of every such Consul for the Purposes of this Act shall be all or such Parts of the Foreign Country in which (or at a Place within which) such Consul is appointed to reside, or is so directed or authorized as aforesaid, as such Secretary of State may, by such Writing under his Hand, direct, or, where there shall be no Direction in this Behalf, shall be the District of the Consulate of such Consul.

Certain past Marriages confirmed.

XX. 'And whereas many Marriages have been entered into abroad by *British* Subjects under Circumstances which may occasion Doubts as to the Validity of such Marriages, and it is expedient that such Marriages should be confirmed in the Cases herein-after mentioned:' Be it enacted, That all Marriages, both or one of the Parties being Subjects or a Subject of this Realm, which, before the passing of this Act, have been solemnized in any Foreign Country or Place, or on board a *British* Vessel of War on any Foreign Station, by a Minister in Holy Orders according to the Rites and Ceremonies of the Church of *England*, or of *Ireland*, or of the United Church of *England* and *Ireland*, or by an ordained Minister of the Church of *Scotland*; and all Marriages of the like Parties which have been solemnized according to any religious Rites or Ceremonies or contracted *per verba de præsenti* in any Foreign Country or Place in the Presence of any *British* Ambassador, Minister, Chargé d'Affaires, Consul General, Consul, or Vice Consul exercising his Functions within the Foreign Country or Place in which such Marriages have been had, or on board a *British* Vessel of War on any Foreign Station in the Presence of the Officer commanding such Vessel; and all Marriages of the like Parties which have been solemnized according to any religious Rites or Ceremonies or contracted *per verba de præsenti* in any Foreign Country or Place, and registered by or under the Authority of any *British* Consul General, Consul, or Vice Consul exercising his Functions within such Foreign Country or Place, the Signatures of the Parties being written in the Register, shall be deemed and held to be as valid in the Law and cognizable in the like Manner as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law: Provided always, that this Enactment shall not extend to render valid any Marriage which before the passing of this Act has been declared invalid by any Court of competent Jurisdiction in any Proceeding touching such Marriage, or any Right dependent on the Validity or Invalidity thereof, or any Marriage where either of the Parties has afterwards, during the Life of the other, lawfully intermarried with any other Person.

Extent of Act.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall confirm or impair or in anywise affect, or be construed to confirm or impair or in anywise affect, the Validity in Law of any Marriage solemnized beyond the Seas, otherwise than as herein provided; and this Act shall not extend to the Marriage of any of the Royal Family.

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the [British Consul General *or* Consul] at

I hereby give you Notice, That a Marriage is intended to be had within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.
John Brown -	*Widower* -	- - -	*Of full Age*	—	—
Elizabeth Reeve -	*Spinster* -	- - -	*Minor* -	—	—

Witness my Hand, this Day of

(Signed) *John Brown.*

SCHEDULE (B.)

I [Consul General *or* Consul] residing at do hereby certify, That this is a true Copy of the Entries of Marriages registered in my Office, from the Entry of the Marriage of *John Brown* and *Elizabeth Reeve*, Number *One*, to the Entry of the Marriage of *Michael Jones* and *Maria Tomkins*, Number *Fourteen*.

Witness my Hand and Seal, this Day of *January 1850.*

(*Signature and Consular Seal of the Consul General or Consul.*)

CAP. LXIX.

An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland* with respect to Persons charged with Indictable Offences.

[28th *July* 1849.]

'WHEREAS it would conduce much to the Improvement of the Administration of Criminal Justice in *Ireland* if the several Statutes and Parts of Statutes relating to the Duties of Her Majesty's Justices of the Peace therein with respect to Persons charged with indictable Offences were consolidated, with such Additions and Alterations as may be deemed necessary, and that such Duties should be clearly defined by positive Enactment:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where a Charge or Complaint (A.) shall be made before any One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland*, that any Person has committed or is suspected to have committed any Treason, Felony, or indictable Misdemeanor, or other indictable Offence whatsoever, within the Limits of the Jurisdiction of such Justice or Justices of the Peace, or that any Person guilty or suspected to be guilty of having committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice or Justices is residing or being or is suspected to reside or be within the Limits of the Jurisdiction of such Justice or Justices, then and in every such Case, if the Person so charged or complained against shall not then be in Custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B.) to apprehend such Person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place, to answer to such Charge or Complaint, and to be further dealt with according to Law: Provided always, that in all Cases it shall be lawful for such Justice or Justices to whom such Charge or Complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the Person so charged or complained against, to issue his or their Summons (C.) directed to such Person, requiring him to appear before the said Justice or Justices at a Time and Place to be therein mentioned, or before such other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place as may then be there, and if after being served with such Summons in manner herein-after mentioned he shall fail to appear at such Time and Place, in obedience to such Summons, then and in every such Case the said Justice or Justices, or any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, may issue his or their Warrant (D.) to apprehend such Person so charged or complained against, and cause such Person to be brought before him or them, or before some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Charge or Complaint, and to be further dealt with according to Law: Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant herein-before first mentioned at any Time before or after the Time mentioned in such Summons for the Appearance of the said accused Party.

For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him.

In what Cases the Party may be summoned instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, then a Warrant may be issued.

II. And be it enacted, That in all Cases of indictable Crimes or Offences of any Kind or Nature whatsoever committed on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of *England* or *Ireland* have or claim to have Jurisdiction, and in all Cases of Crimes or Offences committed on Land beyond the Seas, for which an Indictment may legally be preferred in any Place within *Ireland*, it shall be lawful for any One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland* in which any Person charged with having committed or with being suspected to have committed any such Crime or Offence shall reside or be, or shall be supposed or suspected to reside or be, to issue his or their Warrant (E.) to apprehend the Person so charged, and to cause him to be brought before him or them, or some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Charges, and to be further dealt with according to Law.

Warrant to apprehend for Offences committed on the High Seas or abroad.

III. And be it enacted, That where any Indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any Person who shall then be at large, and whether such Person shall have been bound by any Recognizance to appear to answer to the same or not, the Person who shall act as Clerk of the Crown at such Court of Oyer and Terminer or Gaol Delivery, or as Clerk of the Peace at such Sessions, at which the said Indictment shall be found, shall at any Time afterwards, after the End of the Sessions of Oyer and Terminer or Gaol Delivery or Sessions of the Peace at which such Indictment shall have been found, upon Application of the Prosecutor, or of any Person on his Behalf, and on Payment of a Fee of Sixpence, if such Person shall not have already appeared and pleaded to such Indictment, grant unto such Prosecutor or Person a Certificate (F.) of such Indictment having been found; and upon Production of such Certificate to any Justice or Justices of the Peace for any County, Division, Liberty, City, Borough, or Place in which the Offence shall in such Indictment be alleged to have been committed, or in which the Person indicted in and by such Indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he and they are hereby required, to issue his or their Warrant (G.) to apprehend such Person so indicted, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place, to be dealt with according to Law, and afterwards, if such Person be thereupon apprehended and brought

Warrant to apprehend a Party against whom an Indictment is found.

brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon Oath or Affirmation before him or them that the Person so apprehended is the same Person who is charged and named in such Indictment, shall, without further Inquiry or Examination, commit (H.) him for Trial, or admit him to Bail, in manner herein-after mentioned; or if such Person so indicted shall be confined in any Gaol or Prison for any other Offence than that charged in the said Indictment, at the Time of such Application, and Production of the said Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices and he and they are hereby required, upon it being proved before him or them upon Oath or Affirmation that the Person so indicted and the Person so confined in Prison are one and the same Person, to issue his or their Warrant (I.) directed to the Gaoler or Keeper of the Gaol or Prison in which the Person so indicted shall then be confined as aforesaid, commanding him to detain such Person in his Custody until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom, for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of his Custody by due Course of Law.

If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas.

IV. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue and cause to be executed any Warrant as aforesaid or any Search Warrant on a *Sunday* as well as on any other Day.

Power to Justice to issue Warrants on Sundays.

V. And be it enacted, That in Cases where a Justice of the Peace for any County, Division, Liberty, City, Borough, or Place shall be also Justice of the Peace for a County, Division, Liberty, City, Borough, or Place next adjoining thereto or surrounded thereby, it shall and may be lawful for such Justice of the Peace to act as such Justice for the one County, Division, Liberty, City, Borough, or other Place whilst he is residing or happens to be in the other such County, Division, Liberty, City, Borough, or other Place, in all Matters and Things herein-before or hereafter in this Act mentioned; and that all such Acts of such Justice, and the Acts of any Constable or other Officer in obedience thereto, shall be as valid, good, and effectual in the Law to all Intents and Purposes as if such Justice at the Time he shall so act as aforesaid were in the County, Division, Liberty, City, Borough, or other Place for which he shall so act; and all Constables and other Officers for the County, Division, Liberty, City, Borough, or Place for which such Justice shall so act as aforesaid are hereby authorized and required to obey the Warrants, Orders, Directions, Act or Acts of such Justice which in that Behalf shall be granted, given, or done, and to do and perform their several Offices and Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty; and any such Constable or other Peace Officer, or any other Person, apprehending or taking into Custody any Person offending against Law, and whom he lawfully may and ought to apprehend or take into Custody, by virtue of his Office or otherwise, in any such County, Division, Liberty, City, Borough, or Place, may lawfully take and convey such Person so apprehended and taken as aforesaid to and before any such Justice of the Peace for such County, Division, Liberty, City, Borough, or Place whilst such Justice shall be in such adjoining County, Division, Liberty, City, Borough, or Place as aforesaid, and the said Constables and other Peace Officers, and all such other Persons as aforesaid, are hereby authorized and required in all such Cases so to act in all things as if the said Justice of the Peace were within the said County, Division, Liberty, City, Borough, or Place for which he shall so act.

Justices for adjoining Counties, &c. may act while residing in another County.

All Acts of Justice, &c. to be valid.

Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c., if he act as a Justice in both.

VI. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace acting for any County at large, or for any Division of such County, to act as such at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to any such County or Division respectively; and that all and every such Act and Acts, Matters and Things, to be so done by such Justice or Justices within such City, Town, or Precinct, as Justice or Justices for such County or Division respectively, shall be as valid and effectual in Law as if the same had been done within such County or Division respectively to all Intents and Purposes whatsoever: Provided always, that nothing in this Act contained shall extend to give Power to the Justices of the Peace for any County or Division, not being also Justices for such City, Town, or other Precinct, or not having Authority as Justices of the Peace therein, or any Constable or other Officer acting under them, to act or intermeddle in any Matters or Things arising within any such City, Town, or Precinct, in any Manner whatsoever.

Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction.

Not to give Power to act, &c. in any Matters, &c. arising within the same.

VII. And be it enacted, That after the passing of this Act it shall be lawful for any Justice or Justices of the Peace acting for any County to act as a Justice or Justices of the Peace in all things, as well in Cases of summary Jurisdiction, or of Acts merely ministerial, as in all other Cases or Things whatsoever, concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act; and that all Acts of such Justice or Justices of the Peace, although done in the County for which such Justice or Justices acts or act, and all Acts of any Constable or other Officer in obedience thereto, shall be as good and effectual as if such Justice or Justices were a Justice or Justices for the County to which such detached Part belongs, and as if such Justice or Justices at the Time of so acting was or were in such last-mentioned County; and all Constables and other Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Justice or Justices, and to perform their several Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Justices may act in detached Parts of other Counties locally included in their County.

VIII. And be it enacted, That in all Cases where a Charge or Complaint for any indictable Offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a Warrant in the first instance against the Party or Parties so charged, an Information and Complaint thereof (A.) in Writing, on the Oath or Affirmation of the Informant or of some Witness or Witnesses in that Behalf, shall be laid before

When Charge, &c. is made, if a Warrant is to be issued, Information, on Oath, &c.

If Summons be issued, Information, &c. not necessary to be on Oath.

No Objection allowed for alleged Defect in Form.

Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged.

How Summons to be served.

If Party summoned do not attend, Justice may issue a Warrant to compel Attendance.

No Objection allowed for alleged Defect in Form, &c.

Warrant to apprehend Parties to be under Hand and Seal of Justice.

How Warrant to be directed, and to whom.

How and where Warrant may be executed.

No Objection allowed for alleged Defect in Form, &c.

before such Justice or Justices: Provided always, that in all Cases where it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such Information and Complaint shall be in Writing, or be sworn to or affirmed in manner aforesaid, but in every such Case such Information and Complaint may be by Parol merely, and without any Oath or Affirmation whatsoever to support or substantiate the same: Provided also, that no Objection shall be taken or allowed to any such Information or Complaint for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examination of the Witnesses in that Behalf, as herein-after mentioned.

IX. And be it enacted, That upon such Information and Complaint being so laid as aforesaid the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as herein-before is directed to cause the Person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to be dealt with according to Law; and every such Summons (C.) shall be directed to the Party so charged in and by such Information, and shall state shortly the Matter of such Information, and shall require the Party to whom it is so directed to be and appear at a certain Time and Place therein mentioned before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace of the same County, Division, Liberty, City, Borough, or Place as may then be there, to answer to the said Charge, and to be further dealt with according to Law; and every such Summons shall be served upon the Person to whom it is so directed by delivering the same to the Party personally, or if he cannot conveniently be met with then by leaving the same with some Person for him at his last or most usual Place of Abode; and the Person who shall have served the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of such Summons; and if the Person so served shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, in obedience to the same, or at such other Time or Place, if any, to which the Hearing of such Case may be adjourned, then it shall be lawful for such Justice or Justices to issue his or their Warrant (D.) for apprehending the Party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer the Charge in the said Information and Complaint mentioned, and to be further dealt with according to Law: Provided always, that no Objection shall be taken or allowed to any such Summons or Warrant for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the Hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or admit him to Bail, in manner herein-after mentioned.

X. And be it declared and enacted, That every Warrant (B.) hereafter to be issued by any Justice or Justices of the Peace to apprehend any Person charged with any indictable Offence shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constables of the District within which the same is to be executed, or any of them, without naming them, or to such Constables and all other Constables or Peace Officers in the County or other District within which the Justice or Justices issuing such Warrant has or have Jurisdiction, or generally to all the Constables or Peace Officers within such last-mentioned County or District, and it shall state shortly the Offence on which it is founded, and shall name or otherwise describe the Offender, and it shall order the Person or Persons to whom it is directed to apprehend the Offender, and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer to the Charge contained in the said Information, and to be further dealt with according to Law; and it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the Offender at any Place within the County, Division, Liberty, City, Borough, or Place within which the Justice or Justices issuing the same shall have Jurisdiction, or in case of fresh Pursuit at any Place in the next adjoining County or Place, and within Seven Miles of the Border of such first-mentioned County, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or other Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable or other Peace Officer for any Place within such County or District to execute the said Warrant within any Place situate within the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding the Place in which such Warrant shall be executed shall not be within the Place for which he shall be such Constable or other Peace Officer: Provided always, that no Objection shall be taken or allowed to any such Warrant for any Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful

lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the Hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or to admit him to Bail, in manner herein-after mentioned.

Regulations as to the backing of Warrants.

XI. And be it enacted, That if the Person against whom any such Warrant shall be issued as aforesaid shall not be found within the Jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in *Ireland* out of the Jurisdiction of the Justice issuing such Warrant, it shall and may be lawful for any Justice of the Peace for the County or Place into which such Person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon Proof alone being made on Oath of the Handwriting of the Justice issuing such Warrant, to make an Indorsement (K.) on such Warrant, signed with his Name, authorizing the Execution of such Warrant within the Jurisdiction of the Justice making such Indorsement, and which Indorsement shall be sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same in such other County or Place, and to carry the Person against whom such Warrant shall have issued, when apprehended, before the Justice and Justices of the Peace who first issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County, Division, City, Liberty, Borough, or Place, or before some Justice or Justices of the County, Division, Liberty, City, Borough, or Place where the Offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor, or any of the Witnesses upon the Part of the Prosecution, shall then be in the County or Place where such Person shall have been so apprehended, the Constable or other Person or Persons who shall have so apprehended such Person may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices of the same County or Place; and the said Justice or Justices may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect in manner herein-after directed with respect to Persons charged before a Justice or Justices of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Persons have been apprehended.

Proviso.

Irish Warrants may be backed in England, and vice versâ, in the event of Parties escaping.

XII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Division, Liberty, City, Borough, or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justice of Oyer and Terminer or Gaol Delivery, for any indictable Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County or Place in that Part of the United Kingdom called *England* or *Wales*, or if any Person against whom a Warrant shall be issued in any County or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Courts of Queen's Bench there, or any Justice of Oyer and Terminer or Gaol Delivery, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Division, Liberty, City, Borough, or Place in that Part of the United Kingdom called *Ireland*, it shall and may be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant in manner herein-before mentioned, or to to the like Effect; and which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables or other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place where the Justice so indorsing it shall have Jurisdiction, by apprehending the Person against whom such Warrant shall have been granted, and to convey him before the Justice or Justices who granted the same, or before some other Justice or Justices of the Peace in and for the same County or Place, and which said Justice or Justices before whom he shall be so brought shall thereupon proceed in such Manner as if the said Person had been apprehended in the said last-mentioned County or Place.

Warrants so indorsed to be valid.

Irish Warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, and vice versâ.

XIII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Division, Liberty, City, Borough, or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer or Gaol Delivery, for any indictable Offence, shall escape, go into, reside, or be, or be supposed or suspected to be, in any of the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for any Officer within the District into which such accused Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders within such District, to indorse (K.) such Warrant in the Manner herein-before mentioned, or to the like Effect; or if any Person against whom any Warrant, or Process in the Nature of a Warrant, shall be issued in any of the Isles aforesaid, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Division, Liberty, City, Borough, or Place in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant or Process in manner herein-before mentioned; and every such Warrant or Process, so indorsed, shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same respectively was originally directed, and also to all Constables and Peace Officers in the County, District, or Jurisdiction within which such Warrant or Process shall be so indorsed, to execute the same within

Warrants so indorsed to be valid.

within the County, District, or Place where the Justice or Officer indorsing the same has Jurisdiction, and to convey such Offender, when apprehended, into the County or District wherein the Justice or Person who issued such Warrant or Process shall have Jurisdiction, and carry him before such Justice or Person, or before some other Justice or Person within the same County or District who shall have Jurisdiction to commit such Offender to Prison for Trial, and such Justice or Person may thereupon proceed in such and the same Manner as if the said Offender had been apprehended within his Jurisdiction.

Irish Warrants may be backed in Scotland.

XIV. And be it declared and enacted, That if any Person against whom a Warrant shall be issued by any Justice of the Peace for any County or Place within *Ireland*, or by any Judge of Her Majesty's Court of Queen's Bench or Justice of Oyer and Terminer or Gaol Delivery in *Ireland*, for any Crime or Offence against the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland*, shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in that Part of the said United Kingdom called *Scotland*, it shall be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place where such Person or Persons shall go into, reside, or be, or be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned, or to the like Effect; which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs Officers, Stewards Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same within the County or Place where it shall have been so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Ireland* where the Justice or Justices who first issued the said Warrant shall have Jurisdiction in that Behalf, and to carry him before such Justice or Justices, or before any other Justice or Justices of the Peace of and for the same County or Place, to be there dealt with according to Law, and which said Justice or Justices are hereby authorized and required thereupon to proceed in such and the same Manner as if the said Offender had been apprehended within his or their Jurisdiction.

Warrants so indorsed to be valid.

Scotch Warrants may be backed in Ireland.

XV. And be it enacted, That if any Person against whom a Warrant shall be issued by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, or Justice of the Peace, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or shall be supposed or suspected to be, in any County or Place in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or shall be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned; and which said Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where the Justice so indorsing such Warrant shall have Jurisdiction, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Scotland* next or near to that Part of the United Kingdom called *Ireland*, and carry him before the Sheriff or Steward Depute or Substitute, or One of the Justices of the Peace, of such County or Place, and which said Sheriff, Steward Depute or Substitute, or Justice of the Peace, is hereby authorized and required thereupon to proceed in such and the same Manner, according to the Rules and Practice of the Law of *Scotland*, as if the said Offender had been apprehended within such County or Place in *Scotland* last aforesaid.

Warrants so indorsed to be valid.

Power to Justices to summon Witnesses to attend and give Evidence.

XVI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence for the Prosecution, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Examination of the Witnesses against the Accused, such Justice may and is hereby required to issue his Summons (L. 1.) to such Person, under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Charge made against such accused Party, and also (if such Justice shall think fit) to bring with him and produce for Examination such Paper or Papers or Documents as shall be in his Possession or Power, and as shall by such Justice be deemed necessary, and be therein set forth; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (L. 2.) under his or their Hands and Seals to bring and have such Person at a Time and Place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and (as the Case may be) to produce such Papers and Documents as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice or Justices shall be satisfied by Evidence upon Oath or Affirmation that it is probable that such Person will not attend to give Evidence without being

If Summons not obeyed, Warrant may be issued to compel Attendance.

In certain Cases Warrant

being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him or them to issue his or their Warrant (L. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, or (as the Case may be) shall refuse to produce for Examination any such Paper or Document as aforesaid which shall be in his Possession or Power, without offering any just Excuse for such Refusal, any Justice or Justices of the Peace then present, and having there Jurisdiction, may by Warrant (L. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol, House of Correction, or Bridewell for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises, or (as the Case may be) to produce the said Papers or Documents as aforesaid.

may be issued in the first instance.

Persons appearing on Summons, &c. refusing to be examined may be committed.

XVII. And be it enacted, That in all Cases where any Person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable Offence, whether committed in *Ireland* or upon the High Seas, or on Land beyond the Sea, or whether such Person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in Custody for the same or any other Offence, such Justice or Justices, before he or they shall commit such accused Person to Prison for Trial, or before he or they shall admit him to Bail, shall, in the Presence of such accused Person, who shall be at liberty to put Questions to any Witness produced against him, take the Statement (M.) on Oath or Affirmation of those who shall know the Facts and Circumstances of the Case, and shall put the same into Writing, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such Witness shall appear to be examined as aforesaid shall, before such Witness is examined, administer to such Witness the usual Oath or Affirmation, which such Justice or Justices shall have full Power and Authority to do; and if upon the Trial of the Person so accused as first aforesaid it shall be proved, by the Oath or Affirmation of any credible Witness, that any Person whose Deposition shall have been taken as aforesaid is dead, and if also it be proved that such Deposition was taken in the Presence or Hearing of the Person so accused, and that he or his Counsel or Attorney had a full Opportunity of cross-examining the Witness, then, if such Deposition purport to be signed by the Justice or Justices by or before whom the same purports to have been taken, it shall be lawful to read such Deposition as Evidence in such Prosecution, without further Proof thereof, unless it shall be proved that such Deposition was not in fact signed by the Justice or Justices purporting to sign the same.

As to the Examination of Witnesses.

Justice to administer Oath or Affirmation.

Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence.

XVIII. And be it enacted, That after the Examination of all the Witnesses on the Part of the Prosecution as aforesaid shall have been completed, the Justice of the Peace or One of the Justices by or before whom such Examination shall have been so completed as aforesaid shall, without requiring the Attendance of the Witnesses, read or cause to be read to the Accused the Depositions taken against him, and shall say to him these Words, or Words to the like Effect: "Having heard the Evidence, do you wish to say anything in answer to the Charge? you are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" and whatever the Prisoner shall then say in answer thereto shall be taken down in Writing (N.) and read over to him, and shall be signed by the said Justice or Justices, and kept with the Depositions of the Witnesses, and shall be transmitted with them as herein-after mentioned, and afterwards upon the Trial of the said accused Person the same may, if necessary, be given in Evidence against him, without further Proof thereof, if the same purport to be signed by the Justice or Justices by or before whom the same purports to have been taken, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: Provided always, that the said Justice or Justices before such accused Person shall make any Statement shall state to him, and give him clearly to understand, that he has nothing to hope from any Promise of Favour and nothing to fear from any Threat which may have been holden out to him to induce him to make any Admission or Confession of his Guilt, but that whatever he shall then say may be given in Evidence against him upon his Trial, notwithstanding such Promise or Threat: Provided nevertheless, that nothing herein enacted or contained shall prevent the Prosecutor in any Case from giving in Evidence any Admission or Confession or other Statement of the Person accused or charged, made at any Time, which by Law would be admissible as Evidence against such Person.

After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make;

and inform him that he has nothing to hope or fear from either Promise or Threat.

XIX. And be it declared and enacted, That the Room or Building in which such Justice or Justices shall take such Examinations and Statement as aforesaid shall not be deemed an open Court for that Purpose; and it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person (the Counsel or Attorney of any Person then being in such Court as a Prisoner only excepted) shall have Access to or be or remain in such Room or Building without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be best answered by so doing.

Place where Examination taken not to be deemed an open Court, and Justices may order that no Person remain, &c.

XX. And be it enacted, That it shall be lawful for the Justice or Justices before whom any such Witness shall be examined as aforesaid to bind by Recognizance (O. 1.) the Prosecutor and every such Witness to

Power to Justice to bind over the Prosecutors

and Witnesses by Recognizance.

to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Court of General or Quarter Sessions of the Peace, at which the Accused is to be tried, then and there to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, against the Party accused, which said Recognizance shall particularly specify the Profession, Art, Mystery, or Trade of every such Person entering into or acknowledging the same, together with his Christian and Surname, and the Parish, Township, or Place of his Residence, and if his Residence be in a City, Town, or Borough, the Recognizance shall also particularly specify the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof or a Lodger therein; and the said Recognizance, being duly acknowledged by the Person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a Notice (O. 2.) thereof, signed by the said Justice or Justices, shall at the same Time be given to the Person bound thereby; and every Information, Examination, and Recognizance sworn, taken, or acknowledged by or before any Justice or Justices not sitting in Petty Sessions shall, with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted to the Clerk of the Petty Sessions of such District, and shall be by him laid before the Bench of Justices at the next Petty Sessions after he shall have received such Informations, Examinations, and Recognizances; and every Information, Examination, and Recognizance sworn, taken, or acknowledged at any Petty Sessions in *Ireland* shall be transmitted by the Magistrates at such Sessions or the Clerk of such Petty Sessions to the Clerk of the Crown of the County, County of a City, or County of a Town in which such Sessions are holden, if the same shall relate to any Matter to be tried or inquired into at the Assizes, and if to any Matter to be tried or inquired into at the Quarter Sessions, then to the Clerk of the Peace of such County, City, or Town, with all convenient Despatch, or at the latest all such Informations, Examinations, and Recognizance shall be so transmitted once at least in every Fourteen Days from every such Court of Petty Sessions, together with all such Informations, Examinations, and Recognizances taken by or before a Justice or Justices not sitting in Petty Sessions as may be then in the Hands of every such Petty Sessions Clerk: Provided always, that if any such Witness shall refuse to enter into or acknowledge such Recognizance as aforesaid it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (P. 1.), to commit him to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place in which the accused Party is to be tried, there to be imprisoned and safely kept until after the Trial of such accused Party, unless in the meantime such Witness shall duly enter into such Recognizance as aforesaid before some One Justice of the Peace for the County, Division, Liberty, City, Borough, or Place in which such Gaol or House of Correction shall be situate: Provided nevertheless, that if afterwards, from Want of sufficient Evidence in that Behalf or other Cause, the Justice or Justices before whom such accused Party shall have been brought shall not commit him or hold him to Bail for the Offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place, by his or their Order (P. 2.) in that Behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such Witness shall be so in Custody to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Informations, &c. taken before Justices not in Petty Sessions to be transmitted to Petty Sessions Clerk; and Informations, &c. taken at Petty Sessions to be transmitted at least once in Fourteen Days to Clerk of Crown, &c.

Witnesses refusing to enter into Recognizances may be committed.

Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant.

If Remand be for Three Days only, by verbal Order.

XXI. And be it enacted, That if, from the Absence of Witnesses, or from any other reasonable Cause, it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful to and for the Justice or Justices before whom the Accused shall appear or be brought, by his or their Warrant (Q. 1.), from Time to Time to remand the Party accused for such Time as by such Justice or Justices in their Discretion shall be deemed reasonable, not exceeding Eight clear Days, to the Common Gaol or House of Correction, or other Prison, Lock-up House, or Place of Security in the County, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall then be acting; or if the Remand be for a Time not exceeding Three clear Days it shall be lawful for such Justice or Justices verbally to order the Constable or other Person in whose Custody such Party accused may then be, or any other Constable or Person to be named by the said Justice or Justices in that Behalf, to continue or keep such Party accused in his Custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the Time appointed for continuing such Examination: Provided always, that any such Justice or Justices may order such accused Party to be brought before him or them, or before any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, at any Time before the Expiration of the Time for which such accused Party shall be so remanded, and the Gaoler or Officer in whose Custody he shall then be shall duly obey such Order: Provided also, that, instead of detaining the accused Party in Custody during the Period for which he shall be so remanded, the Justice or Justices of the Peace before whom such accused Party shall so appear or be brought as aforesaid may discharge him, upon his entering into a Recognizance (Q. 2. 3.), with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination; and if such accused Party shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q. 4.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said accused Party.

Party accused may be admitted to Bail, on the Examination being adjourned.

If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.

XXII. And

XXII. 'And whereas it often happens that a Person is charged before a Justice of the Peace with an 'Offence alleged to have been committed in another County or Place than that in which such Person 'has been apprehended or in which such Justice has Jurisdiction, and it is necessary to make Provision 'as to the Manner of taking the Examinations of the Witnesses, and of committing the Party accused, or 'admitting him to Bail, in such a Case:' Be it therefore enacted, That whenever a Person shall appear or shall be brought before a Justice or Justices of the Peace in the County, Division, Liberty, City, Borough, or Place wherein such Justice or Justices shall have Jurisdiction, charged with an Offence alleged to have been committed by him in any County or Place within *Ireland* wherein such Justice or Justices shall not have Jurisdiction, it shall be lawful for such Justice or Justices and he and they are hereby required to examine such Witnesses, and receive such Evidence in Proof of such Charge as shall be produced before him or them, within his or their Jurisdiction; and if in his or their Opinion such Testimony and Evidence shall be sufficient Proof of the Charge made against such accused Party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place where the Offence is alleged to have been committed, or shall admit him to Bail as herein-after mentioned, and shall bind over the Prosecutor (if he have appeared before him or them) and the Witnesses by Recognizance accordingly, as is herein-before mentioned; but if such Testimony and Evidence shall not in the Opinion of such Justice or Justices be sufficient to put the accused Party upon his Trial for the Offence with which he is so charged, then such Justice or Justices shall bind over such Witnesses as he shall have examined, by Recognizance, to give Evidence, as herein-before is mentioned, and such Justice or Justices shall, by Warrant (R. 1.) under his or their Hand and Seal or Hands and Seals, order such accused Party to be taken before some Justice or Justices of the Peace in and for the County, Division, Liberty, City, Borough, or Place where and near unto the Place where the Offence is alleged to have been committed, and shall at the same Time deliver the Information and Complaint, and also the Depositions and Recognizances so taken by him or them, to the Constable who shall have the Execution of such last-mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the Accused in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the Case, and shall be treated to all Intents and Purposes as if they had been taken by or before the said last-mentioned Justice or Justices, and shall, together with such Depositions and Recognizances as such last-mentioned Justice or Justices shall take in the Matter of such Charge against the said accused Party, be transmitted to the Clerk of the Court where the said accused Party is to be tried, in the Manner and at the Time herein-before mentioned, if such accused Party shall be committed for Trial upon the said Charge, or shall be admitted to Bail; and in case such accused Party shall be taken before the Justice or Justices last aforesaid by virtue of the said last-mentioned Warrant, the Constable or other Person or Persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused Party before such last-mentioned Justice or Justices, shall be entitled to be paid his Costs and Expenses of conveying the said accused Party before the said Justice or Justices; and upon the said Constable or other Person producing the said accused Party before such Justice or Justices, and delivering him into the Custody of such Person as the said Justice or Justices shall direct or name in that Behalf, and upon the said Constable delivering to the said Justice or Justices the Warrant, Information (if any), Depositions, and Recognizances aforesaid, and proving by Oath the Handwriting of the Justice or Justices who shall have subscribed the same, such Justice or Justices to whom the said accused Party is so produced shall thereupon forthwith give to such Constable or other Person a Certificate that he is entitled to be paid his Costs and Expenses for conveying such accused Party and taking him before such Justice or Justices, as also his reasonable Costs and Expenses of returning; and upon the Production of such Certificate such Costs and Expenses shall be defrayed and paid to such Constable or Person by the Paymaster of the Constabulary Force of such County, County of a City, or County of a Town in which such Prisoner or Person shall have committed or be charged with having committed the Offence alleged against him or her, out of any Funds in his Hands applicable to the Maintenance of the Constabulary Force, and the same shall be allowed him in his Account, and shall be dealt with and included in the Certificate of the Inspector General of the Constabulary Force, and shall be raised by Grand Jury Presentment, and paid over in like Manner and subject to like Provisions as is provided relating to the Expenses incurred by the Constabulary Force in conveying Prisoners under an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland: Provided always, that if such last-mentioned Justice or Justices shall not think the Evidence against such accused Party sufficient to put him upon his Trial, and shall discharge him without holding him to Bail, every such Recognizance so taken by the said first-mentioned Justice or Justices as aforesaid shall be null and void.

If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former;

and if Evidence be deemed sufficient may be committed to Prison,

If insufficient, to be brought before some Justice in the latter County.

As to Payment of Expenses of conveying the Accused into the proper County, &c.

2 & 3 Vict. c. 75. s. 30.

XXIII. And be it enacted, That where any Person shall appear or be brought before a Justice or Justices of the Peace, charged with any Felony, save and except any Felony under an Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with any Offence against an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled 'An Act to prevent and punish tumultuous 'Risings of Persons within this Kingdom, and for other Purposes therein mentioned,'* or with obtaining or attempting to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth

Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors. 11 & 12 Vict. c. 12. 1 & 2 W. 4. c. 44.

of a Child by secret burying or otherwise, or with wilful or indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace Officer in the Execution of his Duty, or upon any Person acting in his Aid, or with Neglect or Breach of Duty as a Peace Officer, or with any Misdemeanor for the Prosecution of which the Costs may be allowed out of the County Rate or Funds, such Justice or Justices of the Peace may, if in his or their Discretion (having regard to the Nature of the Charge and the Cogency of the Evidence adduced in support of it) it appears to him or them to be a Case in which Bail ought to be taken, admit such Person to Bail, upon his procuring and producing a sufficient Surety or Sureties for the Appearance of such accused Person at the Time and Place when and where he is to be tried for such Offence; and thereupon such Justice or Justices shall take the Recognizance (S. 1. 2.) of the said accused Person and his Surety or Sureties, conditioned for the Appearance of such accused Person at the Time and Place of Trial, and that he will then surrender and take his Trial, and not depart the Court without Leave; and in all Cases where a Person charged with any indictable Offence shall be committed to Prison to take his Trial for the same, it shall be lawful, at any Time afterwards, and before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, for the Justice or Justices of the Peace who shall have signed the Warrant for his Commitment, in his or their Discretion, to admit such accused Person to Bail in manner aforesaid; or if such committing Justice or Justices shall be of opinion that for any of the Offences herein-before mentioned the said accused Person ought to be admitted to Bail, he or they shall in such Cases, and in all other Cases of Misdemeanors, certify (S. 3.) on the Back of the Warrant of Commitment his or their Consent to such accused Party being bailed, stating also the Amount of Bail which ought to be required, it shall be lawful for any Justice of the Peace, attending or being at the Gaol or Prison where such accused Party shall be in Custody, on Production of such Certificate, at any Time before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, to admit such accused Person to Bail in manner aforesaid; or if it shall be inconvenient for the Surety or Sureties in such a Case to attend at such Gaol or Prison to join with such accused Person in the Recognizance of Bail, then such committing Justice or Justices may make a Duplicate of such Certificate (S. 4.) as aforesaid, and upon the same being produced to any Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, it shall be lawful for such last-mentioned Justice before such Time as aforesaid to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted to the Keeper of such Gaol or Prison, and produced, together with the Certificate on the Warrant of Commitment as aforesaid, to any Justice of the Peace attending or being at such Gaol or Prison, it shall be lawful for such last-mentioned Justice thereupon before such Time as aforesaid to take the Recognizance of such accused Party, and to order him to be discharged out of Custody as to that Commitment, as herein-after mentioned; and where any Person shall be charged before any Justice or Justices of the Peace with any indictable Misdemeanor other than those herein-before mentioned, such Justice or Justices, after taking the Examinations in Writing as aforesaid, instead of committing him to Prison for such Offence, shall admit him to Bail in manner aforesaid, or if he have been committed to Prison, and shall apply to any One of the Visiting Justices of such Prison, or to any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, to be admitted to Bail, such Justice or Justices shall accordingly admit him to Bail in manner aforesaid; and in all Cases where such accused Person in Custody shall be admitted to Bail by a Justice or Justices of the Peace other than the committing Justice or Justices as aforesaid, such Justice or Justices of the Peace so admitting him to Bail shall forthwith transmit the Recognizance or Recognizances of Bail to the committing Justice or Justices, or One of them, to be by him or them transmitted, with the Examinations, to the proper Officer: Provided nevertheless, that no Justice or Justices of the Peace shall admit any Person to Bail for Treason, or for any Felony under the said Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, nor shall any such Person be admitted to Bail, except by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at *Dublin*, or a Judge thereof in Vacation: Provided also, that when, in Cases of Misdemeanor, the Defendant shall be entitled to a Traverse at the next Assizes, Court of Oyer and Terminer, or Quarter Sessions, and shall not be bound to take his Trial until the Second Assizes, or Court of Oyer and Terminer, or Sessions, in every such Case the Recognizance (S. 1.) of Bail shall be conditioned that he shall appear and plead at the next Assizes, Court of Oyer and Terminer, or Sessions, and then traverse the Indictment, and that he shall surrender and take his Trial at such Second Assizes, Court of Oyer and Terminer, or Sessions, unless such accused Party shall, before he enter into such Recognizance, choose and consent to take his Trial at such First Assizes, Court of Oyer and Terminer, or Sessions, in which Case the Recognizance may be in the ordinary Form herein-before mentioned.

Justices may admit to Bail in the like Cases after Commitment for Trial.

Justice shall admit to Bail Persons charged with other Misdemeanors.

Certain Recognizances to be transmitted to committing Justices.

No Bail in Cases of Treason, or of Felony under 11 & 12 Vict. c. 12., but by Order of Lord Lieutenant, &c.

Where Defendant entitled to traverse.

When Justice admits a Person to Bail after Commitment a Warrant of Deliverance shall be sent to him, if not detained for any other Offence.

XXIV. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall admit to Bail any Person who shall then be in any Prison charged with the Offence for which he shall be so admitted to Bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison a Warrant of Deliverance (S. 5.) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence or under no Civil Process, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

XXV. And

If, after hearing Evidence against the Accused, it is not thought sufficient to warrant Commitment, he shall be discharged; but if Evidence considered sufficient, Justice shall commit the Accused for Trial.

XXV. And be it enacted, That when all the Evidence offered upon the Part of the Prosecution against the accused Party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused Party upon his Trial for any indictable Offence, such Justice or Justices shall forthwith order such accused Party, if in Custody, to be discharged as to the Information then under Inquiry; but if, in the Opinion of such Justice or Justices, such Evidence is sufficient to put the accused Party upon his Trial for an indictable Offence, or if the Evidence given raise a strong or probable Presumption of the Guilt of such accused Party, then such Justice or Justices shall, by his or their Warrant (T. 1.), commit him to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place to which by Law he may now be committed, or, in the Case of an indictable Offence committed on the High Seas, or on Land beyond the Sea, to the Common Gaol of the County, Division, Liberty, City, Borough, or Place within which such Justice or Justices shall have Jurisdiction, to be there safely kept until he shall be thence delivered by due Course of Law, or admit him to Bail as herein-before mentioned.

Regulations for conveying Prisoners to Gaol.

XXVI. And be it enacted, That the Constable or any of the Constables or other Persons to whom the said Warrant of Commitment shall be directed shall convey such accused Person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper, or Governor of such Gaol or Prison, who shall thereupon give such Constable or other Person so delivering such Prisoner into his Custody a Receipt (T. 2.) for such Prisoner, setting forth the State and Condition in which such Prisoner was when he was delivered into the Custody of such Gaoler, Keeper, or Governor; and in all Cases where such Constable or other Person shall be entitled to his Costs or Expenses for conveying such Person to such Prison as aforesaid it shall be lawful for the Justice or Justices who shall have committed the accused Party, or for any Justice of the Peace in and for the said County, Division, or other Place of exclusive Jurisdiction wherein the Offence is alleged in the said Warrant to have been committed, to give to such Constable or other Person conveying such Prisoner to such Gaol or Prison a written Certificate that he is entitled to his Costs and Expenses for the same, and also for his Expenses in returning, and such Costs and Expenses shall be defrayed and provided and accounted for by the Paymaster of the Constabulary Force of the County wherein the Offence is alleged to have been committed, and shall be repaid, raised, and levied off such County by Presentment of the Grand Jury, in like Manner, and under the like Regulations, and subject to the like Provisions, as contained, relating to the Expenses of conveying Prisoners, in an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland: Provided nevertheless, that if it shall appear to the Justice or Justices by whom any such Warrant of Commitment against such Prisoner shall be granted as aforesaid that such Prisoner hath Money sufficient to pay the Expenses, or some Part thereof, of conveying him to such Gaol or Prison, it shall be lawful for such Justice or Justices, in his or their Discretion, to order such Money, or a sufficient Part thereof, to be applied to such Purpose.

As to Payment of Costs of conveying Prisoners to Prison.

2 & 3 Vict. c. 75.

After Examinations are completed, Defendant entitled to Copies of the Depositions.

XXVII. And be it enacted, That at any Time after all the Examinations aforesaid shall have been completed, and before or on the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person so committed to Prison or admitted to Bail as aforesaid is to be tried, such Person may require and shall be entitled to have, of and from the Officer or Person having the Custody of the same, Copies of the Depositions on which he shall have been committed or bailed, or Copies of Depositions taken at an Inquest in Cases of Murder and Manslaughter, on Payment of a reasonable Sum for the same, not exceeding at the Rate of Three Halfpence for each Folio of Ninety Words.

Forms in Schedule valid,

XXVIII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law.

Nothing to affect Powers, &c. contained in 48 G. 3. c. 140., 6 & 7 W. 4. c. 29., 2 & 3 Vict. c. 78., and 5 & 6 Vict. c. 24.;

XXIX. And be it enacted, That nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of* Dublin *Metropolis*, or any Act or Acts amending the same, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, or an Act of the Second and Third Years of Her present Majesty, intituled *An Act to make further Provisions relating to the Police in the District of* Dublin *Metropolis*, or an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act for improving the* Dublin *Police*, or any Act or Acts amending the same.

or to alter or affect Provisions of 7 & 8 G. 4. c. 67. or 6 & 7 W. 4. c. 34., or other Acts annexing Part of County to other County.

XXX. And be it enacted, That nothing in this Act contained shall be deemed or construed to alter or affect the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, amending the same, or the Provisions of any Act or Acts whereby any Part of any County is annexed for the Purpose of Criminal Proceedings to any other County, or whereby any Offences committed in any County are authorized to be tried in any other County.

Act to extend to Ireland only, except as to backing of Warrants.

XXXI. And be it enacted, That this Act shall be deemed and taken to extend to *Ireland* only, save and except the several Provisions respectively herein-before contained respecting the backing of Warrants, and also nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of Her Majesty's Court of Queen's Bench in *Ireland*.

Commencement of Act.

XXXII. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

Interpretation of Act.

XXXIII. And be it enacted, That in the Interpretation of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed and construed to include "County of a City," or "County of a Town," Words denoting a Male shall be deemed to include a Female also, and Words denoting one Person or Thing shall be deemed to include also several Persons or Things.

After Commencement of this Act the following Acts and Parts of Acts repealed.

XXXIV. And be it enacted, That the following Statutes and Parts of Statutes, so far as the same relate to *Ireland*, shall from and after the Day on which this Act shall commence and take effect be and the same are hereby repealed; (that is to say,) so much of an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another*, as relates to the Apprehension of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland*, and to the backing of Warrants against such Offenders; and so much of another Act passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another*, as relates to the bailing of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland*; and also another Act passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the more easy apprehending and trying of Offenders escaping from one Part of the United Kingdom to the other*; and also another Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the Twenty-eighth Year of the Reign of King* George *the Third, intituled 'An Act to 'enable Justices of the Peace to act as such, in certain Cases, out of the Limits of the Counties in which 'they actually are;'* and so much of another Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, as relates to the taking of such Examinations, and the Commitment of Persons so charged, by Justices of the Peace; and so much of another Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases in* Ireland, as relates to the taking of Bail in Cases of Felony, and to the taking of the Examinations and Informations against Persons charged with Felonies and Misdemeanors, and binding Persons by Recognizance to prosecute or give Evidence; and so much of another Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Parties charged with Offences to have Copies of the Depositions or Examinations against them; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Act or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

44 G. 3. c. 92.

45 G. 3. c. 92.

54 G. 3. c. 186.

1 & 2 G. 4. c. 63.

7 G. 4. c. 38.

9 G. 4. c. 54.

6 & 7 W. 4. c. 114.

Act may be amended, &c.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE.

(A.)

Information and Complaint for an Indictable Offence.

} The Information and Complaint of *C.D.* of [*Yeoman*], taken this
to wit. } Day of in the Year our Lord 184 before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of who saith that [*&c., stating the Offence*].

Sworn before [*me*], the Day and Year first above mentioned, at

J.S.

(B.)

Warrant to apprehend a Person charged with an Indictable Offence.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of [*Labourer*] hath this Day been charged upon Oath before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that he on at did [*&c., stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer unto the said Charge, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(C.)

Summons to a Person charged with an Indictable Offence.

To *A.B.* of [*Labourer*].

WHEREAS you have this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you on at [*&c. stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer to the said Charge, and to be further dealt with according to Law. Herein fail not.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the *County* aforesaid. *J.S.* (L.S.)

(D.)

Warrant where the Summons is disobeyed.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on the last past *A.B.* of [*Labourer*] was charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas [*I*] then issued [*my*] Summons to the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as might then be there, to answer to the said Charge, and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place appointed in and by the said Summons, although it hath now been proved to [*me*] upon Oath that the said Summons was duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Charge, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(E.)

Warrant to apprehend a Person charged with an Indictable Offence committed on the High Seas or Abroad.

For Offences committed on the High Seas the Warrant may be the same as in ordinary Cases, but describing the Offence to have been committed "on the High Seas, out of the Body of any County of this Realm, and within the Jurisdiction of the Admiralty of England *or* Ireland."

For Offences committed Abroad for which the Parties may be indicted in this Country the Warrant also may be the same as in ordinary Cases, but describing the Offence to have been committed "on Land out of the United Kingdom, to wit, at in the Kingdom of ," *or* "at in the East Indies," *or* "at in the Island of in the West Indies," *or as the Case may be.*

(F.)

Certificate of Indictment being found.

I HEREBY certify, That at [a Court of Oyer and Terminer and General Gaol Delivery, *or* a Court of General Quarter Sessions of the Peace,] holden in and for the [*County*] of at in the said [*County*], on a Bill of Indictment was found by the Grand Jury against *A.B.*, therein described as *A.B.* late of [*Labourer*], for that he [*&c., stating shortly the Offence*], and that the said *A.B.* hath not appeared or pleaded to the said Indictment.

Dated this Day of 184 . *J.D.*
Clerk of the Crown of the
or
Clerk of the Peace of and for the said [*County*].

(G.)

Warrant to apprehend a Person indicted.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Crown of the [*or* Clerk of the Peace of and for the [*County*] of] [that, *&c., stating the Certificate*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(H.)

Warrant of Commitment of a Person indicted.

To the Constables of or any of them, and to the Keeper of the [Common Gaol *or* House of Correction] at in the said [*County*] of

WHEREAS by [*my*] Warrant under [*my*] Hand and Seal, dated the Day of after reciting that it had been certified by *J.D.* [*&c., as in the Certificate*], [*I*] commanded the Constables of and all other Peace Officers of the said County, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], or before some other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law: And whereas the said *A.B.* hath been apprehended under and by virtue of the said Warrant, and being now brought before [*me*], it is hereupon duly proved to [*me*] upon Oath that the said *A.B.* is the same Person who is named and charged in and by the said Indictment: These are therefore to command you the said Constables in Her Majesty's Name, forthwith to take and safely convey the said *A.B.* to the said [*House of Correction*], at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and him there safely to keep until he shall be thence delivered by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(I.)

Warrant to detain a Person indicted who is already in Custody for another Offence.

To the Keeper of the [Common Gaol *or* House of Correction] at in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Crown of the [*or* Clerk of the Peace of and for the County of], that [*&c., stating the Certificate*]: And whereas [*I am*] informed that the said *A.B.* is in your Custody in the said [*Common Gaol*] at aforesaid, charged with some Offence or other Matter; and it being now duly proved upon Oath before [*me*] that the said *A.B.* so indicted as aforesaid, and the said *A.B.* in your Custody as aforesaid, are one and the same Person: These are therefore to command you, in Her Majesty's Name, to detain the said *A.B.* in your Custody in the [*Common Gaol*] aforesaid until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of your Custody by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(K.)

Endorsement in backing a Warrant.

} WHEREAS Proof upon Oath hath this Day been made before [*me, One*] of Her Majesty's
to wit. } Justices of the Peace for the said [*County*] of that the Name of *J.S.* to the within Warrant subscribed, is of the Handwriting of the Justice of the Peace within mentioned; [*I*] do therefore hereby authorize *W.T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom it may lawfully be executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said last-mentioned [*County*],* and to bring the said *A.B.*, if apprehended within the same [*County*], before [*me*] or before some other Justice or Justices of the Peace of the same County, to be dealt with according to Law.

Given under [*my*] Hand, this Day of 184 . *J.L.*

* *The Words following this Asterisk are to be used only where the Justice backing the Warrant shall think fit, and may be omitted in backing Irish Warrants in England, Scotland, &c., or in backing English or Scotch Warrants, &c. in Ireland.*

(L. 1.)

Summons of a Witness.

To *E.F.* of [*Labourer*].

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that *A.B.* [*&c., as in the Summons or Warrant against the Accused*], and it hath been made to appear to *me* upon [*Oath*] that you are likely to give material Evidence for the [*Prosecution*]: These are therefore to require you to be and to appear before [*me*] on next at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same County as may then be there, to testify what you shall know concerning the said Charge so made against the said *A.B.* as aforesaid. Herein fail not.

Given under *my* Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS Information having been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that *A.B.* [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] was likely to give material Evidence for the Prosecution, *I* [*did*] duly issue [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at or before such other Justice or Justices of the Peace for the same County as might then be there, to testify what he should know respecting the said Charge so made against the said *A.B.* as aforesaid: And whereas Proof hath this Day been made before [*me*] upon Oath of such Summons having been duly served upon the said *E.F.*: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse has been offered for such Neglect: These are therefore to command you to bring and have the said *E.F.* before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord in the [*County*] aforesaid.

J.S. (L.S.)

(L. 3.)

Warrant for a Witness in the first instance.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that [*&c. as in Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence for the Prosecution, and that it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do: These are therefore to command you to bring and have the said *E.F.* before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(L. 4.)

Warrant of Commitment of a Witness for refusing to be sworn or to give Evidence.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, [*I*] duly issued [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*] [*or* being brought before [*me*] by virtue of a Warrant in that Behalf, to testify as aforesaid], and being required to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or*, being duly sworn as a Witness, doth now refuse to answer certain Questions concerning the Premises which are here put to him], without offering any just Excuse for such his Refusal, These are therefore to command you the said Constables to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the County aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and him there safely keep for the Space of Days for his said Contempt, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(M.)

Depositions of Witnesses.

to wit. } The Examination of *C.D.* of [*Farmer*] and *E.F.* of [*Labourer*], taken on [*Oath*] this Day of in the Year of our Lord at in the [*County*] aforesaid, before the undersigned [*One*] of Her Majesty's Justices of the Peace for the said [*County*], in the Presence and Hearing of *A.B.*, who is charged this Day before [*me*], for that he the said *A.B.* on at [*&c., describing the Offence as in a Warrant of Commitment*].

THIS Deponent *C.D.*, on his [*Oath*], saith as follows [*&c., stating the Deposition of the Witness as nearly as possible in the Words he uses. When his Deposition is complete let him sign it.*]

And this Deponent *E.F.*, upon his Oath, saith as follows [*&c.*]

The above Depositions of *C.D.* and *E.F.* were taken and [*sworn*] before [*me*] at on the Day and Year first above mentioned. *J.S.*

(N.)

Statement of the Accused.

: *A.B.* stands charged before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] aforesaid, this Day of in the Year of our Lord for that he the said *A.B.* on at [*&c., as in the Caption of the Depositions*]; and the said Charge being read to the said *A.B.*, and the Witnesses for the Prosecution, *C.D.* and *E.F.*, being severally examined in his Presence, the said *A.B.* is now addressed by [*me*] as follows: "Having heard the Evidence, do you wish to say anything in answer to the Charge? you are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" whereupon the said *A.B.* saith as follows:

[*Here state whatever the Prisoner may say, and in his very Words as nearly as possible. Get him to sign it if he will.*] *A.B.*

Taken before [*me*] at the Day and Year first above mentioned.

J.S.

(O. 1.)

Recognizance to prosecute or give Evidence.

: BE it remembered, That on the Day of in the Year of our Lord *C.D.* of in the Townland, *&c.* of in the said County, *Farmer*, [*or*, *C.D.* of No. 2, Street in the Parish of in the Town [*or* City] of *Surgeon*, of which said House he is Tenant,] personally came before [*me*], *One* of Her Majesty's Justices of the Peace for the said County, and acknowledged himself to owe to our Sovereign Lady the Queen the Sum of of good and lawful Money of Great Britain, to be made and levied of his Goods and Chattels, Lands and Tenements, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *C.D.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before [*me*]

J.S.

Condition to prosecute.

The Condition of the within-written Recognizance is such, That whereas one *A.B.* was this Day charged before [*me*] *J.S.*, Justice of the Peace within mentioned, for that [*&c., as in the Caption of the Depositions*]; if therefore he the said *C.D.* shall appear at the next Court of Oyer and Terminer or General Gaol Delivery [*or* at the next Court of General Quarter Sessions of the Peace] to be holden in and for the [*County*] of * and there prefer or cause to be preferred a Bill of Indictment for the Offence aforesaid against the said *A.B.*, and there also duly prosecute such Indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition to prosecute and give Evidence.

Same as the last Form to the Asterisk, and then thus:*—" and there prefer or cause to be preferred a Bill of Indictment against the said *A.B.* for the Offence aforesaid, and duly prosecute such Indictment, and give Evidence thereon as well to the Jurors who shall then inquire of the said Offence, as also to them who shall pass upon the Trial of the said *A.B.*, then the said Recognizance to be void, or else to stand in full force and virtue."

Condition to give Evidence.

Same as the last Form but One to the Asterisk, and then thus:*—" and there give such Evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said *A.B.* for the Offence aforesaid, as well to the Jurors who shall there inquire of the said Offence as also to the Jurors who shall pass upon the Trial of the said *A.B.* if the said Bill shall be found a true Bill, then the said Recognizance to be void, or else to stand in full force and virtue."

(O. 2.)

Notice of the said Recognizance to be given to the Prosecutor and his Witnesses.

to wit. } TAKE notice, That you *C.D.* of are bound in the Sum of to appear at the next Court of [*General Quarter Sessions of the Peace*] in and for the County of to be holden at in the said County, and then and there [prosecute and] give Evidence against *A.B.*; and unless you then appear there, and [prosecute and] give Evidence accordingly, the Recognizance entered into by you will be forthwith levied on you. Dated this Day of 184 .

J.S.

(P. 1.)

Commitment of Witness for refusing to enter into the Recognizance.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Witness*], and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, [*I*] duly issued [*my Summons to the said E.F., requiring him to be and appear*] before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*], [*or*, being brought before [*me*] by virtue of a Warrant in that Behalf, to testify as aforesaid,] hath been now examined by [*me*] touching the Premises, but being by [*me*] required to enter into a Recognizance conditioned to give Evidence against the said *A.B.* hath now refused so to do: These are therefore to command you the said Constables or any of you to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the [*County*] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], there to imprison and safely keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime such *E.F.* shall duly enter into such Recognizance as aforesaid in the Sum of Pounds, before some One Justice of the Peace for the said [*County*], conditioned in the usual Form to appear at the next Court of [Oyer and Terminer or General Gaol Delivery, *or* General Quarter Sessions of the Peace,] to be holden in and for the [*County*] of and there to give Evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said *A.B.* for the Offence aforesaid, and also to give Evidence upon the Trial of the said *A.B.* for the said Offence, if a true Bill should be found against him for the same.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

(P. 2.)

Subsequent Order to discharge the Witness.

To the Keeper of the [*House of Correction*] at in the [*County*] of

WHEREAS by [*my*] Order dated the Day of [*instant*], reciting that *A.B.* was lately before then charged before [*me*] for a certain Offence therein mentioned, and that *E.F.* having appeared before [*me*], and being examined as a Witness for the Prosecution in that Behalf, refused to enter into a Recognizance to give Evidence against the said *A.B.*, and [*I*] therefore thereby committed the said *E.F.* to your Custody, and required you safely to keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid: And whereas for Want of sufficient Evidence against the said *A.B.* the said *A.B.* has not been committed or holden to Bail for the said Offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your Custody: These are therefore to order and direct you the said Keeper to discharge the said *E.F.* out of your Custody as to the said Commitment, and suffer him to go at large.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant remanding a Prisoner.

To the Constables of or any of them, and to the [*Keeper of the House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was this Day charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Warrant to apprehend*]; and it

it appears to [*me*] to be necessary to remand the said *A.B.*: These are therefore to command you the said Constables, or any of you, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and there safely keep him until the Day of [*instant*], when [*I*] hereby command you to have him at at o'Clock in the Forenoon of the same Day before [*me*], or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Charge, and to be further dealt with according to Law, unless you shall be otherwise ordered in the meantime.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 2.)

Recognizance of Bail instead of Remand, on an Adjournment of Examination.

: Be it remembered, That on the Day of in the Year of our Lord *A.B.* of [*Labourer*], *L.M.* of [*Grocer*], and *N.O.* of [*Butcher*], personally came before [*me*], One of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; that is to say, the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before [*me*],

J.S.

Condition.

The Condition of the within-written Recognizance is such, That whereas the within-bounden *A.B.* was this Day [*or* on last past] charged before [*me*], for that [*&c., as in the Warrant*]: And whereas the Examination of the Witnesses for the Prosecution in this Behalf is adjourned until the Day of [*instant*]; if therefore the said *A.B.* shall appear before [*me*] on the said Day of [*instant*], at o'Clock in the Forenoon, or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer [further] to the said Charge, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

(Q. 3.)

Notice of such Recognizance to be given to the Accused and his Sureties.

: TAKE notice, That you *A.B.* of are bound in the Sum of and your Sureties *L.M.* and *N.O.* in the Sum of each, that you *A.B.* appear before [*me*] *J.S.*, One of Her Majesty's Justices of the Peace for the [*County*] of on the Day of [*instant*], at o'Clock in the Forenoon, at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer further to the Charge made against you by *C.D.*, and to be further dealt with according to Law; and unless you *A.B.* personally appear accordingly, the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them. Dated this Day of 184 .

J.S.

(Q. 4.)

Certificate of Nonappearance to be endorsed on the Recognizance.

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the above Condition mentioned, but therein hath made Default, by reason whereof the within-written Recognizance is forfeited.

J.S.

(R. 1.)

Warrant to convey the Accused before a Justice of the County, &c. in which the Offence was committed.

To *W.T.*, Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of [*Labourer*], hath this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Warrant to apprehend*]: And whereas [*I*] have taken the Deposition of *C.D.*, a Witness examined by [*me*] in this Behalf; but inasmuch as [*I am*] informed that the principal Witnesses to prove the said Offence against the said *A.B.* reside in the [*County*] of *C.*, where the said Offence is alleged to have been committed, These are therefore to command you the said Constable, in Her Majesty's Name, forthwith

with to take and convey the said *A.B.* to the said [*County*] of *C.*, and there carry him before some Justice or Justices of the Peace in and for that [*County*], and near unto the [*Parish of D.*], where the Offence is alleged to have been committed, to answer further to the said Charge before him or them, and to be further dealt with according to Law; and [*I*] hereby further command you the said Constable to deliver to the said Justice or Justices the Information in this Behalf, and also the said Deposition of *C.D.* now given into your Possession for that Purpose, together with this Precept.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(R. 2.)

Certificate for Payment of the Constable's Expenses.

To *R.W.*, Esquire, Paymaster of the Constabulary Force of County of *C.*

Whereas *W.T.*, Constable of in the County of *A.*, hath by virtue of and in obedience to a certain Warrant of *J.S.*, Esquire, [*One*] of Her Majesty's Justices of the Peace in and for the said County of *A.*, taken and conveyed one *A.B.*, charged before the said *J.S.* with having [*&c., stating shortly the Offence*], from in the said County of *A.* to in the said County of *C.*, a Distance of Miles, and produced the said *A.B.* before [*me*] *S.P.*, One of Her Majesty's Justices of the Peace in and for the said County of *C.*, and delivered him into the Custody of by [*my*] Direction, to answer to the said Charge, and further to be dealt with according to Law: And whereas the said *W.T.* hath also delivered to [*me*] the said Warrant, together with the Information in that Behalf, and also the Deposition of *C.D.* in the said Warrant mentioned, and hath proved to [*me*] upon Oath the Handwriting of the said *J.S.* subscribed to the same: Now [*I*] hereby certify, that the said Constable is entitled to his reasonable Costs and Expenses of the same, and of returning to his Home, according to the Form of the Statute in such Case made and provided, for which this Certificate shall be your sufficient Voucher and Authority.

Given under [*my*] Hand, this Day of 184 .

J.P.

(S. 1.)

Recognizance of Bail.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* of [*Labourer*], *L.M.* of [*Grocer*], and *N.O.* of [*Butcher*], personally came before [*us*] the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each, of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition endorsed.

Taken and acknowledged the Day and Year first above mentioned, at before us.

J.S.
J.N.

Condition in ordinary Cases.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*us*], the Justices within mentioned, for that [*&c., as in the Warrant*]; if therefore the said *A.B.* will appear at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of and there surrender himself into the Custody of the Keeper of the [*Common Gaol*] there, and plead to such Indictment as may be found against him by the Grand Jury, for or in respect of the Charge aforesaid, and take his Trial upon the same, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

Condition where the Defendant is entitled to a Traverse.

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*me*], the Justice within mentioned, for that [*&c., as in the Warrant or Summons*]; if therefore the said *A.B.* will appear at the next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] to be holden in and for the County of and there plead to such Indictment as may be found against him by the Grand Jury for or in respect of the Charge aforesaid, and shall afterwards at the then next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] surrender himself into the Custody of the Keeper of the [*House of Correction*] there, and take his Trial upon the said Indictment, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S. 2.)

Notice of the said Recognizance to be given to the Accused and his Bail.

TAKE notice, That you *A.B.* of are bound in the Sum of and your [*Sureties L.M. and N.O.*] in the Sum of each, that you *A.B.* appear, *&c.* [*as in the Condition of the Recognizance*], and not depart the said Court without Leave; and unless you the said *A.B.* personally appear and plead, and take your Trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this Day of 184 .

J.S.

(S. 3.)

Certificate of Consent to Bail by the committing Justice endorsed on the Commitment.

I HEREBY certify, That [*I*] consent to the within-named *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each.

J.S.

(S. 4.)

The like, on a separate Paper.

WHEREAS *A.B.* was on the committed by [*me*] to the [*House of Correction*] at charged with [*&c., naming the Offence shortly*]:

[*I*] hereby certify, That [*I*] consent to the said *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each. Dated the Day of 184 .

J.S.

(S. 5.)

Warrant of Deliverance on Bail being given for a Prisoner already committed.

To the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of *Labourer*, hath before [*us, Two*] of Her Majesty's Justices of the Peace in and for the said [*County*], entered into his own Recognizance, and found sufficient Sureties for his Appearance at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of to answer our Sovereign Lady the Queen, for that [*&c., as in the Commitment*], for which he was taken and committed to your said [*House of Correction*]: These are therefore to command you, in Her said Majesty's Name, that if the said *A.B.* do remain in your Custody in the said [*House of Correction*] for the said Cause, and for no other, you shall forthwith suffer him to go at large.

Given under [*our*] Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)
J.N. (L.S.)

(T. 1.)

Warrant of Commitment.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was this Day charged before [*me*], *J.S.*, One of Her Majesty's Justices of the Peace in and for the said [*County*] of on the Oath of *C.D.* of *Farmer*, and others, for that [*&c., stating shortly the Offence*]: These are therefore to command you the said Constables of or any of you to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until he shall be thence delivered by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(T. 2.)

Gaoler's Receipt to the Constable for the Prisoner.

I HEREBY certify, That I have received from *W.T.*, Constable of the Body of *A.B.*, together with a Warrant under the Hand and Seal of *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the [*County*] of ; and that the said *A.B.* was [sober, *or as the Case may be,*] at the Time he was so delivered into my Custody.

P.K.,
Keeper of the House of Correction [*or* Common Gaol] at .

To

To *R.W.*, Esquire, Paymaster of the Constabulary Force of the [*County*] of .

WHEREAS *W.T.*, Constable of in the [*County*] of , hath produced unto me, *J.P.*, One of Her Majesty's Justices of the Peace in and for the said [*County*] of (wherein the Offence herein-after mentioned is alleged to have been committed), the above Receipt of *P.K.*, Keeper of the [*House of Correction*] at : Now I hereby certify that the said Constable is entitled to be paid his reasonable Costs and Expenses of conveying the Prisoner in the said Receipt mentioned to the said [*House of Correction*], and of returning home again, according to the Form of the Statute in such Case made and provided, for which this Certificate shall be your sufficient Voucher and Authority.

Given under my Hand this Day of 184 .

J.P.

Received the Day of 184 of the Paymaster of the Constabulary Force of the [*County*] of the Sum of being the Amount of the Expenses paid to me under the above Certificate.

CAP. LXX.

An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Summary Convictions and Orders. [28th *July* 1849.]

'WHEREAS it would conduce much to the Improvement of the Administration of Justice in *Ireland*, 'so far as respects Summary Convictions, and Orders to be made by Her Majesty's Justices of the 'Peace therein, if the several Statutes and Parts of Statutes relating to the Duties of such Justices in 'respect of such Summary Convictions and Orders were consolidated, with such Additions and Alter-'ations as may be deemed necessary, and that such Duties should be clearly defined by such positive 'Enactment:' Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where an Information shall be laid before One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland*, that any Person has committed or is suspected to have committed any Offence or Act within the Jurisdiction of such Justice or Justices for which he is liable by Law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all Cases where a Complaint shall be made to any such Justice or Justices upon which he or they have or shall have Authority by Law to make any Order for the Payment of Money or otherwise, then and in every such Case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A.) directed to such Person, stating shortly the Matter of such Information or Complaint, and requiring him to appear at a certain Time and Place before the same Justice or Justices, or before such other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place as shall then be there, to answer to the said Information or Complaint, and to be further dealt with according to Law; and every such Summons shall be served upon the Person to whom it is so directed by delivering the same to the Party personally, or by leaving the same with some Person for him at his last or most usual Place of Abode; and the Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any Case where the Application for any Order of Justices is by Law to be made *ex parte:* Provided also, that no Objection shall be taken or allowed to any Information, Complaint, or Summons, for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Informant or Complainant at the Hearing of such Information or Complaint as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day.

In all Cases where Information shall be laid or Complaint made of Offences committed, Justices may issue Summons to Persons to answer the same.

How Summons to be served.

Justices not obliged to issue Summonses in certain Cases.

No Objection allowed for Want of Form.

II. And be it enacted, That if the Person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by Oath or Affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable Time before the Time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information or Complaint to his or their Satisfaction, to issue his or their Warrant (B.) to apprehend the Party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; or upon such Information being laid as aforesaid for any Offence punishable on Conviction the Justice or Justices before whom such Information shall have been laid may, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information to his or their Satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant

If Summons be not obeyed, Justices may issue Warrant;

or may issue Warrant in the first instance;

Warrant (C.) for apprehending the Person against whom such Information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information, and to be further dealt with according to Law; or if, where a Summons shall be so issued as aforesaid, and upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justice or Justices then present that such Summons was duly served upon such Party a reasonable Time before the Time so appointed for his Appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the Hearing of such Information or Complaint, and to adjudicate thereon, as fully and effectually, to all Intents and Purposes, as if such Party had personally appeared before him or them in obedience to the said Summons.

or if Summons, having been duly served, be not obeyed, the Justices may proceed ex parte.

Form of Warrant.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to any such Information or Complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constables of the District within which the same is to executed, or any of them, without naming them, or to such Constables and all other Constables within the County or other District within which the Justice or Justices issuing such Warrant hath or have Jurisdiction, or generally to all the Constables within such last-mentioned County or District, and it shall state shortly the Matter of the Information or Complaint on which it is founded, and shall name or otherwise describe the Person against whom it has been issued, and it shall order the Constables or other Person to whom it is directed to apprehend the said Defendant, and to bring him before One or more Justice or Justices of the Peace (as the Case may require) of the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; and that it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in full Force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any Place within the County, Division, Liberty, City, Borough, or Place within which the Justices issuing the same shall have Jurisdiction, or, in case of fresh Pursuit, at any Place in the next adjoining County or Place within Seven Miles of the Border of such first-mentioned County, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable or other Peace Officer for any District or Place situate within the Limits of the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, to execute such Warrant in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding that the Place in which such Warrant shall be executed shall not be within the District or Place for which he shall be such Constable or other Peace Officer; and such of the Provisions and Enactments contained in a certain Act of Parliament made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, as to the backing of any Warrant, and the Endorsement thereon by a Justice of the Peace or other Officer, authorizing the Person bringing such Warrant, and all other Persons to whom the same was originally directed, to execute the same within the Jurisdiction of the Justice or Officer so making such Endorsement, as are applicable to the Provisions of this Act, shall extend to all such Warrants, and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a Manner as if the said several Provisions and Enactments were here repeated and made Parts of this Act: Provided always, that no Objection shall be taken or allowed to any such Warrant to apprehend a Defendant so issued upon any such Information or Complaint as aforesaid under or by virtue of this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Informant or Complainant as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so apprehended under such Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Where and how Warrant may be executed.

Certain Provisions of 12 & 13 Vict. c. 69. as to backing of Warrants to extend to Warrants issued under this Act.

No Objection allowed for Want of Form, &c. in Warrant; but if the Party charged is deceived by the Variation, he may be committed or discharged upon Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

IV. And be it enacted, That in any Information or Complaint, or the Proceedings thereon, in which it shall be necessary to state the Ownership of any Property belonging to or in the Possession of Partners, Joint

Description of the Property of Partners, &c.;

Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such Persons, and to state the Property to belong to the Person so named and another or others, as the Case may be, and whenever in any Information or Complaint, or the Proceedings thereon, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in manner aforesaid; and whenever in any such Information or Complaint, or the Proceedings thereon, it shall be necessary to describe the Ownership of any Work or Building made, maintained, or repaired at the Expense of any County, Division, Liberty, City, Borough, or Place, or of any Materials for the making, altering, or repairing of the same, they may be therein described as the Property of the Inhabitants of such County, Division, Liberty, City, Borough, or Place respectively; and all Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor may in any such Information or Complaint, or the Proceedings thereon, be described as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and all Materials and Tools provided for the Repair of Highways at the Expense of Baronies or other Districts in which such Highways may be situate may be therein described as the Property of the County Surveyor or Surveyors respectively, without naming him or them; and all Materials or Tools provided for making or repairing any Turnpike Road, and Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, may be described as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and all Property of any Persons described in any Act of Parliament now made or hereafter to be made, or in any Charter or Letters of Incorporation now in existence or hereafter to be granted, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever, may be described as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them.

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials for Roads;

of the Property in Materials for Turnpike Roads, &c.;

of the Property of Commissioners, &c.

V. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or hereafter shall be punishable on summary Conviction shall be liable to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is or shall be by Law liable, and may be proceeded against and convicted either in the County, Riding, Division, Liberty, City, Borough, or Place where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Prosecution and Punishment of Aiders and Abettors in the Commission of Offences.

VI. And be it enacted, That such of the Provisions and Enactments in the Act aforesaid passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, whereby a Justice of the Peace for one County, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby, being a County of itself or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of this Act, in as full and ample a Manner as if the said Provisions and Enactments were here repeated and made Parts of this Act.

Provisions of 12 & 13 Vict. c. 69. as to Justices in one County, &c. acting for another to extend to this Act.

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence in behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Hearing of such Information or Complaint, such Justice may and is hereby required to issue his Summons (G. 1.) to such Person under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Matter of the said Information or Complaint; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and that a reasonable Sum was paid or tendered to him for his Costs and Expenses in that Behalf,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (G. 2.) under his or their Hands and Seals to bring and have such Person, at a Time and Place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation, that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (G. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said

Power to Justice to summon Witnesses to attend and give Evidence;

If Summons be not obeyed, Justices may issue Warrant;

in certain Cases may issue Warrant in the first instance.

Persons appearing on Summons, &c.

refusing to be examined, may be committed.

said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (G. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

Complaints for an Order need not be in Writing.

VIII. And be it enacted, That in all Cases of Complaints upon which a Justice or Justices of the Peace may make an Order for the Payment of Money or otherwise it shall not be necessary that such Complaint shall be in Writing, unless it shall be required to be so by some particular Act of Parliament upon which such Complaint shall be framed.

As to Proceedings upon Informations for Offences punishable on summary Convictions.

IX. And be it declared and enacted, That in all Cases of Informations for any Offences or Acts punishable upon summary Conviction any Variance between such Information and the Evidence adduced in support thereof as to the Time at which such Offence or Act shall be alleged to have been committed shall not be deemed material, if it be proved that such Information was in fact laid within the Time limited by Law for laying the same; and any Variance between such Information and the Evidence adduced in support thereof as to the Parish or Place in which the Offence or Act shall be alleged to have been committed shall not be deemed material, provided that the Offence or Act be proved to have been committed within the Jurisdiction of the Justice or Justices by whom such Information shall be heard and determined; and if any such Variance, or any Variance in any other respect between such Information and the Evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the Hearing to be such that the Party charged by such Information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Manner of making Complaint or laying Information.

X. And be it declared and enacted, That every such Complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by Law to make an Order, and that every Information for any Offence or Act punishable upon Summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any Oath or Affirmation being made of the Truth thereof; except in Cases of Informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the Defendant as aforesaid, and in every such Case where the Justice or Justices shall issue his or their Warrant in the first instance the Matter of such Information shall be substantiated by the Oath or Affirmation of the Informant, or by some Witness or Witnesses on his Behalf, before any such Warrant shall be issued; and every such Complaint shall be for One Matter of Complaint only, and not for Two or more Matters of Complaint; and every such Information shall be for One Offence only, and not for Two or more Offences; and every such Complaint or Information may be laid or made by the Complainant or Informant in Person, or by his Counsel or Attorney or other Person authorized in that Behalf.

When Warrant issued in the first instance, Information to be upon Oath, &c.

Time limited for such Complaint or Information.

XI. And be it enacted, That in all Cases where no Time is already or shall hereafter be specially limited for making any such Complaint or laying any such Information in the Act or Acts of Parliament relating to each particular Case, such Complaint shall be made and such Information shall be laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose.

As to the Hearing of Complaints and Informations. 7 & 8 G. 4. c. 67. and 6 & 7 W. 4, c. 34.

XII. And be it enacted, That, subject to the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, and an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth amending the same, every such Complaint and Information shall be heard, tried, determined, and adjudged by One or Two or more Justice or Justices of the Peace, as shall be directed by the Act of Parliament upon which such Complaint or Information shall be framed, or such other Act or Acts of Parliament as there may be in that Behalf; and if there be no such Direction in any such Act of Parliament, then such Complaint or Information may be heard, tried, determined, and adjudged by One or more Justice or Justices of the Peace for the County, Division, Liberty, City, Borough, or Place where the Matter of such Information shall have arisen; and the Room or Place in which such Justice or Justices shall sit to hear and try any such Complaint or Information shall be deemed an open and public Court, to which the Public generally may have Access, so far as the same can

Places in which Justices shall sit to be open Courts.

can conveniently contain them; and the Party against whom such Complaint is made or Information laid shall be admitted to make his full Answer and Defence thereto, and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and every Complainant or Informant in any such Case shall be at liberty to conduct such Complaint or Information respectively and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and if any Person shall wilfully insult any Justice or Justices sitting in such Court, or any Justice or Justices sitting in any Court of Petty Sessions, or shall commit any Contempt of any such Court, it shall be lawful for such Justice or Justices, by any verbal Order, to direct such Person to be taken into Custody, and at any Time before the rising of such Court, by Warrant under his or their Hand and Seal, to commit such Person to any Gaol or Bridewell of the County for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding Forty Shillings, which, in case of Nonpayment, may be levied in like Manner as other Fines or Penalties.

Parties allowed to plead by Counsel or Attorney.

Power to commit for Contempt of Court.

XIII. And be it enacted, That if at the Day and Place appointed in and by the Summons aforesaid for hearing and determining such Complaint or Information the Defendant against whom the same shall have been made or laid shall not appear when called, the Constable or other Person who shall have served him with the Summons in that Behalf shall then declare upon Oath in what Manner he served the said Summons; and if it appear to the Satisfaction of any Justice or Justices that he duly served the said Summons, in that case such Justice or Justices may proceed to hear and determine the Case in the Absence of such Defendant, or the said Justice or Justices, upon the Nonappearance of such Defendant as aforesaid, may, if he or they think fit, issue his or their Warrant in manner herein-before directed, and shall adjourn the Hearing of the said Complaint or Information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place, who shall thereupon, either by his or their Warrant (H.), commit such Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, *or*, if he or they think fit, verbally to the Custody of the Constable or other Person who shall have apprehended him, or to such other safe Custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain Time and Place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due Notice; or if upon the Day and at the Place so appointed as aforesaid such Defendant shall attend voluntarily in obedience to the Summons in that Behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the Complainant or Informant, having had such Notice as aforesaid, do not appear, by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such Complaint or Information, unless for some Reason he or they shall think proper to adjourn the Hearing of the same unto some other Day, upon such Terms as he or they shall think fit, in which Case such Justice or Justices may commit (D.) the Defendant in the meantime to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant; but if both Parties appear, either personally, or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such Complaint or Information, then the said Justice or Justices shall proceed to hear and determine the same.

If Defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the Hearing till Defendant is apprehended.

If Defendant appear, and Complainant, &c. does not, Justice may dismiss the Complaint, &c., or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

If both Parties appear, Justice to hear and determine Case.

XIV. And be it enacted, That where such Defendant shall be present at such Hearing the Substance of the Information or Complaint shall be stated to him, and he shall be asked if he have any Cause to show why he should not be convicted, or why an Order should not be made against him, as the Case may be, and if he thereupon admit the Truth of such Information or Complaint, and show no Cause or no sufficient Cause why he should not be convicted, or why an Order should not be made against him, as the Case may be, then the Justice or Justices present at the said Hearing, shall (if they see no sufficient Reason to the contrary) convict him or make an Order against him accordingly; but if he do not admit the Truth of such Information or Complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine and such other Evidence as he may adduce, in support of his Information or Complaint respectively, and also to hear the Defendant and such Witnesses as he may examine and such other Evidence as he may adduce in his Defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any Evidence other than as to his the Defendant's general Character; but the Prosecutor or Complainant shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant be entitled to make any Observations in reply upon the Evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each Party shall have to say as aforesaid, and the Witnesses and Evidence so adduced, shall consider the whole Matter and determine the same; and shall convict or make an Order upon the Defendant, or dismiss the Information or Complaint, as the Case may be; and if

Proceedings on the Hearing of Complaints and Informations.

he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no Fee shall be paid, and the Conviction (I. 1-3.) or Order (K. 1-3.) shall afterwards be drawn up by the said Justice or Justices in proper Form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace, to be by him filed among the Records of the General Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such Information or Complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an Order of Dismissal of the same (L.), and shall give the Defendant in that Behalf a Certificate thereof (M.), which said Certificate afterwards, upon being produced, without further Proof, shall be a Bar to any subsequent Information or Complaint for the same Matters respectively against the same Party: Provided always, that if the Information or Complaint in any such Case shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that Behalf to prove such Negative, but the Defendant may prove the Affirmative thereof in his Defence, if he would have Advantage of the same.

Proviso.

Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c.

XV. And be it enacted, That every Prosecutor of any such Information, not having any pecuniary Interest in the Result of the same, and every such Prosecutor having a pecuniary Interest in the Result of the same, who under any Act or Acts is rendered a competent Witness notwithstanding such Interest, and every Complainant in any such Complaint as aforesaid, whatever his Interest may be in the Result of the same, shall be a competent Witness to support such Information or Complaint respectively; and every Witness at any such Hearing as aforesaid shall be examined upon Oath or Affirmation, and the Justice or Justices before whom any such Witness shall appear for the Purpose of being so examined shall have full Power and Authority to administer to every such Witness the usual Oath or Affirmation.

Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance;

XVI. And be it enacted, That before or during such Hearing of any such Information or Complaint it shall be lawful for the Justice or Justices present, in his or their Discretion, to adjourn the Hearing of the same to a certain Time and Place to be then appointed and stated in the Presence and Hearing of the Party or Parties, or their respective Attornies or Agents then present, and in the mean time the said Justice or Justices may suffer the Defendant to go at large, or may commit (D.) him (in any Case where a Committal may now be made) to the Common Gaol or House of Correction or other Prison, Lock-up House, or Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall be then acting, or to such other safe Custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned; and if at the Time or Place to which such Hearing or further Hearing shall be so adjourned either or both of the Parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such Hearing or further Hearing as if such Party or Parties were present; or if the Prosecutor or Complainant shall not appear, the said Justice or Justices may dismiss such Information or Complaint, with or without Costs, as to such Justices shall seem fit: Provided always, that in all Cases where a Defendant shall be discharged on Recognizance as aforesaid, and shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

Form of Convictions and Orders.

XVII. And be it enacted, That in all Cases of Conviction where no particular Form of such Conviction is or shall be given by the Statute creating the Offence or regulating the Prosecution for the same, and in all Cases of Conviction upon Statutes hitherto passed, whether any particular Form of Conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their Conviction on Parchment or on Paper in such one of the Forms of Conviction (I. 1-3.) in the Schedule to this Act contained as shall be applicable to such Case, or to the like Effect; and where an Order shall be made, and no particular Form of Order is or shall be given by the Statute giving Authority to make such Order, and in all Cases of Orders to be made under the Authority of any Statutes hitherto passed, whether any particular Form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made to draw up the same in such one of the Forms of Orders (K. 1-3.) in the Schedule to this Act contained as may be applicable to such Case, or to the like Effect.

Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress.

XVIII. And be it enacted, That in all Cases of Summary Conviction or of Orders made by a Justice or Justices of the Peace it shall be lawful for the Justice or Justices making the same, in his or their Discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such Costs as to such Justice or Justices shall seem just and reasonable in that Behalf; and in Cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the Information or Complaint, it shall be lawful for him or them, in his or their Discretion, in and by his or their Order of Dismissal to award and order that the Prosecutor or Complainant respectively shall pay to the Defendant such Costs as to such Justice or Justices

Justices shall seem just and reasonable, and the Sums so allowed for Costs shall in all Cases be specified in such Conviction or Order or Order of Dismissal aforesaid, and the same shall be recoverable in the same Manner and under the same Warrants as any Penalty or Sum of Money adjudged to be paid in and by such Conviction or Order is to be recoverable; and in Cases where there is no such Penalty or Sum to be thereby recovered then such Costs shall be recoverable by Distress and Sale of the Goods and Chattels of the Party, and in default of such Distress by Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month, unless such Costs shall be sooner paid.

Power to Justice to issue Warrant of Distress.

XIX. And be it enacted, That where a Conviction adjudges a pecuniary Penalty or Compensation to be paid, or where an Order requires the Payment of a Sum of Money, and by the Statute authorizing such Conviction or Order such Penalty, Compensation, or Sum of Money is to be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof, and also in Cases where by the Statute in that Behalf no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing the Payment of the same, is stated or provided, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Distress (N. 1. 2.) for the Purpose of levying the same, which said Warrant of Distress shall be in Writing under the Hand and Seal of the Justice making the same; and if after Delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed sufficient Distress shall not be found within the Limits of the Jurisdiction of the Justice granting such Warrant, then, upon Proof alone being made on Oath of the Handwriting of the Justice granting such Warrant before any Justice of any other County or Place, such Justice of such other County or Place shall thereupon make an Endorsement (N. 3.) on such Warrant, signed with his Hand, authorizing the Execution of such Warrant within the Limits of his Jurisdiction, by virtue of which said Warrant and Endorsement the Penalty or Sum aforesaid, and Costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the Person bringing such Warrant, or by the Person or Persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last-mentioned County or Place, by Distress and Sale of the Goods and Chattels of the Defendant in such other County or Place: Provided always, that whenever it shall appear to the Justice or Justices of the Peace to whom Application shall be made for any such Warrant of Distress as aforesaid that the issuing thereof would be ruinous to the Defendant and his Family, or wherever it shall appear to such Justice or Justices, by the Confession of the Defendant or otherwise, that he hath no Goods or Chattels whereon to levy such Distress, then and in every such Case it shall be lawful for such Justice or Justices, if he or they shall deem it fit, instead of issuing such Warrant of Distress, to commit such Defendant to the House of Correction, or if there be no House of Correction within his or their Jurisdiction then to the Common Gaol, there to be imprisoned, with or without hard Labour, for such Time and in such Manner as by Law such Defendant might be so committed in case such Warrant of Distress had issued, and no Goods or Chattels could be found whereon to levy such Penalty or Sum and Costs aforesaid.

How Warrant to be backed.

Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison.

Justice, after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, &c. unless he gives Security; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

XX. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall issue any such Warrant of Distress it shall be lawful for him or them to suffer the Defendant to go at large, or verbally or by a written Warrant in that Behalf, to order the Defendant to be kept and detained in safe Custody until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient Security by Recognizance or otherwise, to the Satisfaction of such Justice, for his Appearance before him at the Time and Place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place as may then be there: Provided always, that in all Cases where a Defendant shall give Security by Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

In default of Sufficiency of Distress, Justice may commit Defendant to Prison.

XXI. And be it enacted, That if at the Time and Place appointed for the Return of any such Warrant of Distress the Constable who shall have had the Execution of the same shall return (N. 4.) that he could find no Goods or Chattels or no sufficient Goods or Chattels whereon he could levy the Sum or Sums therein mentioned, together with the Costs of or occasioned by the levying of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned to issue his Warrant of Commitment (N. 5.) under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress, and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or if there be no House of Correction then to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, in such Manner and for such Time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such

Justice shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison.

XXII. 'And whereas by some Acts of Parliament Justices of the Peace are authorized to issue 'Warrants of Distress to levy Penalties or other Sums recovered before them by Distress and Sale of the 'Offender's Goods, but no further Remedy is thereby provided in case no sufficient Distress be found 'whereon to levy such Penalties:' Be it therefore enacted, That in all such Cases, and in all Cases of Convictions or Orders where the Statute on which the same are respectively founded provides no Remedy in case it shall be returned to a Warrant of Distress thereon that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice to whom such Return is made, or to any other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, if he or they shall think fit, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol as aforesaid for any Term not exceeding Three Calendar Months, unless the Sum or Sums adjudged to be paid and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Power to Justices to order Commitment in the first instance for Non-payment of a Penalty or of a Sum ordered to be paid.

XXIII. And be it enacted, That in all Cases where the Statute by virtue of which a Conviction for a Penalty or Compensation, or an Order for the Payment of Money, is made, makes no Provision for such Penalty or Compensation or Sum being levied by Distress, but directs that if the same be not paid forthwith, or within a certain Time therein mentioned, or to be mentioned in such Conviction or Order, the Defendant shall be imprisoned or imprisoned and kept to hard Labour, for a certain Time, unless such Penalty, Compensation, or Sum shall be sooner paid, in every such Case such Penalty, Compensation, or Sum shall not be levied by Distress; but if the Defendant do not pay the same, together with Costs, if awarded, forthwith, or at the Time specified in such Conviction or Order for the Payment of the same, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (O. 1. 2.) under his or their Hand and Seal, or Hands and Seals, requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the County, Riding, Division, Liberty, City, Borough, or Place aforesaid, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct, unless the Sum or Sums adjudged to be paid, and also the Costs and Charges of taking and conveying the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Power to Justices to order Commitment where the Conviction is not for a Penalty nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c.

XXIV. And be it enacted, That where a Conviction does not order the Payment of any Penalty, but that the Defendant be imprisoned, or imprisoned and kept to hard Labour, for his Offence, or where an Order is not for the Payment of Money but for the doing of some other Act, and directs that in case of the Defendant's Neglect or Refusal to do such Act he shall be imprisoned, or imprisoned and kept to hard Labour, and the Defendant neglects or refuses to do such Act, in every such Case it shall be lawful for such Justice or Justices making such Conviction or Order, or for some other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (P. 1. 2.) under his or their Hand and Seal or Hands and Seals, and requiring the Constable or Constables to whom the same shall be directed, to take and convey such Defendant to the House of Correction or Common Gaol for the same County, Division, Liberty, City, Borough, or Place, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct; and in all such Cases, where by such Conviction or Order any Sum for Costs shall be adjudged to be paid by the Defendant to the Prosecutor or Complainant, such Sum may, if the Justice or Justices shall think fit, be levied by Warrant of Distress (P. 3. 4.) in manner aforesaid, and in default of Distress the Defendant may, if such Justice or Justices shall think fit, be committed (P. 5.) to the same House of Correction or Common Gaol in manner aforesaid, there to be imprisoned for any Time not exceeding One Calendar Month, to commence at the Termination of the Imprisonment he shall then be undergoing, unless such Sum for Costs, and all Costs and Charges of the said Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Costs may be levied by Distress, and in default Defendant may be committed for a further Term.

Imprisonment for a subsequent Offence to commence at Expiration of that for previous Offence.

XXV. And be it enacted, That where a Justice or Justices of the Peace shall upon any such Information or Complaint as aforesaid adjudge the Defendant to be imprisoned, and such Defendant shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, the Warrant of Commitment for such subsequent Offence shall in every such Case be forthwith delivered to the Gaoler to whom the same shall be directed; and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby that the Imprisonment for such subsequent Offence shall commence at the Expiration of the Imprisonment to which such Defendant shall have been previously adjudged or sentenced.

If Information be dismissed Costs may be recovered by

XXVI. And be it enacted, That where any Information or Complaint shall be dismissed with Costs as aforesaid, the Sum which shall be awarded for Costs in the Order for Dismissal may be levied by Distress (Q. 1.) on the Goods and Chattels of the Prosecutor or Complainant in manner aforesaid; and in

in default of Distress or Payment such Prosecutor or Complainant may be committed (Q. 2.) to the House of Correction or Common Gaol in manner aforesaid, for any Time not exceeding One Calendar Month, unless such Sum, and all Costs and Charges of the Distress, and of the Commitment and conveying of such Prosecutor or Complainant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Distress upon Prosecutor, &c., who in default may be committed.

XXVII. And be it enacted, That after an Appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favour of the Respondents, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace of the same County, Division, Liberty, City, Borough, or Place, may issue such Warrant of Distress or Commitment as aforesaid for Execution of the same, as if no such Appeal had been brought; and if upon any such Appeal the Court of Quarter Sessions shall order either Party to pay Costs, such Order shall direct such Costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the Party entitled to the same, and shall state within what Time such Costs shall be paid; and if the same shall not be paid within the Time so limited, and the Party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such Costs, such Clerk of the Peace or his Deputy, upon Application of the Party entitled to such Costs, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, shall grant to the Party so applying a Certificate (R.) that such Costs have not been paid; and upon Production of such Certificate to any Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, it shall be lawful for him or them to enforce the Payment of such Costs by Warrant of Distress (S. 1.) in manner aforesaid, and in default of Distress he or they may commit (S. 2.) the Party against whom such Warrant shall have issued in manner herein-before mentioned for any Time not exceeding Three Calendar Months, unless the Amount of such Costs, and all Costs and Charges of the Distress, and also the Costs of the Commitment and conveying of the said Party to Prison, if such Justice or Justices shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

After Appeal Justice may issue Warrants of Distress, &c.

Costs of Appeal, how recovered.

XXVIII. And be it enacted, That in all Cases where any Person against whom a Warrant of Distress shall issue as aforesaid shall pay or tender to the Constable having the Execution of the same the Sum or Sums in such Warrant mentioned, together with the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Constable shall cease to execute the same; and in all Cases in which any Person shall be imprisoned as aforesaid for Nonpayment of any Penalty or other Sum he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned the Sum in the Warrant of Commitment mentioned, together with the Amount of the Costs, Charges, and Expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such Person, if he be in his Custody for no other Matter.

On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged.

XXIX. And be it enacted, That in all Cases of summary Proceedings before a Justice or Justices of the Peace out of Sessions upon any Information or Complaint as aforesaid it shall be lawful for One Justice to receive such Information or Complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the Attendance of any Witnesses, and to do all other necessary Acts and Matters preliminary to the Hearing, even in Cases where by the Statute in that Behalf such Information or Complaint must be heard and determined by Two or more Justices; and after the Case shall have been so heard and determined One Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such Hearing shall be the Justice or One of the Justices by whom the said Case shall be heard and determined: Provided always, that in all Cases where by Statute it is or shall be required that any such Information or Complaint shall be heard and determined by Two or more Justices, or that a Conviction or Order shall be made by Two or more Justices, such Justices must be present and acting together during the whole of the Hearing and Determination of the Case.

In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c. and after Conviction or Order may issue Warrant of Distress, &c.

XXX. And be it enacted, That it shall be lawful for any Clerk of the Peace, or Clerk of the Petty Sessions, to demand and receive such Fees as they are now by any Act of Parliament authorized to demand and receive: Provided always, that Clerks of the Petty Sessions shall be authorized to receive the same Fee upon a summary Order as is now payable on a Conviction, save in Cases of Orders of Dismissal and Orders for the Recovery of Wages under the Statutes in that Behalf, in which Cases a Fee of Sixpence only shall be payable on each such Order; and such Fees shall be subject to like Provisions as other Fees received by Clerks of Petty Sessions.

Regulations as to the Payment of Clerks Fees.

XXXI. And be it enacted, That all Fines or Penalties imposed by any Justice or Justices as aforesaid shall be levied, paid, and applied under and subject to the Provisions of an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, and subject to the Provisions now in force of the herein-after mentioned Acts of the Seventh and Eighth Years of the Reign of King *George* the Fourth, and of the Sixth and Seventh Years of the Reign of King *William* the Fourth, relating to Petty Sessions in *Ireland*; and all other Sums of Money ordered to be paid under an Order of a Justice or Justices shall be levied, paid, and applied in like Manner as the same might be lawfully levied, paid, and applied immediately before the passing of this Act.

Fines, &c. to be levied subject to 6 & 7 Vict. c. 56. 7 & 8 G. 4. c. 67. and 6 & 7 W. 4. c. 34.; other Sums to be levied as before passing of this Act.

XXXII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law.

Forms in the Schedule valid.

XXXIII. And be it enacted, That nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Forty-eighth Year

Nothing to affect Powers &c. contained

in 48 G. 3. c. 140., 6 & 7 W. 4. c. 29., 2 & 3 Vict. c. 78., and 5 & 6 Vict. c. 24.

Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of* Dublin *Metropolis*, or any Act or Acts amending the same, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, or an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relating to the Police in the District of* Dublin *Metropolis*, or an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for improving the* Dublin *Police*, or any Act or Acts amending the same or either of them.

To what this Act shall not extend.

XXXIV. And be it enacted, That nothing in this Act shall extend or be construed to extend to any Complaints or Orders made with respect to Lunatics, or any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office; nor shall anything in this Act extend to any Proceedings under the Acts of Parliament regulating or otherwise relating to the Labour of Children and young Persons in Mills or Factories.

After Commencement of this Act the following Statutes and Parts of Statutes repealed.

2 G. 1. c. 20. s. 3.
3 G. 4. c. 23.
5 G. 4. c. 18.
6 & 7 W. 4. c. 114. s. 2.

XXXV. And be it enacted, That the following Statutes and Parts of Statutes, so far as the same relate to *Ireland*, shall, from and after the Day on which this Act shall commence and take effect, be and the same are hereby repealed, (that is to say,) so much of an Act of Parliament passed in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the First, intituled *An Act to limit the Time for Criminal Prosecutions for Words spoken*, as relates to the Time limited for exhibiting an Information for a Forfeiture upon any Penal Statute; and an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others;* and another Act made in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables;* and so much of another Act made in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Persons accused, in Cases of Summary Convictions, to make their Defence, and to have all Witnesses examined and cross-examined, by Counsel or Attorney; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

Act to extend to Ireland only, except as to backing of Warrants under 12 & 13 Vict. c. 69.

XXXVI. And be it enacted, That this Act shall extend and be construed to extend to *Ireland* only, save and except the several Provisions respecting the backing of Warrants contained in an Act of Parliament passed in this present Session, intituled *An Act to facilitate the Performance of the Duties of Justices out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, and incorporated into this Act, as aforesaid.

Act not to affect or alter 7 & 8 G. 4. c. 67. and 6 & 7 W. 4. c. 34.

XXXVII. And be it enacted, That nothing in this Act contained shall be deemed to alter or affect the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth amending the same, or any Act for amending the said Acts, or either of them.

Interpretation of Act.

XXXVIII. And be it enacted, That in the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town," Words denoting the Masculine Gender shall include Females as well as Males, and Words denoting the Singular Number shall include Two or more Persons or Things as well as One Person or Thing.

Commencement of Act.

XXXIX. And be it enacted, That this Act shall commence and take effect from the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

Act may be amended, &c.

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which the foregoing Act refers.

(A.)

Summons to the Defendant upon an Information or Complaint.

To *A.B.* of [*Labourer*].

WHEREAS Information hath this Day been laid [*or* Complaint hath this Day been made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you [*here state shortly the Matter of the Information or Complaint*]: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S.

(B.)

Warrant where the Summons is disobeyed.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*&c., as in the Summons*]: And whereas [*I*] then issued [*my*] Summons unto the said *A.B.* commanding him, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as might then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath now been proved to [*me*] upon Oath that the said Summons hath been duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(C.)

Warrant in the first instance.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS Information hath this Day been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*here state shortly the Matter of the Information*]; and Oath being now made before [*me*] substantiating the Matter of such Information, These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Information, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(D.)

Warrant of Committal for safe Custody during an Adjournment of the Hearing.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas the Hearing of the same is adjourned to the Day of instant at o'Clock in the Forenoon at and it is necessary that the said *A.B.* should in the meantime be kept in safe Custody, These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at , and there deliver him into the Custody of the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction,*] and there safely keep him until the Day of instant, when you are hereby required to convey and have him the said *A.B.*, at the Time and Place to which the said Hearing is so adjourned as aforesaid, before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(E.)

Recognizance for the Appearance of the Defendant where the Case is adjourned, or not at once proceeded with.

BE it remembered, That on *A.B.* of [*Labourer*], and *L.M.* of [*Grocer*], personally came before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* the Sum of of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me, *J.S.*

The

The Condition of the within-written Recognizance is such, that if the said *A.B.* shall personally appear on the Day of instant at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the Information [*or* Complaint] of *C.D.* exhibited against the said *A.B.*, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full Force and Virtue.

Notice of such Recognizance to be given to the Defendant and his Surety.

TAKE notice, That you *A.B.* are bound in the Sum of and you *L.M.* in the Sum of that you *A.B.* appear personally on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as shall then be there, to answer further to a certain Information [*or* Complaint] of *C.D.*, the further Hearing of which was adjourned to the said Time and Place, and unless you appear accordingly the Recognizance entered into by you *A.B.*, and by *L.M.* as your Surety, will forthwith be levied on you and him.

Dated this Day of 184 . *J.S.*

(F.)

Certificate of Nonappearance to be endorsed on the Defendant's Recognizance.

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the said Condition mentioned, but therein hath made default, by reason whereof the within-written Recognizance is forfeited.

J.S.

(G. 1.)

Summons of a Witness:

To *E.F.* of in the said [*County*] of .

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it hath been made to appear to me upon [*Oath*] that you are likely to give material Evidence on behalf of the [Prosecutor, *or* Complainant, *or* Defendant] in this Behalf: These are therefore to require you to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to testify what you shall know concerning the Matter of the said Information [*or* Complaint].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(G. 2.)

Warrant where a Witness has not obeyed a Summons.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to me upon Oath that *E.F.* of in the said [*County, Labourer*], was likely to give material Evidence on behalf of the [*Prosecutor*], I did duly issue my Summons to the said *E.F.*, requiring him to be and appear on at o'Clock in the Forenoon of the same Day at before such Justices of the Peace for the said *County* as might then be there, to testify what he should know concerning the said *A.B.*, or the Matter of the said Information [*or* Complaint]: And whereas Proof hath this Day been made before [*me*] upon Oath of such Summons having been duly served upon the said *E.F.*, and of a reasonable Sum having been paid [*or* tendered] to him for his Costs and Expenses in that Behalf: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse hath been offered for such Neglect: These are therefore to command you to take the said *E.F.*, and to bring and have him on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(G. 3.)

Warrant for a Witness in the first instance.

To the Constables of or any of them, and to all other Peace Officers in the [*County*] of .

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it being made to appear before me upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence on behalf of the [*Prosecutor*] in this Matter, and it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E.F.* before me on at o'Clock in the Forenoon at

at or before such other Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(G. 4.)

Commitment of a Witness for refusing to be sworn or to give Evidence.

To the Constables of or any of them, in the said [*County*] of and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and one *E.F.* now appearing before me such Justice as aforesaid on at and being required by me to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or* being now here duly sworn as a Witness in the Matter of the said Information or Complaint doth refuse to answer certain Questions concerning the Premises which are now here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said *E.F.*, and him safely convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and there imprison him for such his Contempt for the Space of Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(H.)

Warrant to remand a Defendant when apprehended.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., as in the Summons or Warrant*]: And whereas the said *A.B.* hath been apprehended under and by virtue of a Warrant upon such Information [*or* Complaint], and is now brought before me as such Justice as aforesaid: These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at and there to deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until next the Day of instant, when you are hereby commanded to convey and have him at at o'Clock in the Forenoon of the same Day, before such Justices of the Peace of the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(I. 1.)

Conviction for a Penalty to be levied by Distress, and in default of sufficient Distress Imprisonment.

} BE it remembered, That on the Day of in the Year of our Lord
to wit. } at in the said [*County*], *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B.*, *&c., stating the Offence, and the Time and Place when and where committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and also the Compensation, if any,*] to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] *[*I*] order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*, and in default of sufficient Distress* [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid. *J.S.* (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], [*I*] adjudge," *&c., as above, to the End.*

(I. 2.)

Conviction for a Penalty, and in default of Payment Imprisonment.

} Be it remembered, That on the Day of in the Year of our Lord
to wit. } at in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B. &c., stating the Offence, and the Time and Place when and where it was committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and the Compensation, if any*], to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [and there to be kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned. at in the [*County*] aforesaid. *J.S.* (L.S.)

(I. 3.)

Conviction when the Punishment is by Imprisonment, &c.

} Be it remembered, That on the Day of in the Year of our Lord
to wit. } in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of and [*I*] also adjudge the said *A.B.* to pay the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next] then *[*I*] order that the said Sum be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* [*I*] adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the *County* aforesaid. *J.S.* (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sum for Costs by Distress], [*I*] adjudge," *&c.*

(K. 1.)

Order for Payment of Money to be levied by Distress, and in default of Distress Imprisonment.

} Be it remembered, That on Complaint was made before the undersigned, [*One*] of
to wit. } Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties aforesaid appear before [*me*] the said Justice, [*or* the said *C.D.* appears before [*me*] the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to be and appear here at this Day before such Justices of the Peace for this said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] *[*I*] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*], shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], [*I*] adjudge," *&c.*

(K. 2.)

Order for Payment of Money, and in default of Payment Imprisonment.

to wit. } Be it remembered, That on Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties aforesaid appear before [*me*] the said Justice [*or* the said *C.D.* appears before [*me*] the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to be and appear here on this Day before such Justices of the Peace for the said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next], [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(K. 3.)

Order for any other Matter where the disobeying of it is punishable with Imprisonment.

to wit. } Be it remembered, That on Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*], and now at this Day, to wit, on at the Parties aforesaid appear before [*me*] the said Justice [*or* the said *C.D.* appears before [*me*] the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] upon Oath that the said *A.B.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day, before such Justices of the Peace for the said County as should now be here, to answer to the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do therefore adjudge the said *A.B.* to [*here state the Matter required to be done*], and if upon a Copy of a Minute of this Order being served upon the said *A.B*, either personally or by leaving the same for him at his last or most usual Place of Abode, he shall neglect or refuse to obey the same, in that Case [*I*] adjudge the said *A.B.* for such his Disobedience to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of [unless the said Order be sooner obeyed, *if the Statute authorize this*]; and [*I*] do also adjudge the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next], [*I*] order the same to be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*, [and in default of sufficient Distress in that Behalf, [*I*] adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(L.)

Order of Dismissal of an Information or Complaint.

to wit. } Be it remembered, That on Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Defendant*], and now at this Day, to wit, on at both the said Parties appear before [*me*] in order that [*I*] should hear and determine the said Information [*or* Complaint], [*or* the said *A.B.* appeareth before [*me,*] but the said *C.D.*, although duly called, doth not appear]; whereupon the Matter of the said Information [*or* Complaint] being by [*me*] duly considered, [it manifestly appears to [*me*] that the said Information [*or* Complaint] is not proved, and *] [*I*] do therefore dismiss the same, [and do adjudge that the said *C.D.* do pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before], [*I*] order that the same be levied by Distress and Sale of the Goods and Chattels of the said *C.D.*, and in default of sufficient Distress in that Behalf [*I*] adjudge the said *C.D.* to be imprisoned in the [*House of Correction*] at in the said County [and there kept to hard Labour] for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*], shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

* *If the Informant or Complainant do not appear these Words may be omitted.*

(M.)

Certificate of Dismissal.

I HEREBY certify, That an Information [*or* Complaint] preferred by *C.D.* against *A.B.*, for that [*&c., as in the Summons*], was this Day considered by *me* [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] of and was by [*me*] dismissed [with Costs].

Dated this Day of 184 . *J.S.*

(N. 1.)

Warrant of Distress upon a Conviction for a Penalty.

To the Constables of and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day [*or* on last past] duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* should for such his Offence forfeit and pay [*&c., as in the Conviction*], and should also pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said several Sums should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was thereby also adjudged that in default of sufficient Distress the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said County [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House of Correction*], should be sooner paid*: And whereas the said *A.B.* being so convicted as aforesaid, and being [*now*] required to pay the said Sums of and hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days next after the making of such Distress the said Sums, together with the reasonable Charges of taking and keeping the Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising by such Sale unto in the said [*County*] that he may pay and apply the same as by Law is directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(N. 2.)

Warrant of Distress upon an Order for the Payment of Money.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past a Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before [*me*] [*or as in the Order*], and thereupon having considered the Matter of the said Complaint, [*I*] adjudged the said *A.B.* to [pay to the said *C.D.* the Sum of on or before the then next], and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] thereby ordered that if the said several Sums should not be paid on or before the said then next, the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was adjudged that in default of sufficient Distress in that Behalf, the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said County [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*,] should be sooner paid*: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said *C.D.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale unto in the said [*County*] that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(N. 3.)

Endorsement in backing a Warrant of Distress.

to wit: WHEREAS Proof upon Oath hath this Day been made before [*me*] [*One*] of Her Majesty's Justices of the Peace in and for the said County of that the Name of *J.S.* to the within Warrant subscribed is of the Handwriting of the Justice of the Peace within mentioned: [*I*] do therefore authorize *W.T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said County of

Given under [*my*] Hand, this Day of 184 .

J.B.

(N. 4.)

Constable's Return to a Warrant of Distress.

I, *W.T.*, Constable of in the [*County*] of do hereby certify to *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the said County, that by virtue of this Warrant I have made diligent Search for the Goods and Chattels of the within-mentioned *A.B.*, and that I can find no sufficient Goods or Chattels of the said *A.B.* whereon to levy the Sums within mentioned.

Witness my Hand, this Day of 184 .

W.T.

(N. 5.)

Warrant of Commitment for Want of Distress.

To the Constables of or any of them, and to the Keeper of the [*Gaol*] at in the said [*County*] of

WHEREAS [*&c., as in either of the foregoing Distress Warrants*, N. 1, 2, *to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said Justice issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sums of and by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to [*me*], as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the Sums above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*Gaol*] at aforesaid, and there deliver him to the said Keeper, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *A.B.* into your Custody in the said [*Gaol*], there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums, and all the Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *Gaol*] amounting to the further Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(O. 1.)

Warrant of Commitment upon a Conviction for a Penalty in the first instance.

To the Constables of or any of them, and to the Keeper of the [*Gaol*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should forfeit and pay the Sum of [*&c., as in the Conviction*], and should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby further adjudged that if the said several Sums should not be paid [*forthwith*], the said *A.B.* should be imprisoned in the [*Gaol*] at in the said [*County*] [and there kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *Gaol*] should be sooner paid: And whereas the Time in and by the said Conviction appointed for the Payment of the said several Sums hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*Gaol*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *A.B.* into your Custody in the said [*Gaol*], there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying him to the said [*Gaol*] amounting to the further Sum of] shall be sooner paid; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(O. 2.)

Warrant of Commitment on an Order in the first instance.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said *County* of for that [*&c., as in the Order*], and afterwards, to wit, on at the Parties appeared before [*me*] the said Justice [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint [*I*] adjudged the said *A.B.* to pay to the said *C.D.* the Sum of on or before the Day of then next, and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] also thereby adjudged, that if the said several Sums should not be paid on or before the Day of then next, the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction*] should be sooner paid: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of Money hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely convey to the said *House of Correction* at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying him to the said [*House of Correction,*] amounting to the further Sum of ,] shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(P. 1.)

Warrant of Commitment on a Conviction where the Punishment is by Imprisonment.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.*, late of [*Labourer*], was this Day duly convicted before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*House of Correction*] at in the said *County* [and there kept to hard Labour] for the Space of : These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of ; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(P. 2.)

Warrant of Commitment on an Order where the disobeying of it is punishable by Imprisonment.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before [*me*], [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint [*I*] adjudged the said *A.B.* to [*&c., as in the Order*], and that if, upon a Copy of the Minute of that Order being duly served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Place of Abode, he should neglect or refuse to obey the same, it was adjudged that in such Case the said *A.B.* for such his Disobedience should be imprisoned in the [*House of Correction*] at in the said *County* [and there kept to hard Labour] for the Space of [unless the said Order should be sooner obeyed]: And whereas it is now proved to [*me*] that after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but he then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Order: These are therefore to command you, the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do

[*I*] do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of and for so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 3.)

Warrant of Distress for Costs upon a Conviction where the Offence is punishable by Imprisonment.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.* of *Labourer*, was on last past duly convicted before the undersigned [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of ; and it was also thereby adjudged that the said *A.B.* should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said Sum of for Costs should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; [and it was adjudged that in default of sufficient Distress in that Behalf the said *A.B.* should be imprisoned in the said [*House of Correction*] [and there kept to hard Labour] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House of Correction*], should be sooner paid]: (*) And whereas the said *A.B.*, being so convicted as aforesaid, and being required to pay the said Sum of for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay the same as by Law directed, and may render the Surplus (if any), on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

(P. 4.)

Warrant of Distress for Costs upon an Order where the disobeying of the Order is punishable with Imprisonment.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Order*], and afterwards, to wit, on at , the said Parties appeared before [*me*], as such Justice as aforesaid [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint, [*I*] adjudged the said *A.B.* to [*&c., as in the Order*]; and that if upon a Copy of the Minute of that Order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Abode, he should neglect or refuse to obey the same, [*I*] adjudged that in such Case the said *A.B.* for such his Disobedience should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of [unless the said Order should be sooner obeyed]; and [*I*] thereby also adjudged the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *A.B.*; [and in default of sufficient Distress in that Behalf [*I*] thereby adjudged that the said *A.B.* should be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House of Correction,*] should be sooner paid]: (*) And whereas after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but the said *A.B.* did not then pay, nor hath he paid, the said Sum of for Costs or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay

the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(P. 5.)

Warrant of Commitment for Want of Distress in either of the last Two Cases.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Two Forms respectively, to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said *J.S.* issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to [*me*], as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the Sum above mentioned could be found; These are therefore to command you the said Constables of or any of you, to take the said *A.B.* and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And [*I*] do hereby command you, the said Keeper of the said [*House of Correction,*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction,*] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 1.)

Warrant of Distress for Costs upon an Order for Dismissal of an Information or Complaint.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said *County*, for that [*&c., as in the Order of Dismissal*]; and afterwards, to wit, on at both Parties appearing before [*me*] in order that [*I*] should hear and determine the same, and the several Proofs adduced to [*me*] in that Behalf being by [*me*] duly heard and considered, and it manifestly appearing to [*me*] that the said Information [*or* Complaint] was not proved [*I*] therefore dismissed the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in that Behalf; and [*I*] ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *C.D.*; [and [*I*] adjudged that in default of sufficient Distress in that Behalf the said *C.D.* should be imprisoned in the *House of Correction* at in the said *County*, and there kept to hard Labour, for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*, should be sooner paid]: (*) And whereas the said *C.D.*, being now required to pay unto the said *A.B.* the said Sum for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.D.*; and if, within the Space of Days next after the making of such Distress, the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.D.*, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(Q. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said Justice issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of

for

for Costs by Distress and Sale of the Goods and Chattels of the said *C.D.*: And whereas it appears to [*me*] as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *C.D.*, but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *C.D.*, and him safely convey to the *House of Correction* at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *C.D.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*,] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.S. (L.S.)

(R.)

Certificate of Clerk of the Peace that the Costs of an Appeal are not paid.

Office of the Clerk of the Peace for the [*County*] of

(*Title of the Appeal.*)

I HEREBY certify that at a Court of General Quarter Sessions of the Peace holden at in and for the said [*County*] on last past, an Appeal by *A.B.* against a Conviction [*or* Order] of *J.S.*, Esquire, [*One*] of Her Majesty's Justices of the Peace for the said [*County*], came on to be tried, and was then heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, and which Sum was thereby ordered to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of instant, to be by him handed over to the said [*Respondent*]; and I further certify that the said Sum for Costs has not, nor has any Part thereof, been paid in obedience to the said Order. Dated the Day of *1849*.

G.H.
[Deputy] Clerk of the Peace.

(S. 1.)

Warrant of Distress for Costs of an Appeal against a Conviction or Order.

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS [*&c., as in the Warrants of Distress, N. 1, 2, ante, to the End of the Statement of the Conviction or Order, and then thus*]: And whereas the said *A.B.* appealed to the Court of General Quarter Sessions of the Peace for the said *County* against the said Conviction [*or* Order], in which Appeal the said *A.B.* was the Appellant, and the said *C.D.* [*or J.S.*, Esquire, the Justice of the Peace who made the said Conviction, *or* Order] was the Respondent, and which said Appeal came on to be tried, and was heard and determined, at the last General Quarter Sessions of the Peace for the said [*County*] holden at on , and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, which said Sum was to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of *1849*, to be by him handed over to the said [*C.D.*]: And whereas the [Deputy] Clerk of the Peace of the said [*County*] hath, on the Day of instant, duly certified that the said Sum for Costs had not then been paid: (*) These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said [*A.B.*], and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay and apply the same as by Law directed, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J.N. (L.S.)

(S. 2.)

Warrant of Commitment for Want of Distress in the last Case.

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the undersigned issued a Warrant to the

Constables of or any of them, commanding him or them to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said [*A.B.*], but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*], amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. N. (L.S.)

CAP. LXXI.

An Act to dissolve Regimental Benefit Societies, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds. [28th *July* 1849.]

'WHEREAS Benefit Societies have been formed by and among the Non-commissioned Officers, Trumpeters, Drummers, and Privates of several Regiments of Cavalry and Infantry of the Line, for the Purpose of raising Funds to be applied, under Rules and Regulations established in such Regiments respectively, for the Benefit of the several Parties subscribing thereto on their Discharge from the Army: And whereas the Majority of the Subscribers to such Societies are desirous that such Societies should be now dissolved, and that the Funds should be divided and distributed between the several Persons entitled as existing Subscribers to or Pensioners of such Societies to share in the Distribution of such Funds: And whereas it is expedient that the said Societies should no longer be continued, but that the Portion which may be now equitably due to each existing Subscriber should be placed in the Regimental Savings Bank to accumulate for his Benefit:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said several Societies shall cease to exist, and that the Funds of such Societies shall, by the Order of the Secretary at War, be transferred by the several Trustees or Persons holding the same to the Account of the Paymaster General at the Bank of *England*.

Regimental Benefit Societies to cease, and Funds to be paid into the Bank of England.

II. And be it enacted, That the Secretary at War and One of the Secretaries to the Treasury to be appointed by the Lords Commissioners of the Treasury for this Purpose, and the Military Secretary to the Commander in Chief for the Time being, shall be Commissioners for the Purpose of making an equitable Distribution of the Funds of the said several Societies between the Persons entitled thereto, either as existing Subscribers to or as existing Pensioners upon such several Funds, and such Commissioners shall have Authority to apply such Part of the said Funds as may be necessary for such Purpose in the Purchase of Annuities for discharged Soldiers entitled to Pensions, or to purchase such Pensions, and to place the Sum to which each existing Subscriber may be declared entitled in the Savings Bank established under the Authority of an Act of the Sixth Year of Her Majesty, intituled *An Act to establish Military Savings Banks*, in the Regiment to which he belongs, to accumulate there for him until his Discharge: Provided always, that no Part of any such Fund shall be awarded by the said Commissioners to any Subscriber who may have been discharged from his Regiment without having been entitled to receive Benefit from the said Fund under the Rules and Regulations governing such Society, or to any Subscriber still serving who, under such Rules and Regulations, has forfeited his prospective Right to any Share of or Payment from such Fund.

Equitable Distribution of the Funds to be made.

5 & 6 Vict. c. 71.

III. And be it enacted, That upon its being proved to the Satisfaction of the Secretary at War, upon the Recommendation of the Commanding Officer of the Regiment, that it will be of Advantage to a Soldier to withdraw his Portion of the said Fund, including any Accumulations thereon, from the Regimental Savings Bank before his Discharge, it shall be lawful for the Secretary at War to sanction such Withdrawal, and such Portion may be withdrawn accordingly.

Portion of any Soldier may be withdrawn from Savings Bank for his Benefit before his Discharge.

IV. 'And whereas other Funds have been from Time to Time created for charitable Regimental Purposes by Subscriptions of Officers, unexpended Balances of Canteen Funds, and otherwise, and now exist in several Regiments of Cavalry and Infantry, and are invested in the Names of Officers of such Regiments and others, or are in the Hands of the Agents or Officers of the Regiments: And whereas it is expedient that such Funds should be applied, with the Knowledge and Sanction of the Commander in Chief and Secretary at War, to the Purposes for which they were created, and that the present Trustees should be released from Responsibility:' Be it enacted, That the several Funds last aforesaid shall, by the Order of the Secretary at War, be paid by the Trustees or other Persons in possession of the said Funds to the Account of the Paymaster General at the Bank of *England*.

Regimental charitable Funds to be paid into the Bank of England.

V. And be it enacted, That the Commanding Officer of every Regiment shall furnish to the Secretary at War an Account of every Benefit Society in his Regiment, showing the Amount of the Capital of such Society,

Commanding Officers to furnish Ac-

Society, the Names of the existing Subscribers to the Society, and of Pensioners, if any, upon such Society, and the Names of the Trustees or other Persons in the Possession of the Funds of such Society, and also an Account of the Amount of any charitable or other Fund belonging to the Regiment, with the Names of the Trustees or other Persons in possession of such Fund; and the Trustees or Persons possessing the Funds of such Benefit Societies or charitable or other Funds are hereby required, upon the Order of the Secretary at War, to pay the Sums in their Possession into the Bank of *England* to the Account of the Paymaster General, and the Cashier of the Bank of *England* is hereby authorized to receive all such Monies as may be paid into the Bank of *England* under the Authority of this Act and the Order of the Secretary at War, and the Receipt of such Cashier shall be a full and sufficient Discharge to the several Trustees or Persons paying such Monies into the Bank of *England*.

Accounts of Benefit Societies, &c. of their Regiments.

Trustees to pay the Funds into the Bank of England.

VI. And be it enacted, That the Money so placed to the Account of the Paymaster General shall be forthwith transferred by the Warrant of the Secretary at War from the Account of the Paymaster General to the separate Account raised in the Names of the Commissioners for the Reduction of the National Debt in the Books of the Governor and Company of the Bank of *England*, and denominated the Fund for Military Savings Banks, and the Money so transferred shall be held by the said Commissioners, subject to the Provisions of the Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend the Act to establish Military Savings Banks*.

Monies paid into the Bank to be transferred to the Fund for the Military Savings Banks.

8 & 9 Vict. c. 27.

VII. And be it enacted, That the Secretary at War shall open in the Books of his Office an Account with each Regiment possessing charitable Funds, and shall credit the said Account with the Amount paid into the Bank of *England*, and with Interest thereon, not exceeding the Rate allowed by the said Act of the Sixth Year of Her Majesty for other Monies deposited in the Fund for Military Savings Banks, and shall from Time to Time authorize such Issues as may be necessary to enable the Commanding Officer of the Regiment to make such customary Donations as may be deemed expedient to discharged Soldiers of long or good Service, or to the Widows, Wives, and Children of Soldiers.

Separate Account to be kept by the Secretary at War of charitable Fund of each Regiment.

VIII. And be it enacted, That the Commanding Officer of every Regiment possessing or acquiring any such charitable Fund shall furnish to the Secretary at War, at such Times as he shall require the same, a detailed Statement of the Manner in which he has appropriated any Part of the Money placed at his Disposal for charitable Regimental Purposes.

Commanding Officer to account to Secretary at War as to Disposal of Funds.

CAP. LXXII.

An Act further to amend the Acts relating to the Offices of the House of Commons.

[28th *July* 1849.]

'WHEREAS an Act was passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act to repeal an Act passed in the Thirty-ninth and Fortieth Year of His present Majesty for establishing certain Regulations in the Offices of the House of Commons, and to establish other and further Regulations in the said Offices*; and an Act was passed in the Third Year of King *William* the Fourth, intituled *An Act for the better Support of the Dignity of the Speaker of the House of Commons, and for disabling the Speaker of the House of Commons for the Time being from holding any Office or Place of Profit, during Pleasure, under the Crown*; and an Act was passed in the Fifth Year of King *William* the Fourth, intituled *An Act to regulate the Salaries of the Officers of the House of Commons, and to abolish the Sinecure Offices of Principal Committee Clerks and Clerks of Ingrossments*; and an Act was passed in the Tenth Year of Her present Majesty, intituled *An Act to amend the Acts relating to the Offices of the House of Commons*: And whereas under the Provisions of the said Acts the Fees and Sums payable in the several Offices and Departments of the House of Commons, and collected under the Provisions of such Acts, are paid into the Bank of *England* to the Account of the Commissioners for regulating the Offices of the House of Commons, and are made applicable to the Payment of the Salaries and Expenses of the said House: And whereas it is expedient that, except as herein-after mentioned, the said Salaries and Expenses should be provided for by annual Votes, and that the Monies from Time to Time paid to the said Account should be carried to the Consolidated Fund:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions of the said recited Acts concerning the Application of the Money paid to the said Account of the Commissioners for regulating the Offices of the House of Commons shall be repealed, and all the Money which shall stand to the Credit of the said Account at the Bank of *England* on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, in every Year, shall from Time to Time on the said respective Days, or within Two Days afterwards, and at such other Times as the Speaker of the House of Commons shall direct, be transferred by the Governor and Company of the Bank of *England* to the Account of Her Majesty's Exchequer, and when so transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

52 G. 3. c. 11.

2 & 3 W. 4. c. 105.

4 & 5 W. 4. c. 70.

9 & 10 Vict. c. 77.

Monies arising from Fees of the House of Commons to be carried to the Consolidated Fund.

II. 'And whereas the Salaries of the Clerk of the House of Commons, the Clerks Assistant, the Serjeant at Arms, the Deputy Serjeant at Arms, and the Speaker's Secretary, have by the said recited Acts been made the first Charge upon the Money paid to the Account of the said Commissioners, and by this Act directed to be carried to the Consolidated Fund:' Be it enacted, That the Salaries of the Clerk of the House of Commons, the Clerk Assistant, the Second Clerk Assistant, the Serjeant at Arms, the

Salaries of the present Clerk, Clerks Assistant, &c. to be paid out of the Consolidated Fund.

the Deputy Serjeant at Arms, and the Speaker's Secretary, shall be charged upon and shall be paid to the Persons now holding such respective Offices, while they continue to hold the same, out of the said Consolidated Fund, by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year; and the Commissioners of Her Majesty's Treasury of the said United Kingdom are hereby authorized and required, by any Warrant under their Hands, to direct the Payment of the said Salaries out of the said Consolidated Fund.

Salaries to cease after Determination, &c.

III. And be it enacted, That from and after the Time when the Persons now holding such respective Offices as aforesaid shall respectively cease to hold the same the Provisions of the several Acts directing and fixing the Salaries of such Offices shall cease.

Salaries, &c. to be paid out of Monies to be provided by Parliament.

IV. And be it enacted, That, except as herein-before provided, all the Salaries and Superannuation and other Allowances and Expenses now payable out of the Money so paid to the said Account of the Commissioners for regulating the Offices of the House of Commons shall be paid out of such Monies as Parliament shall from Time to Time provide for those Purposes.

Salaries, &c. to be paid by Paymaster General.

V. And be it enacted, That so much of the said last-recited Act as directs the Commissioners for regulating the Offices of the House of Commons to appoint a Paymaster, and as regulates the said Office, shall from and after the First Day of *August* One thousand eight hundred and forty-nine be repealed; and the Salaries, Allowances, Superannuations, Charges, and Expenses of the House of Commons shall thenceforth be paid by the Paymaster General in such Manner and at such Times as the Speaker of the House of Commons, or the said Commissioners, shall direct, out of any Money which the Commissioners of Her Majesty's Treasury shall direct to be issued for those Purposes.

Audit by the Speaker to be deemed sufficient.

VI. And be it enacted, That the Audit by the Speaker of the House of Commons of the Accounts of the Receiver of the Fees and Sums payable in the several Offices and Departments of the House of Commons shall be deemed and taken to be in all respects good and effectual without any further Audit of the said Accounts, and shall be a sufficient Discharge and Acquittance to the said Receiver as to all Matters and Things contained in such Accounts, anything contained in any Act to the contrary in anywise notwithstanding.

Provision of 9 & 10 Vict. c. 77. as to Estimate of Balance in Hand of Commissioners repealed.

VII. And be it enacted, That so much of the last-recited Act as provides for the Preparation of an annual Estimate of the Money which will probably remain in the Hands of the Commissioners after the Payments of the current Quarter ending on the First Day of *April*, and of the Fees expected to be received during the Session, and of any Sum which may be required to be provided by Parliament in addition to such Sum for the Payments set forth in the Estimate of Expenditure, shall be repealed.

CAP. LXXIII.

An Act to limit the Enlistment in the Artillery and other Ordnance Corps. [28th *July* 1849.]

'WHEREAS it is expedient to amend the Act 10 & 11 *Victoria*, Cap. 37., intituled *An Act for limiting the Term of Service in the Army*, and further to limit the entire Period for which Soldiers enlisted into the Artillery or other Ordnance Corps may be engaged:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Soldiers having engaged to serve for a limited Time in the Artillery or Ordnance Corps may, on Expiration of their Term of Service, be re-engaged.

That during the last Six Months of the Term of limited Service for which a Soldier shall have first engaged to serve in the Artillery or other Ordnance Corps, or after the Completion of such Term, he may, if approved by his Commanding Officer or other competent Military Authority as a fit Person to continue in Her Majesty's Service as a Soldier, be re-engaged to serve for the further Term of Nine Years, upon making the Declaration prescribed in the Schedule (B.) annexed to the before-recited Act, which Declaration is to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Artillery or other Ordnance Corps, instead of Twenty-four Years as prescribed by the said Act.

CAP. LXXIV.

An Act for the further Relief of Trustees. [28th *July* 1849.]

'WHEREAS Difficulties have arisen in the Transfer of Securities vested in Trustees in certain Cases under the Provisions of an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, and it is expedient to make further Provision for carrying into effect the Objects of the said recited Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

10 & 11 Vict. c. 96.

Court of Chancery may, upon Application by Majority of Trustees, &c., order Payment or Transfer of Trust Monies,

That if upon any Petition presented to the Lord Chancellor or Master of the Rolls in the Matter of the said Act it shall appear to the Judge of the Court of Chancery before whom such Petition shall be heard that any Monies, Annuities, Stocks, or Securities are vested in any Persons as Trustees, Executors, or Administrators, or otherwise, upon Trusts within the Meaning of the said recited Act, and that the major Part of such Persons are desirous of transferring, paying, or delivering the same to the Accountant General of the High Court of Chancery under the Provisions of the said recited Act, but that for any Reason the

Concurrence

Concurrence of the other or others of them cannot be had, it shall be lawful for such Judge as aforesaid to order and direct such Transfer, Payment, or Delivery to be made by the major Part of such Persons without the Concurrence of the other or others of them; and where any such Monies or Government or Parliamentary Securities shall be deposited with any Banker, Broker, or other Depositary, it shall be lawful for such Judge as aforesaid to make such Order for the Payment or Delivery of such Monies, Government or Parliamentary Securities, to the major Part of such Trustees Executors, Administrators, or other Persons as aforesaid, for the Purpose of being paid or delivered to the said Accountant General as to the said Judge shall seem meet; and every Transfer of any Annuities, Stocks, or Securities, and every Payment of Money or Delivery of Securities, in pursuance of any such Order, shall be as valid and effectual as if the same had been made on the Authority or by the Act of all the Persons entitled to the Annuities, Stocks, or Securities so transferred, or the Monies or Securities so paid or delivered respectively, and shall fully protect and indemnify the Governor and Company of the Bank of *England*, the *East India* Company, and the *South Sea* Company, and all other Persons acting under or in pursuance of such Order.

Stocks, or Securities into Court of Chancery.

II. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

Act may be amended, &c.

CAP. LXXV.

An Act to defray until the First Day of *August* One thousand eight hundred and fifty the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [28th *July* 1849.]

[*This Act is the same, except as to Dates, as* 11 *&* 12 *Vict. c.* 75.]

CAP. LXXVI.

An Act to protect Women from fraudulent Practices for procuring their Defilement. [28th *July* 1849.]

FOR the better preventing the heinous Offence of procuring the defiling of Women, which certain infamous Persons do most wickedly practise, Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person shall by false Pretences, false Representations, or other fraudulent Means, procure any Woman or Child under the Age of Twenty-one Years to have illicit carnal Connexion with any Man, such Person shall be guilty of a Misdemeanor, and shall, being duly convicted thereof, suffer Imprisonment for a Term not exceeding Two Years, with hard Labour.

Punishment of Persons procuring Defilement of Women.

II. And be it enacted, That where any Prosecutor or other Person shall appear before any Court on Recognizance to prosecute or give Evidence against any Person charged with any Offence against this Act, every such Court is hereby authorized and empowered, whether any Bill of Indictment for such Charge shall or shall not be actually preferred, to order Payment of the Costs and Expenses of the Prosecutor and Witnesses for the Prosecution, in the same Manner as Courts are now by Law authorized and empowered to order the same in Cases of Prosecutions for Felony.

Where Persons appear as Prosecutor, &c., Court empowered to award Costs, &c. for Loss of Time.

III. And be it enacted, That every Order for the Payment of any Money by virtue of this Act shall be made out and delivered by the proper Officer of the Court unto such Prosecutor or other Person upon the same Terms and in the same Manner in all respects as Orders for the Payment of Costs are now made in Cases of Felony, and the Treasurer or other Person when any such Order shall be made shall be and he is hereby required, upon Sight of such Order, forthwith to pay to the Person therein named, or to any one duly authorized in that Behalf, the Money in such Order mentioned, and such Treasurer or other Person shall be allowed the same in passing his Accounts.

Order for Payment of Money shall be made out as Orders for Payment of Costs in Cases of Felony, and Treasurer allowed for same.

CAP. LXXVII.

An Act further to facilitate the Sale and Transfer of Incumbered Estates in *Ireland*. [28th *July* 1849.]

'WHEREAS it is expedient that further Facilities should be given for the Sale and Transfer of Incumbered Estates in *Ireland*:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for Her Majesty, by Warrant or Warrants under the Royal Sign Manual, to appoint any Number of Persons not exceeding Three to be Commissioners under this Act during Her Majesty's Pleasure, and upon every Vacancy in the Office of any such Commissioner in like Manner to appoint some other Person to such Office, and the said Persons so to be from Time to Time appointed shall be Commissioners for the Execution of this Act, and shall be styled "The Commissioners for Sale of Incumbered Estates in *Ireland*."

Three Commissioners to be appointed under Sign Manual.

II. And

Commissioners to have a Common Seal.

II. And be it enacted, That the Commissioners shall cause to be made a Seal for their Commission, and shall cause to be sealed therewith all Orders, Conveyances, and other Instruments made by or proceeding from the Commissioners in pursuance of this Act; and all such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the Commissioners, shall be received in Evidence without any further Proof thereof.

Two Commissioners to be a Quorum.

III. And be it enacted, That all Acts, Matters, and Things which the Commissioners are by any of the Provisions of this Act required or authorized to do or execute shall and may be done and executed by any Two of such Commissioners.

Power to appoint and remove Secretary, Clerks, &c.

IV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, (with the Consent in every Case of the Commissioners of Her Majesty's Treasury,) to appoint a Secretary, and such Clerks, Messengers, and Officers as they shall deem necessary for the Purposes of this Act, and to remove such Secretary, Clerks, Messengers, and Officers, or any of them.

Appointments limited to Five Years.

V. And be it enacted, That no Commissioner, Secretary, or other Officer to be appointed as aforesaid shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Salaries to be paid out of Monies to be provided by Parliament.

VI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary not exceeding Three thousand Pounds by the Year to be paid to one of the said Commissioners, and a Salary not exceeding Two thousand Pounds by the Year to each of the other Commissioners for the Time being appointed under this Act; and the Salaries of the Secretary, Clerks, Messengers, and other Officers to be appointed under this Act shall be from Time to Time regulated by the Commissioners of Her Majesty's Treasury; and the Salaries of such Commissioners, Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expenses of carrying this Act into execution not herein otherwise provided for, shall be paid out of such Monies as shall be provided by Parliament.

Commissioners not to sit in H. of Commons.

VII. And be it enacted, That no Commissioner appointed under this Act shall during his Continuance in such Office be capable of being elected or of sitting as a Member of the House of Commons.

Oath of Commissioners.

VIII. And be it enacted, That every Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, take the following Oath before One of the Justices of the Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer, in *Ireland*; (that is to say,)

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of a Commissioner under an Act passed in the Twelfth Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*]:'

And the Appointment of every such Commissioner, with the Time when and the Name of the Justice or Baron before whom he shall have taken the said Oath, shall be forthwith published in the *Dublin Gazette*.

Commissioners to frame and promulgate Forms of Application, &c.

IX. And be it enacted, That the Commissioners shall frame, and cause to be printed and circulated or promulgated, as they shall see occasion, Forms of Application and Directions indicating the Particulars of the Information to be furnished to the Commissioners, on Application to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other Information as in the Judgment of the Commissioners may assist them in forming an Opinion on such Application, and also such other Forms and Directions as the Commissioners may deem requisite or expedient for facilitating Proceedings under this Act.

Commissioners to make General Rules for regulating Proceedings under this Act.

X. And be it enacted, That the Commissioners shall from Time to Time make such General Rules as they may think best adapted for regulating the Course of Procedure under this Act, and for securing the prompt and due Distribution and Payment of the Monies received upon Sales under this Act amongst or for the Benefit of the Persons entitled thereto, and for the Protection in respect of such Monies of the Interests of Persons under Disability and of future Interests, and generally for securing the due Execution of the Powers vested in the Commissioners under this Act, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officers or Persons appointed under this Act upon or in respect of any Proceedings under this Act, save, in respect of any Copy or Extract of or from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding Three Halfpence for every Ninety Words, as shall be paid for the making of such Copy or Extract, and the Commissioners shall authorize to be charged to such Party for the same: Provided that every such General Rule shall be laid before Her Majesty's Privy Council of *Ireland*, and it shall be lawful for such Privy Council, by Order signed by Six of the said Privy Council, to confirm or disallow any such Rule, or to alter or amend, and confirm with Alteration or Amendment, any such Rule, or to remit any such Rule to the Commissioners for further Consideration; and every such General Rule (when the same shall have been confirmed by Order of the said Privy Council) shall be enrolled in the High Court of Chancery in *Ireland*, and when so enrolled shall be binding on the Commissioners in the Exercise of their Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided always, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be rescinded, amended, or altered as Occasion may require by other Rules made by the Commissioners, and confirmed and enrolled in like Manner.

No Fees to be payable on Proceedings.

Rules to be laid before the Privy Council of Ireland.

Rules, when confirmed, &c. to have the Force of an Act of Parliament.

Rules may be altered.

General Rules to be laid before Parliament.

XI. And be it enacted, That all such General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within One Calendar Month from the Confirmation thereof, if Parliament

Parliament be then sitting, or if Parliament be not then sitting, within One Calendar Month from the Commencement of the then next Session of Parliament.

Power to Commissioners to summon Witnesses, &c.

XII. And be it enacted, That it shall be lawful for the Commissioners by Summons under their Seal to require the Attendance before them, at a Time and Place to be mentioned in such Summons, of all such Persons as they shall think fit to examine in relation to any Question or Matter depending before them, and to require all such Persons to produce before them all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or in the Case of Persons allowed to make Affirmation or Declaration in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend before them as Witnesses; and it shall be lawful for any of the Commissioners to administer such Oath, Affirmation, or Declaration; and every Person required by such Summons to attend before the Commissioners, who, without reasonable Cause, to be allowed by the Commissioners, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him by the Commissioners, or shall refuse or fail to produce before the Commissioners any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the Commissioners, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might incur or be liable to for failing to appear, or refusing to be sworn or to give Evidence, in any Suit or Matter depending in the High Court of Chancery in *Ireland;* and the Commissioners shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Persons failing to appear, or refusing to be sworn or to make Affirmation or Declaration or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the Commissioners under any of the Powers or Authorities vested in them under this Act, and otherwise in relation to the Matters to be inquired into and done by them under this Act, as are by Law vested in the High Court of Chancery in *Ireland* for such Purposes in relation to any Suit or Matter depending in such Court.

Power to Commissioners to proceed upon Affidavits, and to appoint Persons to take Affidavits and Examinations.

XIII. Provided always, and be it enacted, That the Commissioners may, where they think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in *Ireland*, or, where they think fit, the Commissioners may by Order under their Seal appoint and authorize any Person to take Affidavits, or to examine any Witness or Witnesses who shall attend before such Person to be examined, in *Ireland* or elsewhere, in relation to any Application to or Matter pending before the Commissioners, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination.

Orders of Commissioners may be enforced in England.

XIV. And be it enacted, That every Order made by the Commissioners under this Act, a Copy whereof shall be certified under their Seal to the High Court of Chancery in *England*, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in *Ireland* a Copy whereof is exemplified and certified to the said Court of Chancery in *England* under the Great Seal of *Ireland* may be enrolled and enforced under an Act passed in the Forty-first Year of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same.*

41 G. 3. c. 90.

Commissioners to be a Court of Record, and have the Jurisdiction of a Court of Equity, and may refer any Inquiries, &c. to any One Commissioner.

XV. And be it enacted, That the Commissioners shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in *Ireland* for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges and the Amounts due thereon, and settling the Priority of such Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land or Lease in respect of which Application may be made under this Act, or in the Money to arise from Sales under this Act, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act, as are vested in a Court of Equity in relation to a Sale under the Direction of such Court, but their Procedure shall be according to such General Rules as aforesaid, or where the General Rules shall be inapplicable, at the Discretion of the Commissioners; and the Commissioners shall have Power, in relation to any Matter or Question before them, to send Cases for the Opinion of a Court of Law, and to direct Issues of Fact to be tried by a Jury; and, subject to any such General Rules as aforesaid, the Commissioners may refer to any One of such Commissioners any such Inquiries and Matters as they may think fit, and such One Commissioner shall, for all the Purposes of this Act, have in relation to all such Inquiries and Matters as shall be so referred to him the like Powers, Authorities, and Jurisdiction as the Commissioners or any Two of them would have under this Act.

Where Land, &c. in Ireland is subject to Incumbrance, Owner may apply to Commissioners for a Sale.

XVI. And be it enacted, That where Land in *Ireland*, or a Lease in Perpetuity, or any Lease for a Term whereof not less than Sixty Years shall be unexpired at the Time of such Application as hereinafter mentioned, or any Church or College Lease, of Land in *Ireland*, shall be subject to any Incumbrance, it shall be lawful for the Owner of such Land or Lease, within Three Years from the passing of this Act, to apply to the Commissioners for a Sale of such Land or Lease under the Provisions of this Act.

XVII. And

Incumbrancer may apply to Commissioners for Sale for discharging the Incumbrances.

XVII. And be it enacted, That where any Land in *Ireland*, or any such Lease as aforesaid of Land in *Ireland*, shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land or Lease, within Three Years from the passing of this Act, to apply to the Commissioners for a Sale under the Provisions of this Act of the whole or Part (as in the Judgment of the Commissioners may appear necessary) of such Land or Lease, for the Purpose of discharging the Incumbrances thereon.

No Application to be entertained unless Costs of previous Application paid.

XVIII. And be it enacted, That where Application for a Sale of any Land or Lease has been dismissed with Costs by a competent Tribunal, no Application by the same Party for a Sale of such Land or Lease, or any Part thereof, shall be entertained by the Commissioners, unless it is shown that such Costs have been paid.

Where Lands or Lease not to be deemed subject to Incumbrance.

XIX. Provided always, and be it enacted, That for the Purpose of authorizing an Application for a Sale under this Act the Land shall not be deemed subject to an Incumbrance where the same shall not affect the Inheritance, unless such Incumbrance shall affect a Term of not less than Fifty Years absolute unexpired, or a greater Estate in such Land, and shall have been created by the Owner of an Estate of Inheritance, or by a Person who, but for an Act which is void against or postponed at Law or in Equity to such Incumbrance, would be the Owner of an Estate of Inheritance, but an Incumbrance charged under a Power created by the Owner of an Estate of Inheritance shall be deemed to have been created by such Owner; and such Lease in Perpetuity or other Lease as aforesaid shall not be deemed subject to an Incumbrance where the same shall affect a derivative Estate or Interest only, or less than the whole Estate created or agreed to be created by such Lease in Perpetuity or other Lease as aforesaid, unless such Incumbrance shall have been created by the Owner of or Person entitled to the whole Estate created or agreed to be created by such Lease in Perpetuity or other Lease as aforesaid, or by a Person who, but for an Act which is void against or postponed at Law or in Equity to such Incumbrance, would be such Owner or so entitled, but any Incumbrance charged under a Power created by the Owner of or Person entitled to such whole Estate as aforesaid shall be deemed to have been created by such Owner or Person so entitled.

When Incumbrance subject to Limitations, the first Person entitled, &c. to make Application.

XX. And be it enacted, That when any Incumbrance shall be subject to any Limitations of Estate or Interest, or shall be held upon any Trust, the Commissioners may proceed and act upon an Application or Consent under this Act made or given in respect of such Incumbrance by the first Person entitled to the Income of such Incumbrance, or by any Trustee thereof, or other Person whose Estate or Interest in the Incumbrance appears to the Commissioners sufficient to enable him properly to apply or consent in respect of the Interests of the Parties interested in the Incumbrance.

Commissioners, upon Application for Sale, may, after Notices and Hearing, direct a Sale.

XXI. And be it enacted, That if upon any Application for a Sale under this Act, or upon any Information or Evidence which may be required by and produced to the Commissioners in relation to the Matter of such Application, it shall appear to the Commissioners that a Sale of the Land or Lease to which the Application may relate, or any Part thereof, may be found to be expedient, they shall direct Notices to be given to such Persons and in such Manner as they think fit, and shall, where any Parties interested in the Land or Lease apply to them for that Purpose, hear such Parties, by themselves, their Counsel or Agents, and shall, so far only as may be necessary to enable them to determine whether under all the Circumstances it is expedient that a Sale of all or any Part of the Land or Lease should be made, investigate the Title and the Incumbrances affecting the Land or Lease, and the State and Circumstances of the Land, or of the Land comprised in the Lease, and, if it shall in their Opinion be expedient that such a Sale should be made, may, at their Discretion make an Order for the Sale of all or any Part of such Land or Lease.

Commissioners not to make Order for Sale on Application by Incumbrancer where the Interest and annual Payments on Charges do not exceed Half the net Income.

XXII. Provided always, and be it enacted, That the Commissioners shall not make an Order for Sale of any Land or Lease, or any Part thereof, upon Application by an Incumbrancer on such Land or Lease, in case it be shown to the Satisfaction of the Commissioners, by the Owner of such Land or Lease, that no Part of such Land or Lease is subject to any Receiver or in the Possession of any Incumbrancer, and that the Amount of the yearly Interest on the Incumbrances and other yearly Payments (if any) in respect of Charges payable out of the Income of such Land or Lease, and the other Lands or Leases (if any) subject to the Incumbrance of such Incumbrancer, do not exceed One Half of the net yearly Income (after the Payment of all Tithe Rent-charge, such Part of the County Cess and Poor's Rate as is payable by the Owner, and all Crown, Quit, and Head Rent,) of such Land or Lease, or of all the Lands or Leases so subject; Provided always, that the Decision of the said Commissioners thereupon shall in all Cases be final and conclusive to all Intents and Purposes whatsoever.

Tenancies, &c. to be ascertained.

XXIII. And be it enacted, That where a Sale shall be made under this Act the Commissioners shall, where and so far as they may deem necessary for the Purposes of such Sale, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases affect the Land or Lease, or Part thereof, to be sold, and may give such Notices and make or cause to be made such Inquiries as they shall think necessary for ascertaining and securing the Rights of such Tenants, Lessees, or Under-lessees as aforesaid; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, shall, at such Times and Places as the Commissioners may by their Notices require, produce all Leases, Under-leases, and Agreements in Writing under which such Tenants or Persons occupy or claim to hold, if such Leases, Under-leases, or Agreements, or Counterparts thereof, be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and the Sale shall be

made

made subject to the Tenancies, Leases, or Under-leases, ascertained as aforesaid, and subject to which the Owner or Incumbrancer applying for a Sale under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, ascertained as aforesaid, as shall appear to the Commissioners to have been granted *bonâ fide* by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the Commissioners the Sale should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and, where the Commissioners think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description or subject to any Condition concerning any Leases, Under-leases, or Tenancies the Nature of which shall not have been ascertained or shall be disputed; and, when the Commissioners shall think fit, such Sale may be made subject to any annual Charge affecting the Land or Lease, or Part thereof, sold, or to any such apportioned Part of such annual Charge as the Commissioners may think fit should remain charged thereon; and where such Land or Lease, or Part thereof, is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Commissioners think fit, be made subject to such Incumbrance.

Sale may be made subject to an annual Charge.

XXIV. And be it enacted, That where the Commissioners make an Order for Sale, the Land or Lease, or Part thereof, to which such Order shall relate shall be sold, by or under the Control and Direction of the Commissioners, by public Sale or private Contract, together or in Lots or Parcels, at such Time and Place and generally in such Manner as the Commissioners think fit; and the Conveyance or Assignment of the Land or Lease, or Part thereof, shall be made by the Commissioners under their Seal, and shall be signed by Two of the Commissioners, and the Execution by any other Party of such Conveyance or Assignment shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases, and Under-leases (if any), and Charge (if any), subject to which the Sale is made, and may be in the Form contained in the Schedule to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the Commissioners, the Purchaser may direct.

Sale to be under Direction of Commissioners.

Execution by Commissioners sufficient.

XXV. And be it enacted, That the Purchase Money in every Case shall be paid into the Bank of *Ireland*, to an Account to be there opened in the Name of the Commissioners, and to the Credit in each Case of the Estate sold, or as the Commissioners by General Rule or Special Order shall direct; and on the Notification by the said Bank to the Commissioners of the Receipt of the Money, a Certificate by the Commissioners of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid, and such Certificate of the Commissioners shall be Evidence of such Payment.

Payment of Purchase Money.

XXVI. Provided always, and be it enacted, That it shall be lawful for any Incumbrancer on or Person otherwise interested in any Land or Lease, or Part thereof, (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered,) to bid at any public Sale, and to become the Purchaser at any public Sale or by private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser; and, by Leave of the Commissioners, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land or Lease, or Part thereof, shall be the Purchaser of such Land or Lease, or Part thereof, the Commissioners may, where they think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of *Ireland* under this Act, or such Sum on Account of such Amount as the Commissioners may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where at the Time of authorizing such Retainer as aforesaid the Commissioners shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, and the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the Commissioners to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be so paid by him; and the Commissioners shall withhold their Certificate of Payment herein-before mentioned until they shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Where an Incumbrancer purchases, Commissioners may authorize Payment into the Bank of Balance of Purchase Money, after retaining Amount of Incumbrance.

XXVII. And be it enacted, That every such Conveyance, executed as aforesaid by the Commissioners upon the Sale of Land, shall be effectual to pass the Fee Simple and Inheritance of the Land thereby expressed to be conveyed, subject to such Tenancies, Leases, and Under-leases as shall be expressed or referred to therein as aforesaid, but, save as aforesaid and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment, executed by the Commissioners upon the Sale of a Lease in Perpetuity or other Lease, shall be effectual to pass the Estate created or agreed to be created by such Lease and then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and to such Tenancies, Leases, and Under-leases as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest: Provided that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned subject to any annual Charge or apportioned

Effect of Assurance.

Part thereof, such annual Charge or such apportioned Part thereof only (as the Case may be) shall remain and be charged on and payable out of such Land or Lease, or Part thereof, as in the Conveyance or Assignment shall be expressed.

Saving of Rights of Common, &c.

XXVIII. Provided always, and be it enacted, That any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Right of Common, or any Right of Way or other Easement, or any Rent-charge in lieu of Tithes, Crown Rent, or Quit Rent, charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, save where the Commissioners shall think fit to redeem the Crown Rents or Quit Rents, or to pay off or redeem the Charges under the said Acts or either of them, under the Power herein-after contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quit Rents, or Charges under the said Acts or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly.

5 & 6 Vict. c. 89.

10 & 11 Vict. c. 32.

Commissioners may order Delivery of Counterparts of Leases, &c. and Possession to Purchaser.

XXIX. And be it enacted, That the Commissioners shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidences of the Tenancies subject to which the Sale shall be made, affecting the Land or Lease, or Part thereof, sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all Lands not in the Occupation of Lessees, Under-lessees, or Tenants subject to whose Leases, Under-leases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money.

XXX. And be it enacted, That the Commissioners shall, out of the Purchase Money to be received on the Sale of any Land or Lease, or Part thereof, under this Act, allow and pay such Costs of and consequential on the Application for the Order for the Sale as they shall think fit, and the Expenses of and incidental to the Sale; and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Commissioners, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges which affected such Land or Lease, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner previously to such Sale of such Land or Lease, where such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land or Lease, or Part thereof, sold, stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out it may, under such Order as aforesaid, be transferred or paid over to Trustees to be appointed or approved by the Commissioners, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment in the Manner in which the Rents of the Land to be purchased would be applicable, as the Commissioners shall think fit.

Money paid into Bank may be invested in the Funds.

XXXI. And be it enacted, That any Money so paid into the Bank as aforesaid may by Order of the Commissioners be invested in their Name in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland;* and, until the same shall be sold by Order of the Commissioners for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Commissioners, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen would have been applicable.

Appointment of new Trustees.

XXXII. And be it enacted, That whenever the Commissioners shall appoint or shall direct the Appointment of Trustees for any of the Purposes of this Act it shall be lawful for the Commissioners to make or to direct to be made such Provision as they shall think fit for the Appointment of new Trustees, on any Event to be determined by the Commissioners.

No Payment, not in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of Incumbrance to impair Remedy over.

XXXIII. Provided always, and be it enacted, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance, otherwise than as against the Land or Lease, or Part thereof, sold under this Act; and no Payment under this Act of or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Commissioners under any special Circumstances shall order.

Commissioners may make Provision as to Incumbrances, Charges, &c., to facilitate Sales, &c. and Distribution of Purchase Money.

XXXIV. And be it enacted, That it shall be lawful for the Commissioners to sell any Land or Lease, or Part thereof, discharged from any Crown Rent or Quit Rent which they may be enabled and may, with the Consent of the Owner, think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth Year and Tenth Year of Her Majesty, or either of them, which they may, with such Consent, think fit to pay off or redeem; and in any such Case the Commissioners shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quit Rent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Commissioners, where they think fit, to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Par

thereof,

thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Commissioners, where they think fit, may invest or provide for the Investment of Money to meet any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, it shall appear to the Commissioners proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Lease, or Part thereof, from the Sale of which the same shall have arisen.

Power to Commissioners to order Money to be paid into Court of Chancery or Exchequer.

XXXV. And be it enacted, That where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Commissioners think it expedient for the Protection of the Rights and Interests therein, the Commissioners may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery or of the Court of Exchequer in *Ireland*, or (where the Case may require) of the High Court of Chancery in *England*, in the Matter of the Parties interested in the same, to be described as the Commissioners shall think fit and direct, in trust to attend the Orders of such respective Court; and the Commissioners may by their Order declare the Trusts affecting such Money, Stocks, Funds, or Securities, so far as they have ascertained the same, or state (for the Information of the respective Court) the Facts or Matters found by them in relation to the Rights and Interests therein; and the High Court of Chancery, Lord Chancellor, and Master of the Rolls, in *England* and *Ireland* respectively, and the Court of Exchequer in *Ireland*, may make such Orders and give such Directions in relation to any such Monies, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court as such Court or Judge respectively might make or give in relation to any Trust Monies, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty "for better securing Trust Funds, and for the Relief of Trustees," or the Act of the last Session of Parliament for extending to *Ireland* the said Act of the Eleventh Year of Her Majesty respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in *Ireland*, or paid out under this Provision under any Order of the Lord Chancellor or Master of the Rolls, shall be liable to Usher's Poundage.

10 & 11 Vict. c. 96.

11 & 12 Vict. c. 68.

Lands included in different Applications, and different Interests in the same Land, may be included in the same Sale.

XXXVI. And be it enacted, That where there shall be separate Applications to the Commissioners for Sales under this Act of any Land and of any Lease in the same Land, or of Two or more Leases in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Commissioners, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Applications may be made or prosecuted, and of any other Persons whose Consent the Commissioners may, under the Circumstances, think fit to require, in the same Sale, upon such Terms as they think fit, such Land and Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land and of any Lease in other Land, or of different Lands or Leases in different Lands, it shall be lawful for the Commissioners, where, from the Lands being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include, with such Consent as aforesaid, such Land and Lease, or Lands or Leases, in the same Sale, upon such Terms as they may think fit; and where any Land or Lease, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Commissioners, upon the Application of the Owner of any Lease or Under-lease, or Estate in reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Commissioners under the Provisions herein-before contained,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as they may see fit, in the Sale of the Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land or Lease subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land or Lease, and to the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Commissioners shall apportion the Purchase Money and Expenses as they see fit.

If Land sold shall be subject to a Lease, &c. comprising other Land, or if Part of Lease in Perpetuity, &c. be sold, Commissioners may apportion the Rent.

XXXVII. And be it enacted, That if any Land or Lease to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Commissioners to apportion the Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease in Perpetuity or other Lease, it shall be lawful for the Commissioners, where they shall think fit, and (having regard to the Rights and Interests of the Owner of the Reversion) it shall appear to them just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Commissioners shall direct Notices of any such intended Apportionment as aforesaid to be

be given to such Persons and in such Manner as they shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

Provision for Persons under Disability.

XXXVIII. And be it enacted, That where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estate if he were idiot or lunatic would be authorized to act for and represent such Person under this Act shall be of unsound Mind or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Commissioners to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Commissioners see fit they may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Proceedings not to abate by Death, &c.

XXXIX. And be it enacted, That Proceedings under this Act shall not abate or be suspended by any Death or Transmission or Change of Interest, but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, where they see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to them may appear just.

Costs.

XL. And be it enacted, That in every Proceeding under this Act the Commissioners shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as they shall see fit.

Order for a Sale under this Act may be made notwithstanding pending Suit or Decree for Sale.

XLI. And be it enacted, That Application may be made to the Commissioners for a Sale under this Act, and an Order for such Sale may be made by them notwithstanding any pending Proceedings in a Court of Equity in *England* or *Ireland*, or any Decree of any such Court of Equity already made for Sale, and notwithstanding the Owner may have Power under an Act of Parliament or otherwise to make a Sale; and where it shall be shown to the Commissioners that a Decree for Sale has been made by a Court of Equity, the Commissioners shall, if they see fit, without further Inquiry, order a Sale of the Land or Lease decreed to be sold; and where any Sale shall be made of any Land or Lease, or Part thereof, in respect of which there shall have been a Decree of a Court of Equity, or any Proceedings pending in a Court of Equity, the Commissioners shall, in distributing such Monies and in their other Proceedings, have regard to the Proceedings in such Court in relation to the Priorities and Rights of Incumbrancers and others; and where there shall have been a Decree of a Court of Equity the Commissioners shall, in distributing the Monies arising on the Sale and in their other Proceedings, proceed upon and be guided by the Declarations of and Inquiries and Proofs made and taken under such Decree in relation to such Priorities and Rights as aforesaid; provided that it shall be lawful for the Commissioners, where it shall appear to them that there is any clerical Error, or any Error of Names or in Computation, or other like Error, in such Decree, or in any Finding or Proof, or where from Matters coming to their Knowledge it shall appear to them that the Court in which the Decree has been made should have an Opportunity of reconsidering such Decree, or considering or reconsidering any Finding or Proof, to direct such Person as the Commissioners may think fit to apply to such Court in relation thereto, and such Court may make such Order concerning the Matter of such Application as it may think fit; and the Commissioners shall, out of any Monies arising from any Sale under this Act, where there shall have been any such Decree or pending Proceedings as aforesaid, make such Provision for Payment of any Costs incurred in relation to the Proceedings in the Court of Equity as the Circumstances may require; or the Commissioners may, in any of the Cases aforesaid, where they think fit, order all or any Part of the Purchase Money, after Payment thereout of such Costs and Expenses as may be payable thereout under the Orders of the Commissioners, to be paid into the Court of Equity in or under any Suit or Decree there pending or made.

After Order by Commissioners for Sale Proceedings for a Sale under Decree to be stayed, and no

XLII. And be it enacted, That where the Commissioners shall order the Sale of any Land or Lease, or Part thereof, in respect of which any Decree shall have been already made by a Court of Equity for Sale, or any Proceedings shall be pending in a Court of Equity, they shall, by Certificate under their Seal, notify to such Court the Order so made by them; and all Proceedings for or in relation to a Sale under the Decree of such Court shall be stayed, and upon the Completion of the Sale under such Order of the Commissioners any Receiver appointed by such Court shall cease to act as such Receiver with respect

respect to the Land or Lease, or Part thereof, sold; and it shall be lawful for the Court to suspend or stay any other Proceedings in such Court, or under any Order or Decree already made by such Court, as the Court shall think fit; and pending any Proceedings for a Sale under this Act it shall not be lawful for any Owner or Person claiming to be Owner within the Meaning of this Act, or claiming by the Act of such Owner or Person or by Act of Law, or any Incumbrancer, to commence any Proceedings at Law or in Equity for Redemption, Foreclosure, or Sale, or to commence, take, continue, or prosecute any Proceeding whatsoever under the Act of the last Session of Parliament, "to facilitate the Sale of Incumbered Estates in *Ireland*," without the Leave of the Commissioners.

Suit, &c. to be commenced without Leave of Commissioners, pending Proceedings under this Act.

XLIII. And be it enacted, That where an Application shall be made for a Sale under this Act of an undivided Share of any Land or Lease, or where any such undivided Share shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, the Commissioners, on the Application of any Party interested in such undivided Share or of the Purchaser, (as the Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as they may think fit, and hearing such Parties interested in the respective Shares as may apply to them, and making or causing to be made such Inquiries as may enable them to make a just Partition, may, if they think fit, make an Order under their Seal for the Partition of such Land or Lease; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land or Lease; and the Commissioners shall have the like Authorities, Jurisdiction, and Powers in relation to such Partition as a Court of Equity would have in the Case of a Partition under the Direction of such Court; and the Part so allotted in Severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly or as Tenants in Common, it shall be lawful for the Commissioners, on the Application of any such Lessee, Under-lessee, or Tenant, and after causing to be given such Notices, as they may think fit, and hearing such Parties as may apply to them, and making such Inquiries as they may think necessary, to make an Order under their Seal for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, and such Order of Partition, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

On Application for Sale of an undivided Share, or after Sale, Commissioners may, on Application of Party interested, and giving Notices and hearing Parties, make Order for Partition.

XLIV. And be it enacted, That where an Application shall be made for a Sale under this Act of any Land or Lease, or Part thereof, or where the same shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if Application be made to the Commissioners by any Party interested in such Land or Lease, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land, or of all or any Part of the Land comprised in such Lease, for other Land which the Owner thereof may be willing to give in exchange, the Commissioners may make or cause to be made such Inquiries as they may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands as they may think fit; and if, after making such Inquiries and hearing such Parties interested in the respective Lands as may apply to them, the Commissioners shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed, or as modified by them, with the Consent of such Owner as aforesaid, are just and reasonable, they may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made in respect of the Land taken in exchange for any Land, or any Land comprised in any Lease to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,)

On Application for Sale, or after Sale, Commissioners, on Application of Party interested, and with Consent, may make Order for Exchange,

Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in exchange for the Land or Lease, or Part thereof, sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment,) and with the like Consequences, in the several Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Land so taken in exchange.

Partition may be made of Land where Shares are not subject to be sold under this Act.

XLV. And be it enacted, That it shall be lawful for the Commissioners, upon the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land in *Ireland* who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Commissioners may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Commissioners shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share; and the Part so allotted in Severalty in respect of each such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act.

XLVI. And be it enacted, That it shall be lawful for the Commissioners, upon the Application of the Owners of Lands in *Ireland* not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Commissioners may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Commissioners shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Lands not subject to be sold under this Act.

XLVII. And be it enacted, That it shall be lawful for the Commissioners, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, so intermixed, or divided into Parcels of inconvenient Form or Quantity, that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Commissioners may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Commissioners shall be of opinion that the proposed Division and Allotment would be beneficial, they shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost on such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Divisions to be given.

XLVIII. Provided always, and be it enacted, That in the Case of Land in respect of which no Proceedings for a Sale under this Act shall be pending, no such Order of Partition or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Commissioners until such Notices by Advertisement in such public Newspaper or Newspapers as the Commissioners shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Commissioners of his Dissent from such proposed Partition, Exchange, or Division and Allotment, (as the Case may be,) the Commissioners shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased, or that such Estate or Charge is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

Conveyance, Assignment,

XLIX. And be it enacted, That every Conveyance and Assignment respectively executed as required by this Act, and every Order for Partition or for Exchange, or for Division and Allotment, made by the Commissioners

Commissioners under their Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance or Assignment, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, or Order shall be impeached by reason of any Informality therein. and Orders for Partition, Exchange, or Division and Allotment, conclusive.

L. And be it enacted, That the Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making Application under this Act to the Commissioners, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition, nor shall the Commissioners be required by Writ of Mandamus to do any Act or take any Proceeding under this Act, nor shall Proceedings before them be removable by Certiorari; and the Commissioners shall not, nor shall any of them, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter *bonâ fide* done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act. Proceedings before Commissioners not to be restrained by Injunction, &c. Commissioners not to be liable in respect of Acts done bonâ fide.

LI. And be it enacted, That it shall be lawful for the Commissioners to review and rescind or vary any Order which shall have been previously made by them, but, save as aforesaid and as herein-after provided, every Order of the Commissioners shall be final: Provided always, that where the Commissioners allow Appeal, but not otherwise, Appeal against any Order of the Commissioners may be made to the Privy Council of *Ireland* within One Calendar Month from the making of the Order appealed against, and such Appeal shall be heard and reported on by Members of the Privy Council, to be appointed by such Judicial Committee of the said Privy Council as herein-after mentioned, and the Orders of the said Privy Council in relation to such Appeal shall be made according to the Reports of such Judicial Committee, and the Order of the said Privy Council on the Appeal shall be final. Orders may be reviewed by Commissioners. Appeal to Privy Council where allowed by Commissioners.

LII. And be it enacted, That the Judicial Committee herein-before referred to shall consist of the Lord High Chancellor of *Ireland* for the Time being, and such of the Members of the said Privy Council as shall from Time to Time hold any of the following Offices in *Ireland*; that is to say, the Office of Lord Keeper or First Lord Commissioner of the Great Seal of *Ireland*, Lord Chief Justice or Judge of the Court of Queen's Bench, Master of the Rolls, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron or Baron of the Court of Exchequer, and Judge or Commissary of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout *Ireland*, and of all Persons Members of the said Privy Council who shall have held the Office of Lord Chancellor of *Ireland*, or any of the other Offices herein-before mentioned, and of such other Persons not exceeding Four in Number, being Privy Councillors in *Ireland*, as the Lord Lieutenant or other Chief Governor or Governors for the Time being of *Ireland* shall appoint to be Members of such Committee; and no such Appeal as aforesaid shall be heard or reported on by the said Judicial Committee unless in the Presence of at least Four Members of the said Committee; and no Report on such Appeal shall be made unless a Majority of the Members of such Committee present at the Hearing concur in such Report. Who to form the Judicial Committee.

LIII. And be it enacted, That every Person who upon Examination upon Oath, Affirmation, or Declaration before the Commissioners or any of them, or any Person appointed and authorized under this Act by the Commissioners to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Commissioners, shall be liable to the Pains and Penalties of Perjury. Penalty for false Swearing.

LIV. And be it enacted, That in the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Land" shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Rents, and Hereditaments of any Tenure, whether subject to any Fee Farm or other perpetual Rent, with or without Condition of Re-entry for securing the same, or otherwise, and whether corporeal or incorporeal, and any undivided Share thereof; and the Word "Estate" shall extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal; and the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or any Part of the Land therein comprised; and the Expression "Lease in Perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or in any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any Lease or other Estate; and the Expression "Church or College Lease" shall include any Lease by any Archbishop, Bishop, Dean, or Dean and Chapter, or other Ecclesiastical Corporation, sole or aggregate, or by the College of the Holy and Undivided *Trinity* near *Dublin*, or by the Ecclesiastical Commissioners for *Ireland*, where a Fine has been paid on the Grant of such Lease; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity duly registered, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual or periodical Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid Construction of Terms, &c. in this Act: "Land:" "Estate:" "Lease:" "Lease in Perpetuity:" "Church or College Lease:" "Incumbrance:"

"Incumbrancer:" "Possession:" "Owner:"

unpaid of any annual or periodical Charge, for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity; and the Word "Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof; and the Word "Possession" shall include the Receipt of the Rents and Profits; and the Word "Owner," as applied to any Land, shall include any Person entitled in possession in Fee Simple or in Tail, or *quasi* in Tail, and any Person entitled in possession for a Life or Lives, or for a Term of Years determinable on the dropping of any Life or Lives, or for a Term of Years of which not less than Ninety-nine Years are unexpired, not being a Lessee at a Rent, and also any Person entitled in possession as Tenant by the Curtesy, whether at Law or in Equity, and any Person entitled in possession, whether in Fee or for any lesser Estate as aforesaid, to the Equity of Redemption in any Land, or to the Land subject to any Incumbrance, or a Trust for the Payment of any Incumbrance, and any Feoffees or Trustees for charitable or other Purposes, entitled in possession; and the Word "Owner," as applied to a Lease in Perpetuity or other Lease, shall include any Person entitled in possession to the Land comprised in such Lease for the whole Estate created or agreed to be created by such Lease, or for any derivative Estate (created by Settlement, or testamentary or other Disposition thereof), *quasi* in Tail, or for Life or Lives, or for Years determinable on the dropping of a Life or Lives, or for Years of which not less than Fifty Years are unexpired, not being an Under-lease at a Rent derived out of such Lease, and any Person entitled in possession, for such whole Estate or such derivative Estate as aforesaid, to the Equity of Redemption in such Lease or to such Lease subject to any Incumbrance, or a Trust for the Payment of any Incumbrance; and the Word "Person" and the Word "Owner" shall extend to a Body Politic or Corporate as well as to an Individual; the Word "Commissioners" shall mean "the Commissioners for Sale of Incumbered Estates in *Ireland*;" the Expression "the Commissioners of Her Majesty's Treasury" shall mean such Commissioners for the Time being or any Three of them, or the Lord High Treasurer for the Time being; and every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to One Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female.

"Person" and "Owner:" "Commissioners:" "Commissioners of Her Majesty's Treasury:" Number.

Act to extend to Ireland only, &c.

LV. And be it enacted, That this Act shall, except so far as the special Provisions of the same otherwise require, extend only to *Ireland*, and may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

Form of Conveyance on Sales by the Commissioners (which may be used with such Variations as the Circumstances may appear to the Commissioners to require).

WE Two of the Commissioners for Sale of Incumbered Estates in Ireland, under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of, *&c.*, paid into the Bank of Ireland to our Account to the Credit of do grant unto the said *E.F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E.F.*, his Heirs and Assigns, [*or, in the Case of a Chattel Interest in a Lease,* his Executors, Administrators, and Assigns,] for ever, [*or* for the unexpired Term created by a certain Lease [*describing the Lease, as the Case may be*], subject to [*here specify, where the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charge, either by reference to a Schedule or otherwise*].

In witness whereof we the said *A.B.* and *C.D.* have hereunto set our Hands and the Seal of the said Commissioners, this Day of in the Year of our Lord

A.B.
C.D.
[*Seal of the Commission.*]

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:

WE certify that the within [*or* above] mentioned Sum of was paid into the Bank of Ireland to the Account and Credit within [*or* above] mentioned on the Day of

A.B.
C.D.
[*Seal of the Commission.*]

CAP. LXXVIII.

An Act for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases. [28th *July* 1849.]

7 & 8 G. 4. c. 64.

'WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to establish a Taxation of Costs on Private Bills in the House of Lords:* And whereas it is expedient to repeal the same, and to make more effectual Provision for taxing the Costs and Expenses to be charged by Parliamentary Agents, Attornies, Solicitors, and others, in future Sessions of Parliament, in respect of Bills subject to the Payment of Fees in Parliament, commonly called Private Bills, and to be incurred in complying with the Standing Orders of the House of Lords relative to such Bills, and in preparing, bringing in, and carrying the same through, or in opposing the

'the same in, the House of Lords, and to facilitate the Taxation of other Costs incurred in respect of Private 'Bills, in certain Cases:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, except as to any Costs, Charges, and Expenses which shall have been incurred in the present or any preceding Session of Parliament, the said recited Act shall be repealed.

Recited Act 7 & 8 G. 4. c. 64. repealed.

II. And be it enacted, That no Parliamentary Agent, Attorney, or Solicitor, nor any Executor, Administrator, or Assignee of any Parliamentary Agent, Attorney, or Solicitor, shall commence or maintain any Action or Suit for the Recovery of any Costs, Charges, or Expenses in respect of any Proceedings in the House of Lords in any future Session of Parliament relating to any Petition for a Private Bill, or Private Bill, or in respect of complying with the Standing Orders of the said House relative thereto, or in preparing, bringing in, and carrying the same through, or opposing the same in, the House of Lords, until the Expiration of One Month after such Parliamentary Agent, Attorney, or Solicitor, or Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, has delivered unto the Party to be charged therewith, or sent by Post to or left for him at his Counting-house, Office of Business, Dwelling House, or last known Place of Abode, a Bill of such Costs, Charges, and Expenses, and which Bill shall either be subscribed with the proper Hand of such Parliamentary Agent, Attorney, or Solicitor, or in the Case of a Partnership by any of the Partners, either with his own Name or with the Name of such Partnership, or of the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or be enclosed in or accompanied by a Letter subscribed in like Manner referring to such Bill: Provided always, that it shall not in any Case be necessary, in the first instance, for such Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, in proving a Compliance with this Act, to prove the Contents of the Bill delivered, sent, or left by him, but it shall be sufficient to prove that a Bill of Costs, Charges, and Expenses, subscribed in manner aforesaid, or enclosed in or accompanied by such Letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other Party to show that the Bill so delivered, sent, or left was not such a Bill as constituted a *bonâ fide* Compliance with this Act: Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity in *England* or *Ireland*, or of the Court of Session in *Scotland*, to authorize a Parliamentary Agent, Attorney, or Solicitor to commence an Action or Suit for the Recovery of his Costs, Charges, and Expenses against the Party chargeable therewith, although One Month has not expired from the Delivery of a Bill as aforesaid, on Proof to the Satisfaction of the said Judge that there is probable Cause for believing that such Party is about to quit that Part of the United Kingdom in which such Judge hath Jurisdiction.

Parliamentary Agent, Attorney, or Solicitor not to sue for Costs until One Month after Delivery of his Bill.

Evidence of Delivery of Bill.

Power to Judge to authorize Action before Expiration of One Month.

III. And be it enacted, That the Clerk of the Parliaments, when discharging the Duties of his Office in Person, or in his Absence the Clerk Assistant, shall appoint a fit Person to be the Taxing Officer of the House of Lords; and every Person so appointed shall hold his Office during the Pleasure of the Clerk of the Parliaments or Clerk Assistant, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Clerk of the Parliaments or Clerk Assistant.

Taxing Officer to be appointed by the Clerk of Parliaments or Clerk Assistant.

IV. And be it enacted, That the Clerk of the Parliaments, when discharging the Duties of his Office in Person, or in his Absence the Clerk Assistant, may from Time to Time prepare a List of such Charges as it shall appear to him that, after the present Session of Parliament, Parliamentary Agents, Attornies, Solicitors, and others may justly make with reference to the several Matters comprised in such List; and the several Charges therein specified shall be the utmost Charges thenceforth to be allowed upon the Taxation of any such Bill of Costs, Charges, and Expenses in respect of the several Matters therein specified: Provided always, that the said Taxing Officer may allow all fair and reasonable Costs, Charges, and Expenses in respect of any Matters not included in such List.

The Clerk of Parliaments or Clerk Assistant to prepare List of Charges thenceforth to be allowed.

V. And be it enacted, That for the Purpose of any such Taxation the said Taxing Officer may examine upon Oath any Party to such Taxation, and any Witnesses who may be examined in relation thereto, and may receive Affidavits, sworn before him or before any Master or Master Extraordinary of the High Court of Chancery, relative to such Costs, Charges, or Expenses; and any Person who on such Examination on Oath or in any such Affidavit shall wilfully or corruptly give false Evidence shall be liable to the Penalties of wilful and corrupt Perjury.

Taxing Officer empowered to examine Parties and Witnesses on Oath.

VI. And be it enacted, That the said Taxing Officer shall be empowered to call for the Production of any Books or Writings in the Hands of any Party to such Taxation relating to the Matters of such Taxation.

Taking Officer empowered to call for Books and Papers.

VII. And be it enacted, That it shall be lawful for the said Taxing Officer to demand and receive for any such Taxation such Fees as the House of Lords may from Time to Time by any Order authorize and direct, and to charge the said Fees, and also to award Costs of such Taxation against either Party to such Taxation, or in such Proportion against each Party as he may think fit, and he shall pay and apply the Fees so received by him in such Manner as shall be directed by any such Order as aforesaid.

Taxing Officer to take and apply such Fees as may be allowed by House of Lords.

VIII. And be it enacted, That if any Person upon whom any Demand shall be made by any Parliamentary Agent, Attorney, or Solicitor, or Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, for any Costs, Charges, or Expenses in respect of any Proceedings in the House of Lords in any future Session of Parliament relating to any Petition for a

On Application of Party chargeable, or on Application of Parliamentary Agent, Attor-

ney, or Solicitor, the Taxing Officer to tax the Bill.

Private Bill, or Private Bill, or in respect of complying with the Standing Orders of the said House relative thereto, or in preparing, bringing in, or carrying the same through, or in opposing the same in, the House of Lords, or if any Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person who shall be aggrieved by the Nonpayment of any Costs, Charges, and Expenses incurred or charged by him in respect of any such Proceedings as aforesaid, shall make Application to the said Taxing Officer at his Office for the Taxation of such Costs, Charges, and Expenses, the said Taxing Officer, on receiving a true Copy of the Bill of such Costs, Charges, and Expenses which shall have been duly delivered as aforesaid to the Party charged therewith, shall in due Course proceed to tax and settle the same; and upon every such Taxation, if either the Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, by whom such Demand shall be made as aforesaid, or the Party charged with such Bill of Costs, Charges, and Expenses, having due Notice, shall refuse or neglect to attend such Taxation, the said Taxing Officer may proceed to tax and settle such Bill and Demand *ex parte*; and if pending such Taxation any Action or other Proceeding shall be commenced for the Recovery of such Bill of Costs, Charges, and Expenses, the Court or Judge before whom the same shall be brought shall stay all Proceedings thereon until the Amount of such Bill shall have been duly certified by the Clerk of the Parliaments or Clerk Assistant as herein-after provided: Provided always, that no such Application shall be entertained by the said Taxing Officer if made by the Party charged with such Bill after a Verdict shall have been obtained or a Writ of Inquiry executed in any Action for the Recovery of the Demand of any such Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, or after the Expiration of Six Months after such Bill shall have been delivered, sent, or left as aforesaid: Provided also, that if any such Application shall be made after the Expiration of Six Months as aforesaid it shall be lawful for the Clerk of the Parliaments or Clerk Assistant aforesaid, if he shall so think fit, on receiving a Report of special Circumstances from the said Taxing Officer, to direct such Bill to be taxed.

No Application to be entertained by Taxing Officer after Verdict obtained.

Taxing Officer to report to the Clerk of the Parliaments.

If either Party complain of Report, they may deposit a Memorial, and the Clerk, &c. may require a further Report.

If no Memorial deposited, Clerk of the Parliaments may issue Certificate of the Amount found due.

Certificate to have the Effect of a Warrant to confess Judgment.

IX. And be it enacted, That the said Taxing Officer shall report his Taxation to the Clerk of the Parliaments or Clerk Assistant as aforesaid, and in such Report shall state the Amount fairly chargeable in respect of such Costs, Charges, and Expenses, together with the Amount of Costs and Fees payable in respect of such Taxation as aforesaid, and shall also state in such Report the Amount due in respect of the said Costs, Charges, and Expenses; and within Twenty-one clear Days after any such Report shall have been made either Party may deposit in the Office of the Clerk of the Parliaments a Memorial, addressed to the Clerk of the Parliaments or Clerk Assistant as aforesaid, complaining of such Report or any Part thereof, and such Clerk of the Parliaments or Clerk Assistant as aforesaid may, if he shall so think fit, refer the same, together with such Report, to the said Taxing Officer, and may require a further Report in relation thereto, and on receiving such further Report may direct the said Taxing Officer, if necessary, to amend his Report; and if no such Memorial be deposited as aforesaid, or so soon as the Matters complained of in any such Memorial shall have been finally disposed of, such Clerk of the Parliaments or Clerk Assistant as aforesaid shall, upon Application made to him, deliver to the Party concerned therein, and requiring the same, a Certificate of the Amount so ascertained, which Certificate shall be binding and conclusive on the Parties as to the Matters comprised in such Taxation, and as to the Amount of such Costs, Charges, and Expenses, and the Amount due in respect of the same, and of the Costs and Fees payable in respect of such Taxation, in all Proceedings at Law or in Equity or otherwise; and in any Action or other Proceeding brought for the Recovery of the Amount so certified to be due such Certificate shall have the Effect of a Warrant of Attorney to confess Judgment; and the Court in which such Action shall be commenced, or any Judge thereof, shall, on Production of such Certificate, order Judgment to be entered up for the Sum specified in such Certificate, in like Manner as if the Defendant in any such Action had signed a Warrant to confess Judgment in such Action to that Amount: Provided always, that if such Defendant shall have pleaded that he is not liable to the Payment of such Costs, Charges, and Expenses, such Certificate shall be conclusive only as to the Amount thereof which shall be payable by such Defendant in case the Plaintiff shall in such Action recover the same.

Taxing Officer of either House may tax Costs not otherwise taxable under the Act by virtue of which any Bill shall be taxed; and may request other Officers to assist him.

Such Officers to have the same Powers as in taxing other Costs.

X. And be it enacted, That if any Bill of Costs taxable by virtue of this Act, or of "The House of Commons Costs Taxation Act, 1847," shall comprise any Costs, Charges, and Expenses incurred in respect of a Private Bill, but not taxable by virtue of the Act in pursuance whereof such Bill shall come to be taxed, it shall be lawful for the Taxing Officer of the House of Lords, or for the Taxing Officer of the House of Commons, as the Case may be, either to tax and settle such last-mentioned Costs, Charges, and Expenses, or to request the Taxing Officer of the other House of Parliament, or the proper Officer of any other Court having such an Officer, to assist him in taxing and settling any Part of such Bill; and such Officer so requested shall thereupon proceed to tax and settle the same, and shall return the same, with his Opinion thereupon, to the Officer who shall have so requested him to tax and settle the same; and in taxing such Costs, Charges, and Expenses the Taxing Officer of the House of Lords and the Taxing Officer of the House of Commons respectively shall have the same Powers and may receive the same Fees in respect of such Taxation as if such Costs, Charges, and Expenses were taxable by virtue of this Act, or of the "House of Commons Costs Taxation Act, 1847," as the Case may be; and the proper Officer of any Court so requested to tax the same shall have the same Powers and may receive the same Fees as upon a Reference from the Court of which he is such Officer.

XI. And

XI. And be it enacted, That the Taxing Officer of the House of Lords, or the Taxing Officer of the House of Commons, as the Case may be, may include the Amount of such last-mentioned Costs, Charges, and Expenses in the Report of his Taxation of any such Bill of Costs; and in case the Clerk of the Parliaments or Clerk Assistant, or the Speaker of the House of Commons, as the Case may be, shall deliver a Certificate of the Amount so ascertained and declared in such Report, including such last-mentioned Costs, Charges, and Expenses, such Certificate shall have the same Force and Effect as if the whole of such Bill of Costs were taxable by virtue of the Act in pursuance whereof such Certificate shall be so delivered. Taxing Officers to include certain Costs in their Reports, and Certificates of the Amount to be delivered.

XII. And be it enacted, That in case the Taxing Officer of the House of Lords, or the Taxing Officer of the House of Commons, shall be requested by the proper Officer of any other Court to assist him in taxing and settling any Costs, Charges, and Expenses incurred in respect of a Private Bill, being Part of any Bill of Costs which shall have been referred to him by the Court of which he is such Officer, such Taxing Officer so requested shall thereupon proceed to tax and settle the same, and shall return the same, with his Opinion thereupon, to the Officer who shall have so requested him to tax and settle the same, and shall have the same Powers and may receive the same Fees in respect of such Taxation as if Application had been made to him for the Taxation thereof in pursuance of this Act, or of the "House of Commons Costs Taxation Act, 1847," as the Case may be. Officers of other Courts may request the Taxing Officer of either House to tax Parts of Bills.

XIII. And be it enacted, That it shall be lawful for the Taxing Officer of the House of Lords and for the Taxing Officer of the House of Commons to take an Account between the Parties to any Taxation under this Act or the "House of Commons Costs Taxation Act, 1847," of all Sums of Money paid or received in respect of any Bill of Costs which is the Subject of such Taxation, or any Matters contained therein, and to report the Amount of all such Sums of Money and the Amount due in respect of such Bills of Costs. Taxing Officer of either House may take an Account between the Parties.

XIV. And be it enacted, That in the Construction of this Act the Word "Month" shall be taken to mean a Calendar Month; and every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Person" shall extend to any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole, as well as an Individual; and the Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Person allowed by Law to make a Declaration instead of taking an Oath; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction. Construction of certain Words in this Act.

XV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The House of Lords Costs Taxation Act, 1849." Form of citing the Act.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. LXXIX.

An Act to facilitate the Execution of Conveyances and other Instruments by or on behalf of the *New Zealand* Company in *New Zealand*. [1st *August* 1849.]

'WHEREAS Her present Majesty, by Her Royal Letters Patent bearing Date the Twelfth Day of *February* in the Fourth Year of Her Reign, granted and ordained that certain Persons therein named and described should be and constitute a Body Corporate, with perpetual Succession and a Common Seal, by the Name of the *New Zealand* Company, for the Purpose of purchasing and acquiring, settling, improving, cultivating, letting, selling, granting, alienating, mortgaging, charging, or otherwise dealing with and making a Profit of Lands, Tenements, and Hereditaments within Her Majesty's Colony of *New Zealand* and its Dependencies, and of laying out Settlements and Towns, and for other the Purposes therein set forth; and by Her Royal Letters Patent, bearing Date the Fourth Day of *August* in the Seventh Year of Her Reign, extended the Powers in the said first-mentioned Letters Patent contained: And whereas by an Act of Parliament passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to grant certain Powers to the* New Zealand *Company*, further Powers were granted to the said Company, and special Provisions made for facilitating the Conveyance of Lands in the said Colony then contracted to be sold or thereafter to be contracted to be sold by the said Company: And whereas by an Act of Parliament passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to promote Colonization in* New Zealand, *and to authorize a Loan to the* New Zealand *Company*, all the Demesne Lands of the Crown in the Province of *New Munster* in *New Zealand*, and all the Estate and Right of Her Majesty therein, or Power and Authority over the same or any Part thereof, were, from and immediately after the passing of the said now-reciting Act, until the Fifth Day of *July* One thousand eight hundred and fifty, and during such further Time as shall be directed by Parliament, vested in the *New Zealand* Company, in trust for the Purposes and subject to the Provisions in the same Act contained; and it was by the same Act enacted, that during such Period all the Rights, Powers, and Authorities of Her Majesty in reference to the same might be exercised and administered by the said Company in such Manner in all respects, subject to the Restric- Letters Patent, dated 12th Feb. (4 Vict.) Letters Patent, dated 4th Aug. (7 Vict.) 9 & 10 Vict. c. 382. 10 & 11 Vict. c. 112.

'tions therein contained, as to the said Company should seem best fitted to promote the efficient Colo-'nization of *New Zealand* and the Welfare of the Colonists thereof: And whereas it is expedient, for 'the better Promotion of the Colonization of *New Zealand*, and for the more effectual Exercise of the 'several Powers and Authorities vested in the said Company, that Means should be provided to enable 'the Execution of Deeds of Conveyance and other legal Instruments in *New Zealand* by and on behalf 'of the said Company, and that other Provisions should be made to facilitate the Interchange of Property 'in the Colony:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Power to Company to appoint Attornies,

it shall be lawful for the said Company, by any Deed or Instrument in Writing under their Corporate Seal, from Time to Time to constitute and appoint any Persons to be, while actually within the Colony of *New Zealand* or its Dependencies, and for such limited Period (if any) as the said Company may think fit, the Attornies of the said Company, to make and execute, in the Name and on the Behalf of the said Company, Grants, Leases, Conveyances, and any other Deeds or Instruments whatsoever, of and in relation to any of the Lands and Property in the said Colony of *New Zealand* or its Dependencies now belonging to or hereafter to belong to the said Company, or over or in respect to which the said Company now has or hereafter may have any disposing or other Power or Authority whatsoever, subject nevertheless (so far as the same may be applicable) to the Restrictions contained in the recited Acts, and from

and to revoke Appointments.

Time to Time as Occasion may require, and as to the said Company may seem meet, to revoke any such Deed or Instrument under the Corporate Seal of the said Company as aforesaid, and to make any other such Deed or Instrument for the like Purpose, which Grants, Leases, Conveyances, and other Deeds and Instruments to be made and executed by such Attornies shall be under the Signature of such Attornies, and under such Seal as herein-after mentioned.

To grant to such Attornies a Seal.

II. And be it enacted, That it shall be lawful for the said Company to appoint and commit to the Custody of the Attornies for the Time being constituted and appointed as aforesaid a Seal for the Purpose of making and executing such Grants, Leases, Conveyances, and other Deeds and Instruments as aforesaid, and such Seal from Time to Time to break, alter, or renew as to the said Company may seem meet; and every Grant, Lease, Conveyance, and other Deed and Instrument to be made and executed in manner aforesaid by such Attornies shall be as valid and effectual in Law to all Intents and Purposes whatsoever, as if the same had been duly made and executed by the said Company without the Intervention of such Attornies.

Deeds executed by Attornies valid, as if executed by the Company.

Executed Deeds primâ facie Evidence of due Execution.

III. And be it enacted, That all Grants, Leases, Conveyances, and other Deeds and Instruments signed or purporting to be signed by such Attornies as aforesaid, and sealed or purporting to be sealed with the Seal for the Time being committed to such Attornies, shall be *primâ facie* Evidence not only of the Appointment and Continuance in Office of the Attornies under whose Signatures the same shall be or purport to be made, but also of their Signatures thereto, and the due sealing thereof with the Seal committed to such Attornies, and that it shall be the Duty of all Courts of Justice, Justices, and others, as well within as without any of Her Majesty's Colonies, to receive the same as such *primâ facie* Evidence.

Not less than Two Attornies to be appointed.

IV. Provided nevertheless, and be it enacted, That not less than Two Persons shall be appointed such Attornies as aforesaid by any Deed or Instrument, and that if in any Deed or Instrument more than Two Persons are appointed, any Two of the Persons so appointed, whether they alone of the Persons so appointed shall have accepted or shall continue in Office or not, shall (unless the contrary be provided by such Deed or Instrument) be as fully competent to act in all respects as the whole Body of Persons thereby appointed.

Verification of Deeds for Registration.

V. And be it enacted, That, for all Purposes respecting Registration in the said Colony or its Dependencies, any Deed, Conveyance, or other Instrument, and any Memorial thereof, sealed or purporting to be sealed with the Seal of the said Company, shall be sufficient Evidence of the due Execution of such Deed, Conveyance, or other Instrument and Memorial by the said Company; and no further Evidence or Verification of such Execution, nor any Evidence or Verification of the Signature of the Secretary of the said Company or other Person or Persons who shall attest the sealing of such Deed, Conveyance, or other Instrument or Memorial, shall be required for the Purpose of such Registry, any Law, Ordinance, or Custom now or hereafter to be in force in *New Zealand* notwithstanding.

Act to extend to Colonies.

VI. And be it enacted, That this Act shall extend to the United Kingdom of *Great Britain* and *Ireland*, and also to Her Majesty's Colonies.

Public Act.

VII. And be it enacted, That this Act shall be deemed a Public Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXX.

An Act to repeal the Allowances on the Purchase of Stamps and for the receiving and accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof.

[1st *August* 1849.]

44 G. 3. c. 98.

'WHEREAS by an Act passed in the Forty-fourth Year of the Reign of King *George* the Third, intituled *An Act to repeal the several Stamp Duties under the Commissioners for managing 'the Duties upon stamped Vellum, Parchment, and Paper in* Great Britain, *and to grant new and*

'*additional*

'*additional Duties in lieu thereof*, certain Allowances, specified in the Schedule marked (C.) to the said 'Act annexed, were granted and made payable, and amongst others the following; that is to say,

'To every Person who at one and the same Time shall produce at the Head Office for Stamps in '*London* to be stamped, or shall buy of the Commissioners of the Stamp Duties, Vellum, Parchment, 'or Paper charged with any Stamp Duty to the Amount in the whole of Thirty Pounds or upwards, 'One Pound Ten Shillings for every One hundred Pounds, and so in proportion for any greater or 'less Sum not under Thirty Pounds.

'To Persons who shall at one and the same Time purchase stamped Labels for Medicines the Duty 'whereon shall amount to Five Pounds or upwards, Five Pounds for every One hundred Pounds, 'and so in proportion for any greater or less Sum not under Five Pounds:

'To Persons who shall at one and the same Time purchase stamped Labels for Medicines the Duty 'whereon shall amount to Fifty Pounds or upwards, Ten Pounds for every One hundred Pounds, 'and so in proportion for any greater or less Sum not under Fifty Pounds:

'To Persons who shall at one and the same Time purchase stamped Labels for Medicines the Duty 'whereon shall amount to One hundred Pounds or upwards, Twelve Pounds Ten Shillings for 'every One hundred Pounds, and so in proportion for any greater or less Sum not under One 'hundred Pounds:

'For receiving the Duty for and in respect of Gold Plate or Silver Plate made or wrought in *Great* '*Britain*, paying the same, and making out the Accounts according to the Directions of the several 'Acts of Parliament in that Behalf made, Two Pounds Ten Shillings for every One hundred 'Pounds, and so in proportion for any greater or less Sum not under One hundred Pounds:

'And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled '*An Act to repeal the Allowances made to Stationers on the Purchase of Stamps for Receipts at the* 9 G. 4. c. 27. '*Head Office in* London, *and to grant an Allowance to Persons purchasing such Stamps to a certain* '*Amount of the Commissioners of Stamps or of the Distributors of Stamps in* Great Britain, the following 'Allowance was granted and made payable; (that is to say,)

'To every Person who at one and the same Time shall buy of the Commissioners of Stamps at their 'Head Office for Stamps in *London* Stamps for Receipts to the Amount of Five Pounds or upwards, 'or who at one and the same Time shall buy of any Distributor or Sub-Distributor of Stamps in 'any other Part of *Great Britain*, not being within the Distance of Ten Miles from the said Head 'Office, Stamps for Receipts to the Amount of One Pound or upwards, an Allowance of the Sum of 'Seven Pounds Ten Shillings for every One hundred Pounds, and so in proportion for any greater 'or less Sum than One hundred Pounds of such Stamps so purchased not under Five Pounds or 'One Pound respectively:

'And whereas by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An* 5 & 6 Vict. c. 82. '*Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting* '*and managing the same, until the Tenth Day of* October *One thousand eight hundred and forty-five*, 'and by Two several Acts subsequently passed for continuing the said last-mentioned Act, the same 'Allowances as are authorized by Law to be made or allowed in *England* in respect of the Stamp Duties 'or any of them in force there are directed to be made and are now payable in respect of the Stamp 'Duties in *Ireland*: And whereas since the granting of the said Allowances by the said Act of the 'Forty-fourth Year of the Reign of King *George* the Third the Rate of the Stamp Duties has been 'greatly increased, and by reason thereof the Rate of the said Allowances computed thereon has been in 'some Cases rendered excessive: And whereas, regard being had to the Object and Design of the said 'recited Acts in granting the said Allowances, the continuing of the same is in some Cases unnecessary: 'And whereas it is expedient to repeal the said Allowances, and to grant others in lieu thereof at a 'reduced Rate or limited as herein-after directed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and forty-nine all the said several Allowances herein-before recited, and now payable in *Great Britain* and *Ireland* respectively, shall cease and determine, and the same are hereby repealed. Recited Allowances repealed.

II. And be it enacted, That in lieu of the said several Allowances hereby repealed as aforesaid there shall be made, allowed, and paid in *Great Britain* and *Ireland* respectively the several Allowances following; (that is to say,) Grant of Allowances in lieu of those repealed.

To any Person who at one and the same Time shall produce at the Office of the said Commissioners in *London* or *Dublin* to be stamped, or shall purchase of the said Commissioners at their Office in *London*, *Edinburgh*, or *Dublin*, Vellum, Parchment, or Paper stamped with Stamps (not being Labels for Medicines) under the Value respectively of Ten Pounds each, but to the Amount or Value in the whole of Thirty Pounds or upwards, One Pound Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum not under Thirty Pounds.

To any Person who shall at one and the same Time purchase of the Commissioners of Inland Revenue, at their Office in *London* or *Edinburgh*, stamped Labels for Medicines the Duty whereon shall amount to Fifty Pounds or upwards, Five Pounds for every One hundred Pounds, and so in proportion for any greater or less Sum not under Fifty Pounds.

For receiving the Duty for and in respect of Gold Plate or Silver Plate made or wrought in *Great Britain* or *Ireland*, paying the same, and making out the Accounts according to the Directions of the

the several Acts of Parliament in that Behalf made, One Pound for every One hundred Pounds so received, paid, and accounted for, and so in proportion for any greater or less Sum.

Allowances to be under the Care of the Commissioners of Inland Revenue, and all former Powers, Provisions, &c. to remain in force.

III. And be it enacted, That the said Allowances by this Act granted and made payable shall be under the Charge and Care of the Commissioners of Inland Revenue, and all Powers, Provisions, Clauses, Regulations, and Directions contained in any Act or Acts of Parliament or otherwise, and now in force, in relation to the several Allowances hereby repealed, shall be of full Force and Effect with respect to the several Allowances by this Act granted or made payable, as far as the same are or shall be applicable, and shall be observed, applied, and put in execution, so far as the same shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted with reference to the said Allowances hereby granted and made payable.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXI

An Act to authorize Her Majesty to issue a Commission to inquire into and report upon Rights or Claims over the *New Forest* in the County of *Southampton* and *Waltham Forest* in the County of *Essex*. [1st *August* 1849.]

'WHEREAS the Boundaries of Her Majesty's Forest called the *New Forest* in the County of *Southampton*, and of Her Majesty's Forest called *Waltham Forest* in the County of *Essex*, and the Lands of Her Majesty's Subjects within the said Forests respectively, are in some Parts not clearly defined, and divers Purprestures, Encroachments, and Trespasses have been or are alleged to have been made on the Soil of Her Majesty within the said Forests respectively, and the Forestal Rights of Her Majesty in and over the said Forests respectively have been or are alleged to have been diminished, abridged, or prejudiced by unlawful Inclosures made within the Regard of the said Forests respectively, and divers Claims of Common of Pasture, Turbary, and Fuel, and other Claims, are made or preferred by or on behalf of divers of Her Majesty's Subjects in, upon, and over the said Forests or Portions thereof respectively; and it is expedient that such Matters should be inquired into, and their Nature, Extent, and Value ascertained and defined:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to issue or cause to be issued One or more Commission or Commissions under the Great Seal of *Great Britain*, or under the Seal of Her Majesty's Court of Exchequer at *Westminster*, and thereby to appoint any Person or Persons, not exceeding Three in Number, to be Commissioners for the Purposes of this Act, and to authorize and empower the said Commissioners so to be appointed, or any One or more of them, to inquire into and ascertain the Boundaries of the said Forests called the *New Forest* and *Waltham Forest* respectively, and of the Lands of Her Majesty's Subjects within the same, and to inquire of any Purprestures, Encroachments, or Trespasses on the Soil of Her Majesty within the said Forests respectively, and by whom and when made, and how occupied, and whether any and what unlawful Inclosures have been made, and are now continued, within the Regard of the said Forests respectively, whereby the Forestal Rights and Interests of Her Majesty have been in any and what respect diminished, abridged, or otherwise prejudiced, and whether any and what Lands lying within the Bounds of the said Forests respectively are quit and free of the Regard thereof respectively, or within and subject to the Regard thereof, or subject to any and what Forestal or other Rights of Her Majesty; and also to inquire whether any and what Person or Persons claim any and what Rights of Common, of Pasture, Fuel, Turbary, Fern, or other Rights or Interests in, upon, or over the said Forests, and whether in respect of any and what particular Lands or otherwise such Rights or Interests are claimed, and how and by whom such Rights or Claims have hitherto been exercised or enjoyed; also to inquire whether Her Majesty is entitled to any and what Rents or other Payments or Acknowledgments for or in respect of any of such Rights or Claims; and also to inquire into the Origin, Nature, Extent, and Particulars, and probable Value, of the Claims of Her Majesty's Subjects in, to, upon, or over the said Forests respectively, and to receive and deliberate upon any Offers or Proposals which may be made for commuting, surrendering, or extinguishing all or any of such Claims; and to inquire into the Nature, Constitution, Powers, Jurisdiction, and Practice of any Forest Court heretofore held within the said Forests respectively, and the Sufficiency or Insufficiency thereof for the Purposes for which such Courts were constituted, and as to the Expediency of re-modelling or abolishing the said Courts, and as to the Expediency of creating and forming any extra-parochial Portions of the said Forests respectively into One or more Parish or Parishes, or adding the same to any existing Parish or Parishes, and generally to carry on and prosecute such other Inquiries as shall in the Judgment of the said Commissioner or Commissioners tend to enable them to make Reports upon the Premises as herein-after directed; and the said Commissioner or Commissioners so to be appointed as aforesaid are hereby empowered, as regards his or their Inquiries in relation to the *New Forest*, to sit at such convenient Time and Place within the County of *Southampton*, and as regards his or their Inquiries in relation to *Waltham Forest*, to sit at such convenient Time and Place within the County of *Essex*, as he or they shall appoint, and then and there, by the Testimony of Witnesses upon Oath or solemn Affirmation (which Oath or Affirmation any One of the said Commissioners is hereby authorized and empowered to administer),

Her Majesty may appoint Commissioners to inquire into and ascertain Boundaries of New Forest, &c.

nister); and by the Inspection and Examination of Records, Deeds, Muniments, and Writings, or by any other legal Proof or Evidence, to carry on and prosecute the Inquiries aforesaid, and such other Inquiries as shall enable the said Commissioners from Time to Time to report touching the Premises.

Power to Treasury to direct Payment of One of the Commissioners, and Expenses under this Act.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct such Sum as they in their Discretion shall think fit, not exceeding Five hundred Pounds *per Annum*, to be paid out of the accruing Income of the Woods and Forests of the Crown to any One of the Commissioners appointed to carry this Act into execution, as a Remuneration for his Services therein, and also such further Sums as they may think fit for the Remuneration of a Clerk to such Commissioners, and for defraying the necessary Expenses to be incurred by the said Commissioners in conducting the Inquiry as herein directed.

Commissioners to make a Declaration before acting.

III. And be it enacted, That the said Commissioner or Commissioners so to be appointed, before they shall be capable of acting in the Execution of this Act, shall severally make and subscribe a solemn Declaration before a Justice of the Peace in the Words or to the Effect following; that is to say,

'I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of 'my Skill and Judgment, execute the several Powers reposed in me by an Act of the Twelfth and 'Thirteenth Year of the Reign of Her Majesty Queen Victoria [*here insert the Title of this Act*], 'according to the Tenor and Purport of the said Act.'

Power to Commissioners to take Evidence and call for Records, &c.

IV. And be it enacted, That it shall be lawful for the said Commissioners to call before them at any of their public Meetings any Person or Persons, either to give Evidence or to produce any Records or other Documents in his, her, or their Possession, Custody, or Power, not relating to his or her private Estate or to the private Estate of any other Person or Persons, and which the said Commissioners shall think necessary or proper to be examined for the Purposes of any of the Inquiries directed by this Act, or by the Commission or Commissions to be issued as aforesaid; and any Person (being duly summoned), and after Tender of his reasonable Expenses in that Behalf, refusing or omitting to appear or to give Evidence, or to produce such Records or Documents, without reasonable Excuse for such Refusal or Omission, shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after directed.

Public Notice of Meetings to be given.

V. And to the intent that no Person may have any just Cause or Pretence for not appearing before the said Commissioners at their Meetings to be held for the Purpose of carrying this Act into execution, be it enacted, That the said Commissioners shall give public Notice of the Time and Place of every intended Meeting, by Publication of such Notice Fourteen Days at least before such Meeting in one of the public Newspapers usually published or circulated in the County of *Southampton* as regards the *New Forest*, and in the County of *Essex* as regards *Waltham Forest*, when and where any Person having any Rights or Claims within the said Forests respectively may be at liberty to attend and lay the same before the said Commissioners: Provided always, that the said Commissioners may from Time to Time adjourn their Meeting to any future Day and to any Place within the said Counties respectively, without giving any public Notice thereof in any Newspaper: Provided always, that the Place of Meeting, as respects Inquiries relating to the *New Forest*, shall be at some convenient Place in or in the immediate Vicinity of the *New Forest*, and as respects Inquiries relating to *Waltham Forest* shall be at some convenient Place in or in the immediate Vicinity of *Waltham Forest*.

Meetings may be appointed by any One or more of the Commissioners.

VI. And be it enacted, That it shall be lawful for Her Majesty, by the Commission or Commissions to be issued as aforesaid, to authorize and empower any One or more of the said Commissioners to hold Meetings for the Purpose of carrying this Act into execution, and to do, exercise, and perform all such Acts, Powers, Matters, and Things as in and by this Act, or the Commission or Commissions to be issued in pursuance thereof, are or shall be directed or authorized to be done.

Proceedings of Commissioners to be entered in Books, which shall be returned into Office of Woods, &c.

VII. And be it enacted, That any One or more of the said Commissioners acting under such Commission as aforesaid shall cause all his or their Inquiries, Examinations, and Proceedings to be fairly entered in Books to be kept for that Purpose, one Set of Books being appropriated to the Inquiries and Proceedings relating to the *New Forest*, and another Set of Books being appropriated to the Inquiries and Proceedings relating to *Waltham Forest*, which Books, duly signed and certified by the said Commissioners, shall be returned into the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, there to remain and be kept.

Recovery of Penalties.

VIII. And be it enacted, That all Fines and Penalties imposed by this Act may be recovered in a summary Way before any Justice or Justices of the Peace for the County, Riding, Division, or Place in which the Person having incurred the same shall happen to be, and in case any Penalty or Fine recovered before any Justice or Justices of the Peace in pursuance of this Act shall not be paid forthwith, it shall be lawful for the Justice or Justices by whom such Fine shall be set or imposed or before whom such Penalty shall be recovered, by Warrant under his Hand and Seal or their Hands and Seals, and directed by such Justice or Justices to any Constable or other Peace Officer, to cause such Fine or Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, and in case no sufficient Distress can be had or made, such Justice or Justices shall, if they shall think proper, commit the Offender to the Common Gaol for or some House of Correction within the said County, Riding, Division, City, Town, or Place as aforesaid, there to remain not exceeding Two Calendar Months.

Application of Penalties.

IX. And be it enacted, That all Penalties recovered and all Fines imposed by virtue or in pursuance of this Act shall be by the Justice or Justices receiving the same forthwith paid over to the Commissioners for

for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and be applied in or towards defraying the Expenses attending the Execution of this Act.

Commissioners to report to Treasury.

X. And be it enacted, That the said Commissioner or Commissioners shall, at such Time or Times and in such Manner and Form as may in that Behalf be directed by any such Commission or Commissions as aforesaid, report to the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being the Result and full Particulars of their Inquiries into the several Matters aforesaid, with his or their Opinion or Opinions thereon.

As to Appointment of new Commissioners.

XI. And be it enacted, That in case any Commissioner to be appointed as aforesaid shall die, or be removed or become incapable to act, before the Duties of the said Commission shall be fully performed, then, and so often as the same shall happen, it shall be lawful for Her Majesty to appoint any other Person or Persons to be a Commissioner or Commissioners in the Place of the Commissioner who shall have died, been removed, or become incapable to act; and the surviving or continuing Commissioner or Commissioners (if any) and the Commissioner or Commissioners appointed as last aforesaid, or any One or more of them, shall proceed in the Discharge of the Duties imposed by this Act or by the Commission or Commissions to be issued in pursuance thereof, or the Commissioner or Commissioners to be first appointed, in the same or the like Manner, and with the same Powers and Authorities, in all respects, as such Commissioner or Commissioners might have done in case such Death, Removal, or becoming incapable to act had not taken place.

Public Act.

XII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. LXXXII.

An Act to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure. [1st *August* 1849.]

5 & 6 W. 4. c. 76.

'WHEREAS by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it was enacted, that within Ten Days after the Grant of a separate Court of Quarter Sessions of the Peace to any Borough, the Council of such Borough should send a Copy of such Grant, sealed with the Seal of the Borough, to the Clerk of the Peace of the County in which such Borough or any Part thereof was situated; and after the Grant of such Court to any Borough it should not be lawful for the Justices of the Peace of any County wherein such Borough or Part of such Borough was situate to assess any Messuages, Lands, Tenements, or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every such Borough should thenceforward be wholly freed and discharged from contributing, otherwise than as therein-after provided, to any Rate or Assessment of any kind of and for the County in which any Part of such Borough was situated; and it was thereby further enacted, that the Treasurer of every County in *England* and *Wales* should keep an Account of all Sums of Money received in aid or on account of the County Rate, and of the Sum of Money expended out of the County Rate for other Purposes than the Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of Offenders committed for Trial in such County, and, in case of Boroughs having a separate Court of Quarter Sessions of the Peace, other than out of Coroners Inquests, and should not more than twice a Year send a Copy of such Account to the Council of every Borough situate within such County in which a separate Court of Quarter Sessions of the

2 & 3 W. 4. c. 64.

Peace should be holden, and which before the passing of the Act, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in* England *and* Wales, *so far as respects the Election of Members to serve in Parliament*, was chargeable with or liable to contribute in whole or in part to the County Rate of such County, and should make an Order on the Council of every such Borough for the Payment of such Proportion of such Sum as would have been chargeable, after deducting all Sums of Money received in aid of the County Rate as aforesaid, if the said Act had not passed, upon such Borough as the same should be bounded according to the Provisions of the said Act; and the Council of such Borough should forthwith order the same, with all reasonable Charges of making and sending the said Account, to be paid to the Treasurer of such County out of the Borough Fund: And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth

5 & 6 Vict. c. 98.

Years of the Reign of Her present Majesty, and intituled *An Act to amend the Laws concerning Prisons*, it is required that in every Borough in which there is or shall be a Body Corporate of Mayor, Aldermen, and Burgesses under the Provisions of the said firstly herein-before recited Act, and to which a separate Court of Sessions of the Peace hath been or shall be granted, there shall be One Gaol and at least One House of Correction, (except only where such Contracts as in the said Act mentioned have or shall have been entered into by the said Mayor, Aldermen, and Burgesses, and shall be subsisting, for the Maintenance of Prisoners committed from such Borough,) and every such Gaol and House of Correction is to be provided and maintained by and at the Cost of the same Borough: And whereas it is just and expedient that every such Borough having, or providing and maintaining, at its separate Cost, such Gaol and House of Correction, should be exempted from paying or contributing to the Costs also of providing or erecting and maintaining any new Gaol for the County in which the same is situate, except only as is herein-after excepted: And whereas it is also just and expedient that every such Borough having, or providing and maintaining, either alone or jointly with

other

'other Parties, any sufficient Asylum or Asylums for the Reception and Maintenance of its Pauper 'Lunatics according to the Provisions of an Act passed in the Session of Parliament held in the Eighth 'and Ninth Years of Her present Majesty, intituled *An Act to amend the Laws for the Provision and* 8 & 9 Vict. '*Regulation of Pauper Lunatic Asylums for Counties and Boroughs, and for the Maintenance and* c. 126. '*Care of Pauper Lunatics in* England, should be exempted from paying or contributing to the Costs also 'of providing, erecting, or maintaining any Pauper Lunatic Asylum for the County in which the same 'Borough is situate, and of maintaining the Pauper Lunatics chargeable thereto:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Borough to which a separate Court of Quarter Sessions of the Peace hath or shall have been granted under the Provisions of the said firstly-recited Act, and which shall possess or provide, or shall have commenced and shall be *bonâ fide* proceeding with the Construction of a sufficient Gaol and House of Correction to the Satisfaction of One of Her Majesty's Principal Secretaries of State for the Custody and Correction of Persons committing Offences within such Borough, shall, under the Provisions of the said first-recited Act or otherwise, be charged with or liable to pay or contribute any Costs, Charges, or Expenses to be incurred by any County in which such Borough shall be wholly or partly situate, in purchasing or providing a Site for or erecting or completing or maintaining any new Gaol or House of Correction for such County, except only that in calculating the Monies which any Borough shall be liable to pay or contribute under the Provisions of the said firstly-recited Act on account of any Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of any Offenders committed for Trial to the Assizes in such County from the same Borough, or, under the Provisions of the said Act for the Amendment of the Laws concerning Prisons, on account of the Expenses incurred in the Conveyance, Transport, Maintenance, safe Custody, and Care of any Persons committed for Offences arising within such Borough, and sent to any Prison of the County in which such Borough is situate, it shall be lawful for the Parties or Party making such Calculation to include therein such Proportion of any Monies which shall be paid by the County out of the County Rate, or out of any Monies received in aid of the County Rate (Monies borrowed by the County not being considered as Monies received in aid of the County Rate), on account of the Purchase or the providing of a Site for, or Erection, Completion, or Maintenance of such Gaol or House of Correction, or on account of the Principal or Interest of any Monies which shall have been borrowed by the County for such Purposes, or any of them, as the Number of Borough Prisoners which shall have been in Custody in any Gaol or House of Correction belonging to the said County during the Period for which such Calculation shall be made shall bear to the whole Number of Prisoners during the same Time confined in all the Gaols and Houses of Correction belonging to the said County; provided that nothing in this Act contained shall extend to exempt any such Borough from contributing its Proportion of any Expense heretofore incurred, for any of the Purposes aforesaid, by any County in which such Borough shall be situate as aforesaid, but every such Borough shall remain liable to and pay such Proportion thereof as it would have been chargeable with in case this Act had not passed; provided also, that no such Borough shall be entitled to or be allowed Credit for any Share or Proportion of any Monies to arise or be produced from the Sale of any old or unnecessary Gaol or House of Correction belonging to such County, or of the Site thereof, anything in the said firstly-recited Act or any other Act contained notwithstanding.

Boroughs having or providing a Gaol and House of Correction not to be liable to contribute to a County Gaol and House of Correction, except in a certain Manner.

II. And be it enacted, That from and after the passing of this Act no such Borough as aforesaid which shall possess or provide, or shall have commenced and shall be *bonâ fide* proceeding with the Construction of a sufficient Asylum to the Satisfaction of One of Her Majesty's Principal Secretaries of State for the Reception or Care of the Pauper Lunatics in such Borough, in pursuance of the said Act for amending the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in *England*, shall be liable to pay or contribute to the Payment of any Costs, Charges, or Expenses incident to the future or subsequent Purchase, Erection, fitting up, or Maintenance of any new Lunatic Asylum by the County in which such Borough is situate, or to the Payment of any Costs, Charges, or Expenses which may be incurred after such Asylum shall be actually opened for the Reception or Care of the Pauper Lunatics in such Borough, for maintaining any Pauper Lunatics chargeable to such County.

Boroughs having or providing a Lunatic Asylum not to be liable to contribute to County Asylum.

III. Provided always, and be it enacted, That when any Pauper Lunatic shall, in pursuance of the Provisions of the said in part recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty, be confined within a Lunatic Asylum belonging to any Borough, or within any House duly licensed, or any Hospital registered for the Reception of Lunatics within such Borough, or shall be found wandering within the Limits of such Borough, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, it shall not be lawful for any Justice to adjudge such Pauper Lunatic to be chargeable to the County in which such Borough is situated, nor to make any Order upon the Treasurer of such County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of the said Lunatic; and all the Clauses and Provisions in the said last in part recited Act as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Order to be made for the Maintenance of such Pauper Lunatic, shall extend and be applied to such Borough, as fully and effectually to all Intents and Purposes as if all the said Clauses and Provisions were repeated and re-enacted in this Act and made applicable to such Borough, in the same Manner in all respects as though for the Purposes of this Provision such Borough were a separate and distinct County.

Providing for Cases where Settlement of Pauper Lunatics is unknown.

Interpretation of Act.

IV. And be it enacted, That throughout this Act, where there shall be nothing in the Subject or Context repugnant to such Construction, Words importing the Singular Number shall include the Plural Number, and *vice versâ*; and the Word "Prison" shall include Gaol and House of Correction.

Extent of Act.

V. And be it enacted, That this Act shall extend only to *England* and *Wales*.

CAP. LXXXIII.

An Act further to facilitate the Inclosure of Commons, and the Improvement of Commons and other Lands. [1st *August* 1849.]

8 & 9 Vict. c. 118. 9 & 10 Vict. c. 70. 10 & 11 Vict. c. 111. 11 & 12 Vict. c. 99.

'WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases:* And whereas an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to amend the Act to facilitate the Inclosure and Improvement of Commons:* And whereas an Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her present Majesty, intituled *An Act to extend the Provisions of the Act for the Inclosure and Improvement of Commons:* And whereas an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her present Majesty, intituled *An Act to further extend the Provisions of the Act for the Inclosure and Improvement of Commons:* And whereas it is expedient that the Provisions of the said Acts should be further extended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

New Boundaries of Parishes may be set out.

That it shall be lawful for the Valuer in the Matter of any Inclosure, with the Approbation of the Inclosure Commissioners for *England* and *Wales*, to declare by his Award how much and which Part of any of the Lands to be allotted, divided, or dealt with by such Award, or of any Roads passing over or through the same or any Part thereof, shall be and be deemed to be situate in any Parish or Parishes in which any of the Land so to be divided, allotted, or dealt with shall be situate; and after the Date of the Confirmation of such Award so much and such Part of such Lands and Roads shall be and be deemed Part of the Parish or Parishes in which such Award shall declare them to be situate: Provided always, that no such Declarations as aforesaid shall be made in any Award where it shall appear to the said Inclosure Commissioners that there is any Dispute or Difference as to the Parish or Parishes in which such Land or Road, or any Part thereof respectively, to be dealt with by such Declaration, is situated: Provided also, that no Award containing such Declaration as aforesaid shall be confirmed by the Inclosure Commissioners, where it shall appear to them that the Boundaries of any Counties would be affected by such Declaration, until Notice in Writing under the Hand of the Valuer of his Intention to insert the same in his Award shall have been served upon the respective Clerks of the Peace of the Counties, the Boundaries of which may be affected by such Declaration, or shall have been left at their respective Offices of Business; and if within the Space of Fourteen Days after the holding of the next General Quarter Sessions for each of such Counties, or of the last of such respective Sessions, a Requisition in Writing under the Hand of the Clerk of the Peace of either of such Counties, and countersigned by the Chairman who shall have presided at such Quarter Sessions as aforesaid holden for the same County, requiring the Omission of such Declaration from such Award, shall be sent to the Inclosure Commissioners, such Commissioners shall not confirm such Award with such Declaration as aforesaid therein.

Persons having Rights of Common may be dealt with as a Class.

II. And be it enacted, That whenever Persons interested in any Land to be inclosed under the Provisions of the said recited Acts shall be entitled to any similar Rights of Common or other similar Rights over the Lands to be inclosed, and it shall appear to the Valuer in the Matter of such Inclosure that it would be for the Benefit of such Persons to be dealt with as a Class in the Matter of such Inclosure, it shall be lawful for the said Inclosure Commissioners on the Representation of the said Valuer, to call a Meeting of the Persons interested, for the Purpose of ascertaining whether Two Thirds in Number of the Persons present at such Meeting shall be desirous of being dealt with as a Class; and the Commissioners shall if they shall so think fit, appoint an Assistant Commissioner to be present and preside at such Meeting and to take the Votes of the Persons present thereat; and such Assistant Commissioner (if any) or the Chairman of the Meeting shall report to the said Commissioners whether Two Thirds in Number of the Persons present at such Meeting are desirous of being dealt with as a Class as aforesaid; and if it shall appear that Two Thirds of such Persons are desirous of being dealt with as a Class, it shall be lawful for the Commissioners, by an Order under their Seal, if they shall so think fit, to direct that the Persons entitled to such similar Rights of Common or other similar Rights as aforesaid shall be dealt with as a Class; and after such Order all the Provisions of the said recited Acts applicable to a Class shall be applicable to the Persons so interested in the Matter of such Inclosure, as if they had been a Class under the Provisions of the said recited Acts.

Class.

Meetings for Instructions.

III. 'And whereas Doubts have arisen whether, under the Provisions of the said first-recited Act, after a Meeting shall have been holden to give Instructions to a Valuer in the Matter of any Inclosure, any other Meeting after such first can be holden for the Purpose of giving further Instructions to such Valuer in the Matter of such Inclosure:' Be it declared and enacted, That in all Cases where in the Matter of any Inclosure a Meeting shall have been holden for the Purpose of giving such Instructions,

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it shall be lawful for the said Commissioners to call other Meetings to give further Instructions to the Valuer in the Matter of any Inclosure, subject to all the Provisions of the said first-recited Act as regards the First Meeting held for the Purpose aforesaid, so far as the same shall be applicable to the Second or any subsequent Meeting; and when any Instructions shall have been given previously to the passing of this Act to the Valuer in the Matter of any Inclosure at a Meeting for such Purpose subsequent to the first Instructions, and allowed by the said Commissioners, the same shall be as valid and of the same Force and Effect as if they had been given at the First Meeting called for such Purpose; provided that the Commissioners shall not allow any Instructions given at any Second or subsequent Meeting, whereby any Arrangement entered into or made by the first Instructions for the Protection or Convenience of any Persons interested in the Inclosure shall be prejudicially affected, if such Persons, after such reasonable Notice to be given for that Purpose as the Commissioners shall think fit, shall signify, in Writing to the Commissioners, their Dissent from such subsequent Instructions.

Commissioners may complete Proceedings under 6 & 7 W. 4. c. 115.

IV. And be it enacted, That all the Powers and Authorities in anywise enabling the said Commissioners to complete Proceedings under any local Act of Inclosure shall be applicable to Proceedings commenced under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales.

Quit Rents, Chief Rents, and Heriots.

V. And be it enacted, That it shall be lawful for the said Commissioners in the Matter of any Inclosure, by the Provisional Order, or by any other Order under their Seal, to declare that an Allotment or Allotments in lieu of Quit Rents, Chief Rents, or Heriots shall be given to the Lord of the Manor to whom such Quit Rents, Chief Rents, or Heriots are payable out of any old Inclosure in respect of which an Allotment would be made, or would have been payable out of any Allotments on the Confirmation of the Award, and the Valuer shall upon the Issue of such Provisional or other Order set out such Allotment or Allotments; provided always, that no such Allotment in lieu of such Quit Rents, Chief Rents, or Heriots shall be made except with the Consent of such Lord.

Balance of Money raised by Sale of Land.

VI. And be it enacted, That where any Monies shall have been raised by Sale of Land in the Matter of any Inclosure for the Expenses thereof, and any Balance out of such Monies shall after the Payment of such Expenses remain in the Hands of the Inclosure Commissioners, it shall be lawful for the said Commissioners to pay the same to the Persons interested, in such Proportions and under such Restrictions or Conditions as they shall deem just.

Exchange and Partition of Rights, &c.

VII. And be it enacted, That all the Provisions of the said recited Acts applicable to the Powers of Exchange and Partition under the said recited Acts shall extend and be applicable to the Exchange of all Rights of Common, Rights of Fishing, Manorial and other Rights, and all Easements over any Land, and all Quit Rents, Chief Rents, Heriots, Tithes, and Rent-charges for any other of the said Rights, Easements, and Things, whether of the same or a like or different Nature, or for Land, and also to the Partition of the same respectively; and when Two or more Persons shall be interested, jointly, severally, as a Class, or in common, in any Rights or Property proposed to be exchanged or partitioned under this or the said recited Acts, the Application of Two Thirds in Value of the Persons so interested jointly, severally, as a Class, or in common, as aforesaid, shall be deemed the Application of all Persons interested or having any Estate therein.

Separate Tracts.

VIII. And be it enacted, That where Lands proposed to be inclosed under the said recited Acts shall consist of separate Tracts of Open and Common Arable, Meadow, and Pasture Lands or Fields, entirely or in part, or of Common or Waste Lands subject to Rights of Common, entirely or in part, or shall otherwise consist of separate and distinct Tracts, and it shall appear to the said Commissioners that Two Thirds in Value of the Persons interested in the Entirety of such Tracts shall have assented to the proposed Inclosure on the Terms and Conditions in their Provisional Order specified, it shall be lawful for the said Commissioners, if they shall see fit, to proceed therewith.

Extending Provisions of recited Acts to the fixing Boundaries under this Act.

IX. And be it enacted, That all the Provisions of the said recited Acts applicable to the ascertaining, setting out, and fixing the Boundaries of any Parish or Manor in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and of any Parish or Manor adjoining thereto, shall extend and be applicable to the ascertaining, setting out, and fixing of the Boundaries of any Township, Vill, Hamlet, or Tithing not having separate Overseers of the Poor, and of a Manor, although the same shall not abut or adjoin upon any other Manor.

How Persons exercising Acts of Ownership where Rights suspended or extinguished, or Allotments directed to be entered upon, may be proceeded against.

X. And be it enacted, That if in any Case, after the Valuer acting in the Matter of any Inclosure shall under the Authority and Direction of the Commissioners, and in manner provided by the said first-recited Act, have ordered all or any Part of the Rights of Sheepwalk, Common or other Rights, in or over the Land to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, or after such Valuer shall under the Authority of the same Act have directed any Allotment to be made in such Inclosure to be entered upon by the Person for whom the same shall be intended, any Person, other than and except, as to any Allotment directed to be entered upon, the Person for whom such Allotment is intended, shall exercise any Act of Ownership upon or in respect of any Land the Rights in, upon, or over which shall have been so extinguished or shall be so suspended, or any Land so directed to be entered upon, whether by erecting Huts or other Buildings or Erections thereon, or by putting up Fences, or digging therein, on being convicted thereof before Two Justices of the Peace having Jurisdiction in the County or Place, shall forfeit and pay for and in respect of every such Act of Ownership such Sum of Money not exceeding Five Pounds as such Justices shall think proper to inflict by way of Penalty, and such Sum shall be paid to the Valuer, to be applied by him in aid of the Expenses

in such Inclosure, or to the Person lawfully in possession of such Allotment, as the Justices may think fit and direct; and the Justices may by their Order legally vest any Property or Effects erected or placed upon the Land by the Exercise of any such Act of Ownership in the Valuer, to be removed, sold, and applied by him in aid of such Expenses, or in the Person lawfully in possession of such Allotment, as the Justices may think fit and direct; and the Provisions of the Act of the Seventh and Eighth Years of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to malicious Injuries to Property*, concerning the Prosecution of Offenders punishable on summary Conviction under such Act, and the Form of such Conviction, and concerning the Cases of a summary Conviction under such Act where the Sum which shall be forfeited for the Amount of Injury done shall not be paid, and all other Provisions of such Act consequent upon or in relation to such Proceedings and Conviction, shall be applicable to the Offences under this Act, and the Prosecution and Conviction for the same respectively, save that any Matter by the said Act directed to be done by the Justice shall be done by Two Justices as aforesaid: Provided always, that no Remedy which any Person in possession of the Land under a Direction by the Valuer to enter thereon might otherwise have in respect of any such Act of Ownership, under the fourthly above-recited Act or otherwise, shall be in any Manner prejudiced or affected by the Provision last herein-before contained.

7 & 8 G. 4. c. 30.

Remedies independent of this Provision to be unprejudiced.

Lands held under separate Titles by the same Person may be exchanged.

XI. 'And whereas Doubts have arisen whether, under the said recited Acts, a Person interested in 'several Subject Matters of Exchange, but held under separate Titles, or for distinct and separate 'Interests, or subject to separate Charges or Incumbrances, can effect an Exchange thereof:' Be it declared and enacted, That the Person so interested as aforesaid may effect Exchanges of such several Subject Matters of Exchange in such and the same Manner as if different Persons had been interested therein.

Recited Acts deemed Part of this Act.

XII. And be it enacted, That this Act shall be taken to be a Part of the said recited Acts, and be construed therewith.

CAP. LXXXIV.

An Act for carrying into effect Engagements between Her Majesty and certain *Arabian* Chiefs in the *Persian Gulf* for the more effectual Suppression of the Slave Trade. [1st *August* 1849.]

'WHEREAS on the Thirtieth Day of *April* in the Year of our Lord One thousand eight hundred 'and forty-seven an Engagement was concluded between Major *S. Hennell* the Resident in the 'Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of *Great Britain* and 'Ireland, and *Sultan Bin Sugger*, Shaik of *Ras-el-Khyma* and *Shargah* in the *Persian Gulf*, the Chief 'of the *Joasmee Arabs*, whereby it was agreed as follows:

'"I, Shaik *Sultan Bin Sugger*, Chief of the *Joasmee* Tribe, with a view to strengthen the Bonds of '"Friendship existing between me and the *British* Government, do hereby engage to prohibit the '"Exportation of Slaves from the Coasts of *Africa* and elsewhere on board of my Vessels, and those '"belonging to my Subjects or Dependents, such Prohibition to take effect from the 1st Day of *Mohurrum* '"1264 A.H. (or 10th *Dec.* 1847 A.D.)

'"And I do further consent, that whenever the Cruizers of the *British* Government fall in with any '"of my Vessels, or those belonging to my Subjects or Dependents, suspected of being engaged in the '"Slave Trade, they may detain and search them; and in case of their finding that any of the Vessels '"aforesaid have violated this Engagement, by the Exportation of Slaves from the Coasts of *Africa* or '"elsewhere, upon any Pretext whatsoever, they (the Government Cruizers) shall seize and confiscate '"the same."

'And whereas on the said Thirtieth Day of *April* One thousand eight hundred and forty-seven an 'Engagement was also concluded between Major *S. Hennell*, the Resident in the *Persian Gulf*, on 'behalf of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and *Muktoom* '*Bin Buttye*, Shaik of *Debaye*, whereby it was agreed as follows:

'"I, *Muktoom Bin Buttye*, Shaik of *Debaye*, with the view to strengthen the Bonds of Friendship '"existing between me and the *British* Government, do hereby engage to prohibit the Exportation of '"Slaves from the Coasts of *Africa* and elsewhere on board of my Vessels, and those belonging to my '"Subjects or Dependents, such Prohibition to take effect from the 1st Day of *Mohurrum* 1264 A.H. '"(or 10th *Dec.* 1847 A.D.)

'"And I do further consent, that whenever the Cruizers of the *British* Government fall in with any '"of my Vessels, or those belonging to my Subjects or Dependents, suspected of being engaged in the '"Slave Trade, they may detain and search them; and in case of their finding that any of the Vessels '"aforesaid have violated this Engagement, by the Exportation of Slaves from the Coasts of *Africa* or '"elsewhere, upon any Pretext whatsoever, they (the Government Cruizers) shall seize and confiscate '"the same."

'And whereas on the First Day of *May* in the said Year One thousand eight hundred and forty-seven 'an Engagement was also concluded between the said Major *S. Hennell*, on behalf of Her Majesty, and '*Abdool Azeez Bin Rashid*, Shaik of *Eginan*, whereby it was agreed as follows:

'"I, *Abdool Azeez Bin Rashid*, Shaik of *Eginan*, with the view to strengthen the Bonds of Friend-'"ship existing between me and the *British* Government, do hereby engage to prohibit the Exportation '"of Slaves from the Coasts of *Africa* and elsewhere on board of my Vessels, and those belonging to my '"Subjects or Dependents, such Prohibition to take effect from the 1st Day of *Mohurrum* 1264 A.H. '"(or 10th *Dec.* 1847 A.D.)

'"And

‘ “ And I do further consent, that whenever the Cruizers of the *British* Government fall in with any
‘ “ of my Vessels, or those belonging to my Subjects or Dependents, suspected of being engaged in the
‘ “ Slave Trade, they may detain and search them; and in case of their finding that any of the Vessels
‘ “ aforesaid have violated this Engagement, by the Exportation of Slaves from the Coasts of *Africa* or
‘ “ elsewhere, upon any Pretext whatsoever, they (the Government Cruizers) shall seize and confiscate
‘ “ the same.”

‘ And whereas on the said First Day of *May* an Engagement was concluded by the said Major
‘ *S. Hennell*, on behalf of Her Majesty, and Shaik *Abdullah Bin Rashid*, Shaik of *Amulgavine*, whereby
‘ it was agreed as follows:

‘ “ I, *Abdullah Bin Rashid*, Shaik of *Amulgavine*, with a view to strengthen the Bonds of Friendship
‘ “ existing between me and the *British* Government, do hereby engage to prohibit the Exportation of
‘ “ Slaves from the Coast of *Africa* and elsewhere on board of my Vessels, and those belonging to my
‘ “ Subjects or Dependents, such Prohibition to take effect from the First Day of *Mohurrum* 1264 A.H.
‘ “ (or 10th *December* 1847 A.D.)

‘ “ And I do further consent, that whenever the Cruizers of the *British* Government fall in with any
‘ “ of my Vessels, or those belonging to my Subjects or Dependents, suspected of being engaged in the
‘ “ Slave Trade, they may detain and search them; and in case of their finding that any of the Vessels
‘ “ aforesaid have violated this Engagement, by the Exportation of Slaves from the Coasts of *Africa* or
‘ “ elsewhere, upon any Pretext whatsoever, they (the Government Cruizers) shall seize and confiscate
‘ “ the same.”

‘ And whereas on the Third Day of *May* in the said Year One thousand eight hundred and forty-seven
‘ an Engagement was concluded by the said Major *S. Hennell*, on behalf of Her Majesty, and Shaik
‘ *Saeed Bin Tahnoon* Chief of *Aboothabee*, whereby it was agreed as follows:

‘ “ I, *Saeed Bin Tahnoon*, Shaik of the *Beni Yas*, Chief of *Aboothabee*, with a view to strengthen
‘ “ the Bonds of Friendship existing between me and the *British* Government, do hereby engage to pro-
‘ “ hibit the Exportation of Slaves from the Coasts of *Africa* and elsewhere on board of my Vessels, and
‘ “ those belonging to my Subjects or Dependents, such Prohibition to take effect from the 1st Day of
‘ “ *Mohurrum* 1264 A.H. (or 10th *December* 1847.)

‘ “ And I do further consent, that whenever the Cruizers of the *British* Government fall in with any
‘ “ of my Vessels, or those belonging to my Subjects or Dependents, suspected of being engaged in the
‘ “ Slave Trade, they may detain and search them; and in case of their finding that any of the Vessels
‘ “ aforesaid have violated this Engagement, by the Exportation of Slaves from the Coasts of *Africa* or
‘ “ elsewhere, upon any Pretext whatsoever, they (the Government Cruizers) shall seize and confiscate
‘ “ the same.”

‘ And whereas on the Eighth Day of *May* in the said Year One thousand eight hundred and forty-
‘ seven an Engagement was concluded by the said Major *S. Hennell*, on behalf of Her Majesty, and
‘ Shaik *Mahomed Bin Khuleefa Bin Subman*, Chief of *Bahrein*, whereby it was agreed as follows:

‘ “ I, *Mahomed Bin Khuleefa Bin Subman*, Chief of *Bahrein*, with the view to strengthen the Bonds
‘ “ of Friendship existing between me and the *British* Government, do hereby engage to prohibit the
‘ “ Exportation of Slaves from the Coasts of *Africa* and elsewhere on board of my Vessels, and those
‘ “ belonging to my Subjects or Dependents, such Prohibition to take effect from the 1st Day of *Mohur-*
‘ “ *rum* 1264 A.H. (or 10th *December* 1847 A.D.)

‘ “ And I do further consent, that whenever the Cruizers of the *British* Government fall in with any
‘ “ of my Vessels, or those belonging to my Subjects or Dependents, suspected of being engaged in the
‘ “ Slave Trade, they may detain and search them; and in case of their finding that any of the Vessels
‘ “ aforesaid have violated this Engagement, by the Exportation of Slaves from the Coasts of *Africa* or
‘ “ elsewhere, upon any Pretext whatsoever, they (the Government Cruizers) shall seize and confiscate
‘ “ the same.”

‘ And whereas it is expedient that effectual Provision should be made for carrying into execution the
‘ Provisions of the said several Agreements:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commanders and other Officers of Her Majesty’s Ships of War, or of the *East India* Company, to visit and detain in any Seas any Vessel belonging to either of the said respective Chiefs Shaik *Sultan Bin Sugger* Chief of the *Joasmee* Tribe, *Muktoom Bin Buttye*, Shaik of *Debaye*, *Abdool Azeez Bin Rashid*, Shaik of *Eginan*, *Abdullah Bin Rashid*, Shaik of *Amulgavine*, *Saeed Bin Tahnoon*, Shaik of the *Beni Yas*, Chief of *Aboothabee*, *Mahomed Bin Khuleefa Bin Subman*, Chief of *Bahrein*, or to any of their Subjects or Dependents, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves or having been fitted out for that Purpose, and to send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication as herein-after mentioned.

Officers commanding Ships of Her Majesty and of the East India Company authorized to visit Vessels belonging to the before-mentioned Chiefs or their Subjects or Dependents.

II. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, including those Courts of Vice Admiralty within the Territories under the Government of the *East India* Company, to take cognizance of and try any such Vessel which shall be detained or captured for the Violation of the said Agreements, and to condemn any such Vessel to Her Majesty, and adjudge as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of

The Trial of Vessels engaged in the Slave Trade.

of Parliament in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Persons giving false Evidence deemed guilty of Perjury.

III. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under the said Engagements or this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IV. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Agreements, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage, or for any Injury sustained thereby or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done under or in pursuance of the Provisions of the said Agreements.

Vessels condemned to be sold for Her Majesty's Service or broken up.

V. And be it enacted, That any Ship or Vessel which shall be condemned as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper Price for the same, or if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels, after Condemnation, entitled to Proceeds belonging to Her Majesty.

VI. And be it enacted, That where any Ship or Vessel employed or engaged in such illicit Traffic in Slaves, in violation of the said Agreements, shall be seized by any Ship or Vessel belonging to Her Majesty or the *East India* Company, and afterwards condemned, there shall be paid to the Captors the net Proceeds to which Her Majesty is entitled, the same to be distributed in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for Slaves captured.

VII. And be it enacted, That there shall be paid to the Commander, Officers, and Crews of Her Majesty's Ships, or the Commander, Officers, and Crews of the Ships of the *East India* Company, a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board any Ship or Vessel taken and condemned in pursuance of the Provisions of the said Agreements and of this Act, such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council made or to be made or by any Proclamation for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

VIII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Agreements shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, in addition to the Amount of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid.

IX. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Agreements there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or those of the *East India* Company an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships or of those of the *East India* Company, making the Seizure, may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

Bounties to be paid out of the Consolidated Fund.

X. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships and of the Ships of the *East India* Company, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to Payment of Fees.

XI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Proof of Tonnage.

XII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

XIII. Pro-

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves. Copy of Sentence of Condemnation to be produced to Commissioners of the Treasury.

XIV. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any Ship or Vessel taken and condemned in pursuance of the said Agreements and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over. One Moiety of the Bounty only to be paid in certain Cases.

XV. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any Vessel confiscated in pursuance of the Provisions of the aforesaid Agreements, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure. Parties claiming Benefit under this Act may resort to the Court of Admiralty.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich Hospital*, shall be extended to all Bounties and Proceeds to be distributed, under the Provisions of this Act, to the Officers and Crews of any of Her Majesty's Ships and Vessels of War. Regulations, &c. respecting Prize Agents Accounts extended to Bounties, &c. under this Act.

XVII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to the before-mentioned Chiefs, or their Subjects or Dependents, shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland* or of those of the *East India* Company, and the said Ship shall be restored by Sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Two or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon either by the Parties interested therein or by Order of the said Commissioners of Her Majesty's Treasury. Commissioners of the Treasury may order Payment of Costs awarded for Vessels detained but not condemned.

XVIII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Two or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof. The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

CAP. LXXXV.

An Act to amend an Act for the Regulation of Municipal Corporations in *Ireland*, so far as relates to the Borough of *Dublin*. [1st *August* 1849.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland: And whereas another Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of Her present Majesty's Reign, for the Amendment of the said first-recited Act: And whereas it is expedient to alter the Qualification of Burgesses of the Borough of *Dublin* under the said first-recited Act, and to assimilate the same to the Qualification of Burgesses of Boroughs in *England* and *Scotland*, and for such Purpose, and for other Purposes herein-after mentioned, to amend the Provisions of the said first-recited Act, as far only as regards the said Borough of *Dublin*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of the present Year, as far as regards the said Borough of *Dublin*, the Provisions in the said first-recited Act contained relating to the Qualification of Burgesses shall be and the same are hereby repealed, except as to any Burgess Roll theretofore formed or Election made under the Provisions of the said Act for or relating to the said Borough. 3 & 4 Vict. c. 108. 6 & 7 Vict. c. 93. After present Year Provisions of first-recited Act as to Qualification of Burgesses in Dublin repealed.

II. And be it enacted, That from and after the Expiration of the present Year no Person shall be enrolled a Burgess of the said Borough of *Dublin* for the Purpose of enjoying the Rights conferred for the first Time by the said recited Acts or either of them, or this Act, in respect of any Title, other than by Occupancy and Payment of Rates within such Borough according to the Meaning and Provisions of this Act. After the present Year no Burgesses to be enrolled unless qualified under this Act.

III. And be it enacted, That from and after the Expiration of the present Year, in the Borough of *Dublin*, every Male Person of full Age who on the last Day of *August* in any Year shall have occupied any Qualification of Burgesses.

any House, Warehouse, Counting-house, or Shop within such Borough of *Dublin* during that Year and the whole of each of the Two preceding Years, and also during the Time of such Occupation shall have been an inhabitant Householder within the said Borough, or within Seven Statute Miles of the said Borough of *Dublin*, shall, if duly enrolled in that Year according to the Provisions of the said recited Acts, be a Burgess of such Borough, and Member of the Body Corporate of the Mayor, Aldermen, and Burgesses of such Borough: Provided always, that no such Person shall be so enrolled in any Year from and after the present Year unless he shall have been rated in respect of such Premises so occupied by him within the said Borough to all Rates made for the Relief of the Poor of the Electoral Division or Union wherein such Premises are situated during the Time of his Occupation as aforesaid, and unless he shall have paid on or before the last Day of *August* as aforesaid all such of the Rates, Cesses, and Taxes specified in the Schedule to this Act annexed as shall have become payable by him (if any) in respect of the said Premises, except such as shall become payable within Six Calendar Months next before the said last Day of *August*: Provided also, that the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same Premises or in the same Parish, but may be different Premises in the same Parish or in different Parishes: Provided also, that any Person who shall be enrolled as a Burgess upon the Burgess Roll of the said Borough of *Dublin* at the Time of the passing of this Act shall, for the Purposes of this Act, without further Proof, be deemed to have been duly rated to the Relief of the Poor in respect of Premises within such Borough for the Space of Twelve Calendar Months next preceding the last Day of *August* in the Year One thousand eight hundred and forty-eight, and to have duly paid all such Rates, and to have been otherwise duly qualified and entitled under the Provisions of the said first-recited Act to be enrolled as a Burgess at the Time of the last Revision of such Burgess Roll preceding the passing of this Act: Provided also, that no Person being an Alien shall be so enrolled or vote in any Year, and that no Person shall be so enrolled or vote in any Year who within Twelve Calendar Months next before the said last Day of *August* shall have received Relief under the Acts for the more effectual Relief of the destitute Poor in *Ireland*, or any Pension or charitable Allowance from any Fund intrusted to the Charitable Trustees of such Borough: Provided also, that in every Case provided in this Act the Distance of Seven Statute Miles shall be computed by the nearest public Road or Way by Land or Water.

Aliens, and Persons who have received Poor Law Relief, not to be enrolled.

Medical Assistance, &c. in endowed Schools not to disqualify.

IV. And be it enacted, That no Medical or Surgical Assistance given by the Charitable Trustees of the said Borough shall be taken to be such charitable Allowance as shall disqualify any Person from being enrolled a Burgess, nor shall any Person be so disqualified by reason that any Child of such Person shall have been admitted and taught within any public or endowed School.

Occupiers may claim to be rated.

V. And be it enacted, That in the said Borough it shall be lawful for any Person occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, and actually paying or tendering to the Collector thereof, or to the Person or Persons entitled to receive the same, the full Amount of the last made Rate then payable in respect of such Premises, the Guardians or other Persons charged with making any Rate for the Relief of the destitute Poor which shall or ought to include such Premises are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case any such Guardians or other Persons shall neglect or refuse so to do, such Occupier shall nevertheless for the Purposes of the said recited Acts and this Act be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the Landlord shall be liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord, but, in case the Tenant who shall have been rated for such Premises in consequence of any such Claim as aforesaid shall make default in the Payment of the Poor's Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Misnomers, &c. in Rate Book not to invalidate Right to be enrolled.

VI. And in order to provide against any Person being prevented from being enrolled as a Burgess by reason of any Misnomer or inaccurate or insufficient Description in a Rate of the Person occupying any such Premises as herein-before mentioned, or by reason of any inaccurate Description of the Premises so occupied, be it therefore declared and enacted, That where any Person shall have occupied such Premises as in this Act are mentioned for the Time herein-before mentioned next previous to the last Day of *August* in any Year, being the Person liable to be rated for such Premises, shall have been *bonâ fide* called upon in respect to such Premises to pay, and shall have *bonâ fide* paid on or before the last Day of *August* in such Year, all Rates for the Relief of the Poor made in respect of such Premises which he would be required to pay in order to be enrolled as a Burgess for the Borough of *Dublin* if he had been named in such Rate as the Occupier of such Premises, such Person shall be considered as having been rated to the Relief of the Poor and paid all such Rates in respect of such Premises within the Meaning of the said recited Act and this Act, and be entitled, if otherwise qualified, to be enrolled as a Burgess of the said Borough in respect of such Premises in any Year, any Misnomer or insufficient Description in any Rate of the Person so occupying, or of the Premises occupied, notwithstanding.

In case of Title by De-

VII. And be it enacted, That where any House, Warehouse, Counting-house, or Shop in the said Borough shall come to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any

any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, or Shop shall have so come to him as his own Occupancy and Rating conjointly with the Time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess in respect of such successive Occupancy and Rating, provided he shall be otherwise qualified as herein provided.

scent, &c., how Occupation is to be reckoned.

VIII. 'And whereas the present Division of the Borough of *Dublin* into Wards has been found to be 'unequal and unsatisfactory': Be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty the present Division of the said Borough of *Dublin* into Wards shall cease and determine.

From 1st Jan. 1850 present Division of Dublin into Wards to cease.

IX. And be it enacted, That within Three Weeks from and after the passing of this Act the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall appoint Two Persons, One being a Barrister at Law of not less than Six Years standing at the Bar for the Purpose of dividing anew the said Borough of *Dublin* into Wards; and it shall be lawful for such Persons so appointed and they are hereby required, on or before the First Day of *January* in the Year One thousand eight hundred and fifty, to divide anew the said Borough of *Dublin* into Fifteen Wards, and to determine and set out anew the Extent, Limits, and Boundary Lines of the said Wards of the said Borough, and what Portions of the said Borough shall be included therein respectively; and in making such Division, and determining the Extent and Limits and Boundary Lines of each such Ward, the said Persons so appointed shall have regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons shall be so rated; and a Copy of the Particulars of such new Division of Wards shall be forthwith transmitted to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and if the said Lord Lieutenant or other Chief Governor or Governors, by and with the Advice of the Privy Council of *Ireland*, shall approve such Determination and Division, the same shall be published in the *Dublin Gazette;* and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough of *Dublin*, to be by him safely kept among the public Documents of the said Borough; and the said Borough shall after such Publication as aforesaid be deemed to be divided into such Fifteen Wards as shall be so determined and set out as aforesaid; and such Division shall continue and be in force until the same shall be altered by the Authority of Parliament: Provided always, that if the said Lord Lieutenant or other Chief Governor or Governors, by the Advice of the said Privy Council, shall not approve such Determination and Division, such Publication as aforesaid shall nevertheless be made, and such Division shall be in force for the Purpose of any Election under the Provisions of the said recited Acts and this Act, and until such Time as the said Lord Lieutenant or other Chief Governor or Governors shall, by the Advice of the said Privy Council, upon further Information and Report from the said Persons so appointed, definitively approve the Division of the said Borough into Wards in manner herein-before mentioned; and such Wards shall be deemed and construed to be Wards within the Meaning of the said first-recited Act; and for each Ward of the said Borough there shall be One Alderman and Three Councillors.

Dublin to be re-divided into Wards.

X. And be it enacted, That on or before the Eighth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, the Town Clerk of the said Borough of *Dublin* shall, in a Book or Books to be by him provided for that Purpose, enter the Names of all Persons who shall appear to be entitled to be enrolled as Burgesses of such Borough in the Burgess Roll then next to be made, in right of Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of this Act, with the Premises in respect whereof they may be so entitled, in the Manner and subject to the Provisions in the said secondly-recited Act contained relating to the Book or Books thereby directed to be prepared by the Town Clerk; and the several Provisions of the said secondly-recited Act as to the Proceedings to be taken as to such Book or Books, and the Attendance of Collectors of Rates, Cesses, or Taxes, or of other Officers relating thereto, and as to any Penalties for Nonattendance, and as to the Notices to be given concerning such Book or Books, and as to Inspection thereof or Copies or Extracts therefrom, or other Matters relating thereto, shall extend and apply for the Purposes of this Act, save and except so far as the said Provisions may relate to any Rates, Cesses, or Taxes not included in the Schedule to this Act annexed, or the Collectors thereof, which last-mentioned Collectors shall not be required to attend for the Purposes of preparing such Book or Books.

Town Clerk to prepare a Book containing the Names of Persons entitled to be Burgesses in the said Borough.

XI. And be it enacted, That on or before the Twentieth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year in the said Borough of *Dublin*, the Town Clerk of such Borough shall make out, from the Assessment to be made of Hereditaments within such Borough under the Acts for the more effectual Relief of the destitute Poor in *Ireland*, alphabetical Lists, according to the Form Number 1. in the Schedule (D.) to the said first-recited Act annexed, or to the like Effect, of all Persons, with their respective Residences, who shall be entitled to be enrolled in the Burgess Roll of that Year for the said Borough, according to the Provisions of this Act, in respect of Property within each Ward of such Borough, excluding nevertheless from such Lists the Name of every Person who shall not appear by the Entries made in the Book or Books herein-before mentioned to have paid all Rates, Cesses, or Taxes by this Act required to be paid in order to qualify such Person to be or to be enrolled as a Burgess of such Borough, and shall sign such Lists, and shall on the said Twentieth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, deliver a true Copy of such Lists, signed by himself, to the Lord Mayor of such Borough, and shall himself keep such original Lists,

Town Clerks to make out Lists in every Year of Persons qualified as Burgesses in the said Borough.

Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Twentieth and the Thirtieth Days of *September* in every such Year.

Provisions of recited Acts to apply to the Formation of the Burgess Roll;

XII. And be it enacted, That the Provisions of the said recited Acts or either of them relating to the Lists of Persons qualified as Burgesses, and to Claims and Objections relating to the same, and the Revision of such Lists, and the Enrolment of Burgesses, and the Formation of the Burgess Roll, and the several Proceedings, Matters, and Things relating to the same respectively, so far as the same are applicable, and subject to the Variations made by this Act, shall be extended and applied to the Lists of Persons qualified as Burgesses of the said Borough of *Dublin* under this Act, and the Qualification hereby provided, and the Revision of such Lists, and the Enrolment of Burgesses, and the Formation of the Burgess Roll, and the several Proceedings, Matters, and Things relating to the same respectively under the said Acts and this Act; and the Provisions of the said first-recited Act relating to the providing for or defraying the Expenses of putting the said first-recited Act into execution shall, in like Manner, be applied to the providing for or defraying the Expenses of putting this Act into execution in the said Borough of *Dublin*.

also Provisions of first-recited Act for defraying Expenses of this Act.

Court for first Revision of Lists.

XIII. Provided always, and be it enacted, That the Court for the first Revision of such Lists under this Act of Persons entitled to be Burgesses shall be a like Court, and appointed in the like Manner, with the like Powers, and subject to the like Regulations, as the Court by the said first-recited Act provided for the Revision of the like Lists under the said Act in the first Year in which the said first-recited Act came into operation in the said Borough of *Dublin*.

All the Aldermen and Councillors of the Borough of Dublin to go out of Office in November 1850.

XIV. And for the Purpose of having an entire new Election of Aldermen and Councillors of the Borough of *Dublin*, be it enacted, That on the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty all the Councillors of and in every Ward of the Borough of *Dublin* then in Office shall go out of Office, and all and every the Aldermen for each and every Ward of the said Borough then in Office shall continue in Office during the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, for the Purpose of holding and presiding at the Elections of Aldermen and Councillors in the several Wards of the said Borough to be held on the said Day, as herein-after mentioned, and thenceforth until the Names of the Persons so elected shall be published as in the said first-recited Act directed, not being later than Two of the Clock of the Afternoon of the Day next but One following the Day of such Election; subject nevertheless to the Power and Provision for the Re-election of any Alderman or Councillor in the said first-recited Act contained.

Election of Aldermen and Councillors of Dublin in this Year.

XV. And be it enacted, That on the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty the Burgesses in every Ward of the Borough of *Dublin* shall elect from among the Persons qualified to be Councillors of such Borough Four Persons, being the entire Number of Aldermen and Councillors to be elected in each such Ward; and such One of the Persons so elected in each such Ward who shall have the greatest Number of Votes shall be the Alderman of the said Ward, and the remaining Three Persons so elected shall be the Councillors of such Ward; and in case an equal Number of Votes shall be given for any Two or more Persons, any of whom but for such Equality would be an Alderman, or where there shall be no Contest, the Majority of the whole Council shall determine which of such Persons having an equal Number of Votes shall be the Alderman.

One Third Part of the Councillors in Dublin to go out of Office annually.

XVI. And be it enacted, That upon the Twenty-fifth Day of *November* in every Year after the Year One thousand eight hundred and fifty One Third Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Ward of the said Borough of *Dublin* shall go out of Office, and the Burgesses then enrolled in the Burgess Roll for such Ward shall elect the Number of Councillors needed to supply the Vacancies thereupon existing in the Number of Councillors; and those who shall so first go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Number of Votes at the First Election; and in the next Year those who shall go out of Office shall be the Councillors who were elected under the Provisions of this Act by the next smallest Number of Votes at the First Election, the Majority of the whole Council always determining when the Votes for any such Persons shall have been equal, or when there shall have been no Contest, who shall be the Persons so to go out of Office; and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified as in the said first-recited Act provided.

Aldermen of Dublin, how to go out of Office every Third Year.

XVII. And be it enacted, That in the said Borough of *Dublin* on the Twenty-fifth Day of *November* in each Third subsequent Year after the Year One thousand eight hundred and fifty such and such Number of Aldermen of the said Borough shall go out of Office, and such Number of Aldermen shall be elected to supply the Vacancies thereby created, in such Manner and subject to like Provisions relating to the same, and to the Re-election of any Alderman, as in the said first-recited Act contained as to the Aldermen of the said Borough of *Dublin*.

Lord Mayor in Office in Nov. 1850 to remain in Office until 1st Jan. 1851.

XVIII. And be it enacted, That the Lord Mayor of *Dublin* who may be in Office in *November* One thousand eight hundred and fifty shall continue in such Office until the First Day of *January* One thousand eight hundred and fifty-one.

Present Officers to continue under new Council.

XIX. And be it enacted, That the several Officers appointed by the Town Council of the Borough of *Dublin* at any Time before the passing of this Act shall continue to hold their respective Offices under the Town Council to be elected under the Provisions of this Act, in the like Manner, with the like Tenure of Office, and subject to the like Conditions, as if this Act had not been passed.

XX. And

XX. And be it enacted, That the said recited Acts of the Third and Fourth Years and of the Sixth and Seventh Years of the Reign of Her present Majesty, and all Clauses, Matters, and Things respectively contained therein and now in force, (save and except such Parts thereof as are by this Act varied, altered, or repealed,) shall, so far as regards the said Borough of *Dublin*, be and continue in full Force and Effect, and shall be applied to this Act and the Matters therein contained, so far as the same may be applicable, and that the said recited Acts and this Act shall be construed together as One Act, and that the Provision made by the said first-recited Act for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act. Recited Acts and this Act shall be construed together.

XXI. And be it enacted, That no Person, by reason of being liable to the Rate contributing to the Borough Fund of the said Borough of *Dublin*, shall be deemed exempt or disqualified from acting as a Juror or Grand Juror, or as a Sheriff for the returning or impannelling of a Jury or Grand Jury in or for the Trial of any Person for any Offence against any Law or Statute, by reason of any Penalty or Forfeiture for or in consequence of such Offence being applicable to the Use of the Borough Fund of the said Borough of *Dublin*, or in or for the Trial of any Case relating to any Matter or Thing that may be applicable to the Use of such Borough Fund, or relating to any Matter or Thing whereby or by reason whereof any Property may be or become applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled to act in the Execution of the said recited Acts or this Act, or in the Execution of any other Act, by reason of his being liable to the Rate contributing to the Borough Fund of the said Borough; and no Member of the Town Council for the Time being of the said Borough of *Dublin*, by reason of his being a Member of the Town Council, nor any Justice assigned to keep the Peace therein, by reason of his being such Justice, shall be exempt or disqualified from serving on any Jury summoned within the said Borough. Liability to Borough Rate not to be a Ground of Objection to any Juror, Grand Juror, or Sheriff, or Justice acting as herein.

XXII. 'And whereas by an Act of the Third and Fourth Years of the Reign of Her present Majesty, 'intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties; to make 'further Provision for Compensation of Officers in Boroughs; to limit the Borough Rate; and to con- 'tinue for a limited Time an Act to restrain the Alienation of Corporate Property in* Ireland, it is 'amongst other things enacted, that for the Purposes of the therein-before and herein-before recited Act 'of the Third and Fourth Years of the Reign of Her present Majesty, and of the said Act now in recital, 'all Places locally situate or included within the Boundaries of any of the said Boroughs therein men- 'tioned, or any Ward thereof, as defined under the said last-mentioned Act, shall, from and after the 'Time when the said Act now in recital should come into operation as therein-after mentioned, be deemed 'and taken to be Part or Parts of the County of the City or County of the Town of such Borough 'respectively, or of such Ward thereof respectively, and of no other County: And whereas Doubts have 'arisen whether, upon the true Construction of the said Acts, all such Places so locally situate or 'included within the Boundaries of the said Borough of *Dublin* as defined under the said Act for the 'Regulation of Municipal Corporations in *Ireland*, are to be deemed and taken to be Part or Parts of 'the County of the City of such Borough for all Purposes of Civil and Criminal Jurisdiction and other 'Purposes:' Be it therefore declared and enacted, That upon the true Construction of the said Acts in this Provision mentioned all such Places locally situate or included within the Boundaries of the said Borough as defined under the said recited Act for the Regulation of Municipal Corporations in *Ireland*, now are and shall be deemed and taken to be Part or Parts of the County of the City of such Borough, and of no other, for all Purposes of Criminal Jurisdiction and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, and for all other Purposes whatsoever: Provided always, that nothing herein contained shall alter or affect the County of *Dublin*, or the County of the City of *Dublin*, or the Boundaries thereof, for any Purposes of Parliamentary Representation, or for any Purpose relating thereto; and that where it shall be necessary for any Purpose of such Representation to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within the County of *Dublin* or the County of the City of *Dublin*, such Residence, Premises, or Place may be described as within the Parliamentary Boundaries of the County of *Dublin* or the County of the City of *Dublin* respectively. 3 & 4 Vict. c. 109. 3 & 4 Vict. c. 108. Places within the Boundaries of Borough of Dublin to be Part of the County of the City; but Parliamentary Boundaries not to be affected.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

Rates, Cesses, or Taxes.

1. For Paving and Lighting.
2. For watering the Streets.
3. Wide Street Tax, or any Rate for widening or improving the Streets, or any Improvement Rate that may by any Act or Acts be substituted for the Three Taxes or Rates herein-before mentioned or any of them.
4. Grand Jury Cess, or any Cess, Applotment, or Rate raised or levied for fiscal Purposes of a like Nature within the Borough of Dublin.
5. Police Tax or Rate.
6. Borough Rate.
7. Poor Rates.

CAP. LXXXVI.

An Act to provide additional Funds for Loans by the Public Works Loan Commissioners for building Workhouses in *Ireland*. [1st *August* 1849.]

1 & 2 Vict. c. 56.

'WHEREAS by an Act of the Second Year of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, Power is given to borrow, on behalf of any Union in *Ireland*, and for the Exchequer Bill Loan Commissioners therein mentioned to advance, any Sum necessary for building a Workhouse or Workhouses, or for such other Purposes as therein mentioned; the Money so to be borrowed to be secured by a Charge on the Rates of such Union, under the Seal of the Guardians or other Persons appointed or authorized to act as Guardians, or under the Seal of the Poor Law Commissioners, as the Case should require, and to carry Interest and be repaid by Instalments as in such Act mentioned: And whereas by an Act of the Fifth Year of Her Majesty, "to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes," the Commissioners theretofore referred to as the Exchequer Bill Loan Commissioners, since and in this Act referred to as the Public Works Loan Commissioners, were authorized to make Loans of any Parts of the Monies, to be issued and paid out of the Consolidated Fund, as therein mentioned, to the Persons by whom and for the Purposes for which Money was authorized by the said Act of the Second Year of Her Majesty to be borrowed as aforesaid, repayable by such Instalments, at such Interest, upon such Security, on such Terms, and subject to such Conditions and Provisions, as are mentioned and contained in the last-mentioned Act, subject to such Variations as in the Act now in recital mentioned: And whereas Money authorized to be advanced out of the Consolidated Fund under an Act of the Tenth Year of Her Majesty, "to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor," was thereby made applicable for the like Loans: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in* Ireland, the Commissioners of Her Majesty's Treasury were empowered to cause to be issued, during the Term of Three Years from the Fifth Day of *April* One thousand eight hundred and forty-eight, out of the growing Produce of the Consolidated Fund, any Sum not exceeding in the whole Nine hundred and forty-five thousand Pounds, to be placed to the Credit of the Commissioners for the Reduction of the National Debt to the Account of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*," subject to the Proviso in such Act contained, to be held, subject to the Disposal of the Commissioners of Public Words in *Ireland*, for the Purposes of such Loans as therein mentioned: And whereas it is expedient to provide additional Funds for Loans for the Purposes for which Loans may be made under the said Act of the Second Year of Her Majesty:' Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, from Time to Time during the said Term of Three Years, to cause to be issued out of the growing Produce of the said Consolidated Fund, and placed to the Credit of the Commissioners for the Reduction of the National Debt, to the Account opened and continued at the Bank of *England* under the said Acts of the Sixth and Tenth Years of Her Majesty under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," for the Purpose of being applied by the said Public Works Loan Commissioners for Loans under this Act, such Part as the said Commissioners of Her Majesty's Treasury may think fit of the Money which under the said Act of the last Session of Parliament might be issued out of the said Consolidated Fund and placed to the Account in such Act mentioned: Provided always, that the Sums issued under this Enactment and under the said Act of the last Session of Parliament shall not together exceed the Amount which for the Time being might be issued under such Act.

5 Vict. Sess. 2. c. 9.

9 & 10 Vict. c. 80.

11 & 12 Vict. c. 51.

Monies authorized to be issued under 11 & 12 Vict. c. 51. to Commissioners of Public Works in Ireland may be issued to Public Works Loan Commissioners for Loans under this Act.

Further Sum, not exceeding 50,000*l.*, may be advanced for Loans.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, to direct the Issue, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of any Sum or Sums of Money not exceeding in the whole Fifty thousand Pounds, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt, to the said Account intituled "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," and to be applied by the said Public Works Loan Commissioners for Loans under this Act: Provided always, that the Sums to be issued as last aforesaid shall not exceed the Amount of the Sums which after the passing of this Act may be from Time to Time received in Repayment of like Loans heretofore made by the said Public Works Loan Commissioners.

Sum advanced not to exceed Sum received in Repayment of past Loans.

Commissioners may make Loans for building Workhouses, &c. in like Manner as previous Loans.

III. And be it enacted, That it shall be lawful for the said Public Works Loan Commissioners, out of the Monies authorized to be applied by them for Loans under this Act, to make Loans for building Workhouses in *Ireland*, and for the other Purposes for which Loans may be made under the said Act of the Second Year of Her Majesty, and the Loans to be made under this Act shall be made in the like Manner, and subject to the like Conditions and Provisions, as Loans for the same Purposes may be made out of the Monies now authorized to be applied by the same Commissioners for such Loans.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP.

CAP. LXXXVII.

An Act to continue certain Turnpike Acts in *Great Britain* for limited Periods, and to make certain Provisions respecting Turnpike Roads in *England*. [1st *August* 1849.]

'WHEREAS it is expedient to continue for limited Times the Acts herein-after specified, and to amend the general Laws in *England* relating to Turnpike Roads:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, except an Act of the Sixth Year of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* Brompton *and* Earles Court *in the Parish of* Saint Mary Abbotts Kensington *in the County of* Middlesex, *to communicate with the Road called* Fulham Fields Road *at* North End *in the same County, and for making another Turnpike Road to communicate therewith from the High Road from* London *to* Fulham *in the said County*, and an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* North End *to* Hammersmith Bridge, *both in the County of* Middlesex, and an Act of the Eighth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Whitby *to* Middleton *in the County of* York, and an Act of the Ninth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining several Roads leading from* Lymington *in the County of* Southampton, *and the Road to* Wilverley Post *in the* New Forest, and except as herein-after mentioned.

6 G. 4. c. clx.

9 G. 4. c. ciii.

7 & 8 G. 4. c. liii.

9 G. 4. c. cvii.

II. And be it enacted, That the Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime continue the same respectively.

Acts in Schedule continued till 1st Nov. 1850.

III. And be it enacted, That in every Case in which the Trustees or Commissioners of any Turnpike Road shall hereafter borrow, charge, or secure any Sum or Sums of Money on the Credit of the Tolls arising on such Road, such Trustees or Commissioners shall, out of the Tolls of such Road, and in priority to all other Payments thereout, except the Interest on any such Monies as aforesaid, and on any other Monies remaining owing on the Security of the said Tolls, set apart a Sum of Five Pounds *per Centum per Annum* on the Amount of Money so borrowed, charged, or secured; and when and so often as the Sums so set apart as aforesaid shall amount to the Sum of Two hundred Pounds, the Trustees or Commissioners of the Road out of the Tolls of which such Sum has arisen shall, at any General Annual or other Meeting of such Trustees or Commissioners, apply such Sum in the Payment of a proportionate Part of the Monies borrowed, charged, or secured as aforesaid, and then remaining unpaid, to the Creditors on the Tolls of such Road, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of the said Sum, in some Newspaper usually circulated in the County or Counties in which such Road is situate; and at such Meeting such Trustees or Commissioners shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the Tolls of such Road, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of such Trustees or Commissioners before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and shall apply the Surplus (if any) of such Sum, after Payment to such Creditor as aforesaid, or a Portion of such Sum, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls, to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of such Monies, and so in like Manner until the Sum shall be exhausted; and if Two or more Creditors by Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for such Trustees or Commissioners to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as such Trustees or Commissioners think fit; and if there be no such Proposal as aforesaid, or there be any Surplus of the Sum after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, such Trustees or Commissioners may apply the said Sum rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot, as such Trustees or Commissioners think fit.

Sinking Fund for Discharge of Money hereafter borrowed.

When Fund amounts to 200*l.* it may be applied to reduce Debt.

IV. And be it enacted, That it shall be lawful for a Mortgagee in possession of any Toll Gate or Bar set up or erected on any Turnpike Road to let to farm the Tolls of such Gate or Bar, in like Manner as the Trustees or Commissioners of any Turnpike Road may let to farm the Tolls of the Gates on such Road, and for that Purpose to exercise all the like Powers as such Trustees or Commissioners might exercise for a like Purpose; and all Contracts and Agreements to be made or entered into for the farming or letting the Tolls of such Road, signed by such Mortgagee, shall be as good, valid, and effectual as a Contract or Agreement for farming or letting the Tolls of any Turnpike Road signed by the Trustees or Commissioners of such Road or Two or more of them.

Mortgagee in possession may let Tolls.

V. 'And whereas an Act was passed in the Fourth Year of King *William* the Fourth, intituled '*An Act requiring the annual Statements of Trustees or Commissioners of Turnpike Roads to be*

3 & 4 W. 4. c. 80.

'*transmitted*

'*transmitted to the Secretary of State, and afterwards laid before Parliament;* but by reason of the 'Failure of Trustees to hold their Annual Meetings such annual Statements are in many Cases not 'made and transmitted as by the said Act directed:' Be it enacted, That where in any Year the Trustees or Commissioners of any Turnpike Road shall not hold their General Annual Meeting on or before the Twenty-fifth Day of *March*, according to the Directions of the said Act, the Clerk to such Trustees or Commissioners shall make out such Statement of the Debts, Revenues, and Expenditure of the Trust as should have been submitted to the Trustees or Commissioners at such General Annual Meeting in case the same had been holden, and transmit a Copy thereof to One of Her Majesty's Principal Secretaries of State, on or before the Twenty-fourth Day of *April* in such Year; and, save as herein-after provided, every such Clerk who shall neglect to make out such annual Statement, or to transmit a Copy thereof, within the Time herein-before prescribed for that Purpose, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made: Provided always, that it shall not be requisite for such Clerk to make out such Statement or transmit such Copy as aforesaid for or in respect of any Period during which the Tolls of such Road are received by any Mortgagee, Agent, or Person other than such Trustees or Commissioners or their Lessees or Farmers.

Clerk to Trustees, &c. to transmit Statement to Secretary of State, where General Annual Meeting not held.

Mortgagees in possession to transmit Accounts.

VI. And be it enacted, That every Mortgagee, Agent, or other Person in possession of any Toll Gate or Bar set up or erected on any Turnpike Road shall, on or before the Twenty-fifth Day of *March* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State an annual Statement of the Revenue of such Road received by such Mortgagee, Agent, or other Person during the Year ending the Thirty-first Day of *December* then preceding, and of the Expenditure or Application thereof, in the Form contained in the Schedule (A.) to the said Act of the Fourth Year of King *William* the Fourth annexed, or as near thereto as Circumstances will admit; and every Mortgagee, Agent, or other Person in possession as aforesaid who shall neglect to make out and transmit such annual Statement within the Time herein-before prescribed for that Purpose shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

Penalties how to be recovered. 3 G. 4. c. 126.

VII. And be it enacted, That the Penalties hereby imposed shall be recovered and applied in the same Manner as Penalties imposed by an Act of the Third Year of King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England.

As to Extension of Act.

VIII. And be it enacted, That this Act shall not apply to *Ireland*, nor, except in respect of the Continuance of the Acts hereby continued, to *Scotland*.

SCHEDULE to which this Act refers.

SCHEDULE.

50 G. 3. c. cxxxiii. An Act passed in the Fiftieth Year of the Reign of King George the Third, intituled "An Act for "enlarging the Terms and Powers of an Act of His present Majesty, for repairing the Road from Buck-"ingham, through Brackley, to join the Daventry Turnpike Road near Banbury."

53 G. 3. c. vi. An Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act for "repairing the Road from the City of Coventry to the Rugby Turnpike Road in the Parish of Wolvey "in the County of Warwick."

55 G. 3. c. xxxvii. An Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act for "more effectually repairing the Road leading from Heron Syke to Kirkby in Kendal, and from thence, "through Shap, to Eamont Bridge in the County of Westmorland; and for making a new Road from "the said Road at a Place called Far Cross Bank, near Kirkby in Kendal, to communicate with the "intended Canal from Lancaster to Kirkby in Kendal, and to join said Road at or near a Place called "The Lound, near Kirkby in Kendal aforesaid."

56 G. 3. c. xxx. An Act passed in the Fifty-sixth Year of the Reign of King George the Third, intituled "An Act for "making and maintaining a Road from near Gatton Lodge in the County of Surrey to Povey Cross in "the said County."

58 G. 3. c. lxx. An Act passed in the Fifty-eighth Year of the Reign of King George the Third, intituled "An Act for "making and maintaining a Turnpike Road from the Turnpike Road leading from Ulverstone to Kendal "into the Turnpike Road leading from Millthorp to Kendal, and a Continuation of the said Road from "the last-mentioned Turnpike Road to join the Turnpike Road leading from Lancaster to Kendal."

59 G. 3. c. xcviii. An Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act for "further continuing the Term and enlarging the Powers of Two Acts passed in the Seventeenth and "Thirty-sixth Years of His present Majesty's Reign, for repairing and widening several Roads leading "to, through, and from the Towns of Bala and Dolgelly in the County of Merioneth, and other Roads "therein mentioned, in the Counties of Montgomery, Denbigh, and Salop; and for repairing several "other Roads in the Counties of Merioneth and Denbigh."

1 G. 4. c. lxxiii. An Act passed in the First Year of the Reign of King George the Fourth, intituled "An Act for "repairing the Road from Towcester, through Brackley in the County of Northampton, to Western Gate "in the Parish of Weston on the Green in the County of Oxford."

4 G. 4. c. ii. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled "An Act for "building a Bridge over the River Severn at or near to the Mythe Hill within the Parish and near to "the

" the Town of Tewkesbury in the County of Gloucester to the opposite Side of the said River in the " Parish of Bushley in the County of Worcester, and for making convenient Roads and Avenues to com- " municate with such Bridge within the Counties of Gloucester and Worcester."

An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for " more effectually repairing and improving the Road from the Town of Garstang to the Town of Lancaster, " and from thence to a Place called Heiring Syke, and the Road from the Guide Post in the Township of " Slyne with Hest to Hest Bank, all in the County Palatine of Lancaster." 4 G. 4. c. xxiv.

An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for " making and maintaining a Turnpike Road from the Turnpike Road between the Town of Mold in the " County of Flint and the Town of Wrexham in the County of Denbigh to the Turnpike Road between " the Town of Ruthin in the said County of Denbigh and the Town of Wrexham aforesaid, and also " Two several Branches of Road therefrom." 4 G. 4. c. xliii.

An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled " An Act for " amending and maintaining the Road from the Market Place in Cromford to the Guide Post on Hopton " Moor, and Two Branch Roads to Newhaven House and Wirksworth, all in the County of Derby." 6 G. 4. c. lxxxix.

An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled " An Act for " making and maintaining a Turnpike Road from the Town of Birmingham to or near the Town of " Pershore." 6 G. 4. c. cxlii.

An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled " An Act for " repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, " and the several Branches and Roads therein mentioned, in the West Riding of the County of York." 6 G. 4. c. cxlix.

An Act passed in the Seventh Year of the Reign of King George the Fourth, intituled " An Act for " altering, amending, and enlarging the Powers and Provisions of an Act relating to the Tewkesbury " Severn Bridge and Roads." 7 G. 4. c. lxi.

An Act passed in the Seventh Year of the Reign of King George the Fourth, intituled " An Act for " making and maintaining a Turnpike Road from a Place called Coxbridge, near Farnham in the County " of Surrey, to Ramshill near Petersfield in the County of Southampton." 7 G. 4. c. lxxx.

An Act passed in the Eighth Year of King George the Fourth, intituled " An Act for more effectually " repairing and maintaining the Road from Foxley Hatch in the Parish of Croydon into the Town of " Reigate in the County of Surrey." 7 & 8 G. 4. c. xiii.

An Act passed in the Eighth Year of the Reign of King George the Fourth, intituled " An Act for " more effectually repairing the Road from Rochdale, through Bamford and Birtle, to Bury, and several " other Roads therein mentioned, all in the County Palatine of Lancaster." 7 & 8 G. 4. c. lxiii.

An Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled " An Act for " continuing and amending an Act of His present Majesty, for repairing several Roads leading from " Shenfield to Harwich and Rochford, and other Places in the County of Essex, and for extending the " said Act to the Road from Great Hallingbury to Hockerill, in the County of Hertford." 55 G. 3. c. xc.

And the Acts continued by any of the Acts in this Schedule mentioned.

CAP. LXXXVIII.

An Act to amend the Laws relating to Pilotage. [1st *August* 1849.]

' WHEREAS under the existing Laws for the Regulation of Pilots and Pilotage in various Ports of ' the United Kingdom Masters of Vessels are liable to the compulsory Employment of Pilots, not- ' withstanding that the said Masters are either themselves or have on board their respective Vessels some ' One or more Persons competent to perform that Duty: And whereas it is expedient that the Authorities ' in Matters of Pilotage should be permitted in certain Cases to relieve the Masters of Vessels from such ' Compulsion, under certain prescribed Regulations:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any such Law, or any Usage, Custom, or Prescription whatever to the contrary hereof, any Master or Mate may, upon satisfactory Testimonials as to Sobriety and good Conduct being lodged with the Corporation of the *Trinity House of Deptford Strond*, or the Sub-Commissioners of Pilotage, or other legally constituted Authority in Matters of Pilotage for any Port or District, as the Case may be, be examined by some of the Elder Brethren of the said Corporation, or by the said Sub-Commissioners or other constituted Authority, if they respectively shall see fit so to do, but not otherwise, with or without the Assistance of other Persons to be appointed by the said Corporation, Sub-Commissioners, or other constituted Authority respectively, as they shall see fit, as to his Seamanship and his Fitness to pilot any Vessel of which he may be the Master or the Mate, within the Limits for which he shall be so examined, and for which, if found fit to pilot the same, he shall receive a Certificate under the Common Seal of the said Corporation, or the Seal (if any) or Hands of the said Sub-Commissioners or other constituted Authority, setting forth the said Limits and the Vessel for which he shall be so certified, which Certificate shall be in force for One Year and no longer, and may be renewed from Year to Year, at the Discretion of the said Corporation, Sub-Commissioners, or other constituted Authority, as the Case may be, such Renewal to be endorsed on such Certificate and signed by the Secretary of the said Corporation for the Time being, or by any Two of the said Sub-Commissioners or other Persons composing such other constituted

Masters and Mates of Merchant Vessels, after passing an Examination before legally constituted Authorities, to be competent to pilot Vessels within the Limits in regard to which they shall have passed their Examination.

constituted Authorities as aforesaid; and such Certificate, so long as the same shall be in force as above provided, shall be a full and sufficient Authority for the Person to whom the same shall have been granted to pilot and conduct, within the Limits specified in the said Certificate, the Vessel whereof he may be the Master or the Mate, without the Aid or Assistance of any duly licensed Pilot, and without being subject to any of the Penalties in that Behalf imposed by any Act or Acts or by or under any Charter or Charters relating to Pilotage: Provided always, that any Person to whom such Certificate shall have been granted, and who shall not employ a duly licensed Pilot, shall pilot and conduct such Vessel without the Aid or Assistance of any unlicensed Pilot: Provided also, that it shall not be lawful for the said Corporation, Sub-Commissioners, or other Authorities in Pilotage to grant any such Certificate as hereinbefore is mentioned in respect of any Port or District within which they have no Jurisdiction in Matters of Pilotage; and in any Case where a concurrent Jurisdiction exists such Certificate shall not be valid unless granted by each and every of the Corporations, Sub-Commissioners, or other Authorities having Jurisdiction in the Port or District for which the same is granted.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXXIX.

An Act to reduce the Number of Signatures required to Instruments issued by the Lords of the Treasury. [1st *August* 1849.]

'WHEREAS it is expedient to reduce the Number of Signatures required to Warrants and other 'Instruments issued by the Commissioners of Her Majesty's Treasury:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Warrant, Appointment, Authority, Approval, Instrument, or Act whatsoever is by any Act of Parliament or otherwise required to be issued, made, signified, or done by or under the Hands of the said Commissioners, or by or under the Hands of any Three or more of them, every such Warrant, Appointment, Authority, Approval, Instrument, or Act may be issued, made, signified, or done by or under the Hands of any Two or more of the said Commissioners, and when so issued, made, signified, or done as aforesaid shall be binding and have the same Effect to all Intents and Purposes as if issued, made, signified, or done by or under the Hands of the said Commissioners or by or under the Hands of any Three or more of them, as the Case may require.

Instruments, &c. may be signed by Two Commissioners of the Treasury.

CAP. XC.

An Act to amend the Laws relating to the Customs. [1st *August* 1849.]

'WHEREAS several Acts were passed in the Session of Parliament holden in the Eighth and Ninth 'Years of the Reign of Her present Majesty Queen *Victoria*, for consolidating the Laws of 'Customs: And whereas since the passing of the said Act divers Acts for the Amendment thereof have 'from Time to Time been passed: And whereas certain further Amendments of the same Acts are now 'required:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall, except so far as is otherwise provided by this Act, come into and be and continue in full Force and Operation for the Purposes mentioned herein.

Commencement of Act.

Regulation.

8 & 9 Vict. c. 86. Snuff from the United States of America may be imported in Packages of 150 lbs. each.

II. 'And whereas by one of the said Acts, intituled *An Act for the general Regulation of the Customs*, 'Snuff is prohibited to be imported into the United Kingdom unless in Hogsheads, Casks, Chests, or 'Cases containing Three hundred Pounds Weight of Snuff each at least, not being separated or 'divided in any Manner within the Cask or Package: And whereas it is expedient to amend the said 'Act:' Be it therefore enacted, That it shall be lawful to import into any Port of the United Kingdom, into which the Importation of Tobacco is or may hereafter be permitted, any Snuff the Produce of and coming directly from the United States in *America* in Packages each containing at least One hundred and fifty Pounds net Weight of such Snuff.

Cigarillos may be imported in Packages of 75 lbs. each.

III. And be it enacted, That it shall and may be lawful to import into the United Kingdom Cigarillos or Cigarettos in any Packages containing Seventy-five Pounds Weight each at the least of such Cigarillos or Cigarettos.

Internal Subdivisions of Packages prohibited.

IV. And be it enacted and declared, That where the Importation of Tobacco or Snuff is required by Law to be made in Packages of a certain Weight, such Tobacco or Snuff shall not be separated or divided in any Manner within such Packages, except in such Manner as is provided by the said last-mentioned Act, under Penalty of Forfeiture of the same.

In case of Dispute Importer to deposit the Duty demanded.

V. And be it enacted, That if any Dispute shall arise as to the proper Duty payable in respect of any Goods imported into the United Kingdom, and admissible for Home Consumption, the Importer or Consignee, or his or their Agent, shall deposit in the Hands of the Collector of the Customs at the Port of Importation the Amount of Duty demanded by such Collector; and such Deposit shall be deemed and taken to be the proper Duty payable in respect of such Goods, unless an Action or Suit shall be brought or commenced by the Importer of such Goods within Three Calendar Months from the Time of making such Deposit in some or one of Her Majesty's Courts of Law at *Westminster*, *Dublin*, or *Edinburgh* against

against such Collector for the Purpose of ascertaining whether any and what Amount of Duty is due and payable upon such Goods; and upon Payment of such Deposit and passing a proper Entry for such Goods by the Importer, Consignee, or Agent, such Collector shall thereupon cause the said Goods to be delivered in virtue of such Entry.

On Payment of such Deposit, &c. Importer to have Delivery.

VI. And be it enacted, That where such Deposit shall have been made as aforesaid the same shall be paid by the said Collector to the Receiver General of Her Majesty's Customs, to be by him carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and in case no Action shall be brought within the Time herein-before limited for that Purpose, such Deposit shall be retained and applied to the Use of Her Majesty in the same Manner as if the same had been originally paid and received as the Duties due and payable on such Goods; and in case such Action shall be so brought, and it shall thereupon be determined by due Course of Law that the Duty so demanded and deposited was not the proper Duty due and payable upon such Goods, but that a less Duty or no Duty was payable thereon, then the Difference between the Sum so deposited and the Duty so found to be due, or the whole Sum so deposited, as the Case may require, shall forthwith be returned to such Importer, with Interest thereon after the Rate of Five Pounds *per Centum per Annum* for the Period during which the Sum so paid or returned shall have been so deposited; and such Payment shall be accepted and taken by such Importer in satisfaction of all Claims and Demands in respect of the Importation of such Goods and the Duties payable thereon, and of all or any Damages and Expenses incident thereto.

Deposits to be carried to the Account of the Crown.

If no Action brought within the Three Months Deposit to be retained.

VII. And be it enacted, That if the proper Officers of the Customs shall place any Lock, Mark, or Seal upon any Stores on board any Ship or Vessel arriving in the United Kingdom, and such Lock, Mark, or Seal be wilfully opened, altered, or broken, or if any such Stores be secretly conveyed away, either while the Ship remains in the Port at which she shall have so arrived, or before she shall have arrived at any other Port in the United Kingdom to which she may then be about to proceed, the Master of such Ship shall forfeit the Sum of Twenty Pounds.

Officers may put Seals upon Stores Inwards.

If Seals broken, &c. Master to forfeit 20*l*.

VIII. And be it enacted, That if the proper Officer of the Customs shall place any Lock, Mark, or Seal upon any Goods taken from the Warehouse without Payment of Duty as Stores on board any Ship or Vessel departing from any Port in the United Kingdom, and such Lock, Mark, or Seal be wilfully opened, altered, or broken, or if any such Stores be secretly conveyed away, either while such Ship or Vessel remains at her first Port of Departure, or at any other Port or Place in the United Kingdom, or on her Passage from one such Port or Place to another, before the final Departure of such Ship or Vessel on her Foreign Voyage, the Master shall forfeit the Sum of Twenty Pounds.

If Officers put Seals upon Stores from the Warehouse Outwards, and such Seals be broken, Master to forfeit 20*l*.

IX. 'And whereas by the said last-mentioned Act it is enacted that no Ship shall be cleared from any 'Port of the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Culm or 'Cinders which had not been previously brought into such Port, until the Fitter or Coalowner, or his 'Agent, vending or shipping the same, shall have delivered to the Collector or Comptroller Two Cer-'tificates under his Hand, expressing the total Quantities of Coals, Culm, and Cinders respectively 'shipped or intended to be shipped by him in such Ship:' Be it enacted, That so much of the said Act as is herein-before recited shall be repealed.

Certain Provision of 8 & 9 Vict. c. 86. repealed.

X. And be it enacted, That no Ship shall be cleared from any Port in the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Coal, or Culm or Cinders, which had not been previously brought Coastwise into such Port, until the Fitter or Coalowner, or his Agent, vending or shipping the same, or the Purchaser of such Coals or Coal, or Culm or Cinders, or the Master or Owner of the Vessel in which such Coals or Coal, or Culm or Cinders, are shipped or intended to be shipped, or the Agent to such Vessel, shall have delivered to the Collector or Comptroller Two Certificates under his Hand, expressing the total Quantities of Coals or Coal, or Culm and Cinders respectively, shipped or intended to be shipped by him in such Ship, and the Collector or Comptroller shall retain one of such Certificates, and shall deliver the other, signed by him, to the Master of the Ship; and every Fitter, Coalowner, or Agent, Purchaser, Master, Owner, or Agent of and for the Vessel on board of which such Coals or Coal, or Culm or Cinders, are shipped or intended to be shipped, who shall refuse to give such Certificate, shall forfeit and pay the Sum of One hundred Pounds; and if any such Fitter, Coal-owner or his Agent, Purchaser, Master, Owner, or Agent of the Vessel, or any other Person, shall give a false Certificate he shall forfeit the Sum of One hundred Pounds; and the Master of such Ship shall keep such Certificate and produce the same to any Officers of the Customs demanding such Production, and shall, before Bulk be broken, deliver such Certificate to the Collector or Comptroller of any Port of the United Kingdom to which such Coal, Culm, or Cinders shall be carried in such Ship; and if such Master shall refuse to produce or deliver such Certificate in manner aforesaid he shall forfeit the Sum of Twenty Pounds.

Certificates for Coals, Culm, or Cinders shipped in the United Kingdom may be granted by the Purchaser of them and certain others.

XI. 'And whereas by the said last-mentioned Act it is enacted, that no Goods cleared for Drawback 'or Bounty or from the Warehouse shall be carried or waterborne to be put on board any Ship for Expor-'tation from the United Kingdom by any Person, unless such Person shall be authorized for that Purpose 'by Licence under the Hands of the Commissioners of Her Majesty's Customs: And whereas such 'Goods are frequently so carried and waterborne by unlicensed Persons:' Be it enacted, That if after the passing of this Act any Person not so licensed as aforesaid, or not being in the Employ of some Person so licensed and approved of for that Purpose by the said Commissioners, shall so carry or waterbear any Goods so cleared for Drawback or Bounty or from the Warehouse, he shall for every such Offence forfeit the Sum of Twenty Pounds.

Unlicensed Persons acting as Lightermen of warehoused or Drawback Goods subject to a Penalty of 20*l*.

XII. 'And whereas by the said last-mentioned Act it is enacted, that every Importer of any Goods shall, within Fourteen Days after the Arrival of the Ship importing the same, make perfect Entry

Goods subject to Quarantine to be entered

within Fourteen Days after the Expiration of Quarantine.

'Inwards of such Goods, or Entry by Bill of Sight, in the Manner therein provided, and shall within 'such Time land the same, and that in default of such Entry and landing it shall be lawful for the Officers 'of the Customs to convey such Goods to the Queen's Warehouse: And whereas it is expedient to extend 'the Provisions of the said Act to Goods subject to the Performance of Quarantine:' Be it therefore enacted, That the Importers of all Goods which shall be liable to the Performance of Quarantine shall, within Fourteen Days after such Goods shall have been released from Quarantine, make perfect Entry Inwards of such Goods, and shall within such Time remove the same from the Lazarette, and land them; and in default of such Entry, Removal, and landing within the said Period of Fourteen Days, it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse, and if the Duties due upon any Goods so conveyed to the Queen's Warehouse, shall not be paid within Three Months after the same shall have been lodged in such Warehouse, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietors of the Goods.

Goods removed from the importing Vessel to be landed with all convenient Speed.

XIII. 'And whereas it is expedient to amend the Regulations for the landing of Goods from importing 'Vessels in the Manner following:' Be it enacted, That when any Goods shall be unshipped or removed from any Vessel in which they shall have been imported from Foreign Parts for the Purpose of being landed after due Entry thereof, such Goods shall be thereupon with all convenient Speed removed to and landed at the Wharf, Quay, or other Place at which the same are intended to be landed; and if such Goods are not so removed and landed, the same shall be forfeited, together with the Barge, Lighter, Boat, or other Vessel employed in removing the same.

Bonds relating to the Customs to be taken by the Collector, and to be cancelled if not put in Suit within Three Years.

XIV. 'And whereas by the said Act it is enacted, that all Bonds relating to the Customs required to 'be given in respect of Goods or Ships, except Bonds given for securing the due Exportation of or Pay- 'ment of Duty upon Goods warehoused according to Law, shall be taken by the Collector and Comp- 'troller for the Use of Her Majesty, and that after the Expiration of Three Years from the Date thereof, 'or from the Time, if any, limited for the Performance of the Condition thereof, every such Bond upon 'which no Prosecution or Suit shall have been commenced shall be void, and may be cancelled or 'destroyed:' Be it enacted, That so much of the said Act as is above recited shall be repealed, and that all Bonds relating to the Customs required to be given in respect of Goods or Ships shall be taken by the Collector and Comptroller for the Use of Her Majesty, and after the Expiration of Three Years from the Date thereof, or from the Time, if any, limited for the Performance of the Condition thereof, all such Bonds, except such as are given for securing the due Exportation of or Payment of Duty upon Goods warehoused according to Law, upon which no Prosecution or Suit shall have been commenced, shall be void, and may be cancelled and destroyed.

Powers vested by Customs Acts in Officers of Excise to be exercised by Officers of Inland Revenue. 12 & 13 Vict. c. 1.

XV. 'And whereas by certain Acts relating to the Customs and to Trade and Navigation certain 'Powers are vested in and certain Acts are authorized and required to be done by Commissioners of Excise 'and by Officers of Excise: And whereas by an Act passed in the Twelfth and Thirteenth Years of the 'Reign of Her present Majesty Queen *Victoria*, intituled *An Act to consolidate the Boards of Excise 'and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision 'for the Collection of such Revenue*, it is enacted, that the several Persons then being Commissioners of 'Stamps and Taxes respectively should become and be One consolidated Board of Commissioners, and 'should be called the Commissioners of Inland Revenue, and that the several Revenues, Duties, Matters, 'and Things which then were collected, or were under the Care and Management of the said Commis- 'sioners of Excise and of the said Commissioners of Stamps and Taxes respectively, should respectively 'be collected by and under the Care and Management of the said Commissioners of Inland Revenue:' Be it enacted, That all the Powers by the said first-mentioned Acts vested in and all the Acts by such Acts authorized and required to be done by Commissioners of Excise or by Officers of Excise shall and may respectively be vested in and done by Commissioners of Inland Revenue and Officers of Inland Revenue.

Smuggling.

8 & 9 Vict. c. 87. Repeal of Act as to Licences for Vessels and Boats.

'XVI. 'And whereas by another of the said Acts, intituled *An Act for the Prevention of Smuggling*, 'certain Vessels therein mentioned are rendered liable to Forfeiture, unless the Owners thereof shall have 'obtained a Licence from the Commissioners of Her Majesty's Customs in the Manner therein described, 'and it is expedient to alter and amend the same as herein-after is mentioned:' Be it enacted, That so much of the said Act as regards the licensing of Vessels and Boats shall be repealed, except so far as relates to any Penalty or Forfeiture which shall have been incurred under the said Act.

Commissioners may make general Regulations for Vessels and Boats not exceeding 170 Tons.

XVII. And be it enacted, That it shall be lawful for the said Commissioners by Order under their Hands to make such general Regulations, and to revoke, alter, and vary the same from Time to Time as they shall deem expedient, in respect of Vessels and Boats not exceeding One hundred and seventy Tons Burden, for the Purpose of defining and prescribing with reference to the Tonnage, Build, or Description of such Vessels or Boats the Limits within which the same may be employed, the Mode of Navigation, the Manner in which such Vessels or Boats shall be so employed, and, if armed, the Number and Description of Arms, the Quantity of Ammunition, and such other Terms, Particulars, Conditions, and Restrictions as the said Commissioners may think fit, and also from Time to Time to revoke, alter, or vary such Regulations.

Vessels and Boats used contrary to Regulations forfeited, and may be seized by

XVIII. And be it enacted, That every Vessel or Boat which shall be used or employed in any Manner contrary to the Regulations so to be prescribed by the said Commissioners shall be liable to Forfeiture, and shall and may be seized by any Officer of Her Majesty's Army, Navy, or Marines duly employed for the Prevention of Smuggling, and on full Pay, or by any Officer of Customs or Inland Revenue, or by any Person having Authority to seize from the Commissioners of Her Majesty's Customs or Inland Revenue,

Revenue, unless the same shall have been specially licensed by the Commissioners of Her Majesty's Customs to be so used or employed as next herein-after provided. Officers of Army, &c.

XIX. And be it enacted, That the said Commissioners shall and may, if they shall so think fit, grant Licences in respect of any Vessels or Boats not exceeding One hundred and seventy Tons Burden upon such Terms and Conditions, and subject to such Restrictions and Stipulations, as in such Licences shall be mentioned or contained, notwithstanding any general Regulations made in pursuance of this Act, and whether the said Regulations shall be revoked or not: Provided always, that if any Vessel or Boat which shall be so licensed as aforesaid shall not comply with the Conditions imposed by or expressed in any such Licence, or if such Vessel or Boat shall be found without having such Licence on board, such Vessel or Boat shall be forfeited. Commissioners of Customs may grant special Licences on Terms.

XX. And be it enacted, That it shall be lawful for the said Commissioners to revoke, alter, or vary any Licence or Licences already or hereafter to be granted under the Laws now in force, or which may hereafter be granted under this or any other Act relating to the Customs. Commissioners may revoke Licences.

XXI. And be it enacted, That all Licences for Vessels or Boats granted in pursuance of any former Act relating to the Customs, or for the Prevention of Smuggling, shall continue valid for all the Purposes for which such Licences were required (unless the same shall in the meantime be revoked, altered, or varied,) until the said Commissioners shall make such general Regulations as aforesaid, and all Bonds given on the granting of any such Licence as aforesaid shall continue valid, and may be put in force. Former Licences valid until revoked or superseded by general Regulations.

XXII. And be it enacted, That if any such Vessel or Boat, of whatever Tonnage or Description it may be, shall be made use of in the Importation, Landing, Removal, Carriage, or Conveyance of any uncustomed or prohibited Goods, the same shall be liable to Forfeiture, and shall and may be seized by any Officer of Her Majesty's Army, Navy, or Marines duly employed for the Prevention of Smuggling, and on full Pay, or by any Officer of Customs or Inland Revenue, or by any Person having Authority to seize from the Commissioners of Her Majesty's Customs or Inland Revenue; and the Owner and Master of every such Vessel or Boat shall forfeit and pay a Penalty equal to the Value of such Vessel or Boat, provided such Penalty shall not in any Case exceed One thousand Pounds. Vessels made use of in Removal of uncustomed or prohibited Goods forfeited.

XXIII. And be it enacted, That all the Regulations which shall be so made by the said Commissioners relating to Vessels and Boats, and the Power to grant, revoke, alter, or vary such Licences, shall extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*. Regulations to extend to Channel Islands.

XXIV. And be it enacted, That when and so often as any such general Regulation, Revocation, Alteration, or Variation shall be made as aforesaid the same shall be printed, and One printed Copy thereof affixed in the usual Place for affixing Notices in the Custom House at each of the respective Ports in the United Kingdom, and other printed Copies thereof shall be furnished by the principal Officers of the Customs to any Owners or Masters of any such Boats or Vessels as may apply for the same. Publication of Regulations.

XXV. And be it enacted, That every Person who shall be in any way concerned in importing or bringing into the United Kingdom or the *Isle of Man* any Goods which, under any Law now in force or hereafter to be made, may be in any way prohibited or restricted, shall forfeit either treble the Value of the said Goods or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs, notwithstanding such Goods may not have been unshipped from the Vessel in which they may have been imported or brought into the said United Kingdom or into the *Isle of Man*. Penalty on Persons concerned in importing prohibited or restricted Goods.

XXVI. 'And whereas it is expedient to establish one uniform Scale of Fees to be allowed to Clerks to 'Justices of the Peace in the United Kingdom in all Cases of Prosecution instituted under the Laws 'relating to the Customs, or otherwise under the Direction or by the Order of the Commissioners of 'Her Majesty's Customs:' Be it therefore enacted, That the Fees to be allowed to the Clerks to the Justices of Peace in the United Kingdom shall be regulated and governed by the Table of Fees hereunto annexed marked A., and the Fees therein specified shall be allowed to and taken by such Clerks to Justices for or in respect of the Matters and Things therein mentioned, as the Case may be, and in lieu and instead of all other Fees heretofore chargeable. Fees to be allowed to Justices Clerks.

XXVII. 'And whereas by the said last-mentioned Act certain Rewards are payable to the Officers on 'making Seizures under the Laws relating to the Customs or to Trade and Navigation: And whereas it is 'expedient that Power should be given to the Commissioners of the Treasury and the Commissioners of 'Her Majesty's Customs to alter and vary the Distribution of such Rewards in such Cases as they may 'think fit:' Be it enacted, That it shall be lawful for the Commissioners of the Treasury or the Commissioners of Her Majesty's Customs to distribute any such Rewards on any Seizure in such Manner and in such Proportions as they may think fit. Rewards to be distributed as the Lords of the Treasury or the Commissioners of Customs may see fit.

Registry.

XXVIII. And be it enacted, That so much of another of the said Acts, intituled *An Act for the registering of* British *Vessels*, as relates to the Issue of *Mediterranean* Passes, shall be and the same is hereby repealed. Provision of 8 & 9 Vict. c. 89. repealed.

Duties.

XXIX. And be it enacted, That in lieu and instead of the Duties of Customs now payable upon the Articles mentioned in the Table to this Act annexed marked B., there shall be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, upon the said Articles already or hereafter to be imported in the United Kingdom the several Duties of Customs respectively inserted and set forth in Figures in the said Table. New Rates of Duty upon certain Articles.

XXX. And be it enacted and declared, That such of the several Sorts of Goods as are by this Act charged with Duty as shall have been warehoused without Payment of Duty upon the Importation thereof, and which shall be in the Warehouse at the Commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties. Goods in Warehouse at the Commencement of these Duties deemed subject to them.

XXXI. And

Duties to be managed by Commissioners of Customs.

XXXI. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be passed relating to the Customs.

Superseded Duties to continue until new Duties become chargeable.

XXXII. And be it enacted, That in all Cases where any new Duties of Customs or other Duties under the Management, Collection, or Control of the Commissioners of Her Majesty's Customs are or may be imposed by any Act or Acts in lieu of any former Duties payable at the Time of the passing of such Act or Acts, such former Duties shall be and continue payable until such new Duties imposed in lieu thereof shall become chargeable, save and except in Cases where the Provision hereby made shall in the Act or Acts imposing such new Duties be specially repealed or declared to be inapplicable thereto.

Warehouse.

When Spirits are re-gauged at the Request of the Importer for Delivery Duty to be charged upon the Quantity so ascertained; but such Spirits, if not delivered, may be re-gauged every Three Months while warehoused.

XXXIII. 'And whereas by another of the said Acts intituled *An Act for the Warehousing of Goods*, 'a certain Abatement of Duty is made upon Spirits (other than Rum of the *British* Plantations) when 'taken out of Warehouse for Home Use, on account of Deficiency of the Quantity or Strength first 'ascertained in the Mode prescribed by the said Act, after the several Rates of Allowances therein men-'tioned: And whereas the Importers of such Spirits or their Agents frequently require to have the same 're-gauged, in order to ascertain the Rates of Allowances to which such Spirits may be entitled, which 'is attended with much Inconvenience and Expense:' Be it therefore enacted, That no such Spirits shall be re-gauged, except when required for actual Delivery, and when such re-gauging shall take place it shall be deemed to be made for the Purpose of such Spirits being so delivered, and the Duty shall be charged upon the Quantity then ascertained, whether the Delivery of such Spirits shall take place immediately upon their being so re-gauged or not: Provided always, that if such Spirits shall not be delivered within Three Months from the Time of their being so re-gauged, it shall be lawful for the Importer or his Agent again to have them re-gauged, and so on for every Period of Three Months during which such Spirits shall remain in the Warehouse.

Duties to be paid on Corn, &c. when imported and entered.

XXXIV. 'And whereas Corn, Grain, Meal, and Flour may, upon Importation thereof into the United 'Kingdom, upon due Entry thereof, be deposited in Warehouses or Places of Security without Payment 'of Duty upon such Entry and Deposit: And whereas it is expedient that the Duties imposed upon such 'Goods should be immediately paid upon the Importation and Entry thereof:' Be it enacted, That from and after the passing of this Act the Duties imposed upon Corn, Grain, Meal, and Flour, imported or brought into the United Kingdom shall be paid immediately upon the Importation and Entry of all such Corn, Grain, Meal, and Flour, whether the same be entered to be warehoused or not.

Goods in Warehouse to be chargeable with Duties payable on the like Sort of Goods when entered for Home Consumption.

XXXV. And be it enacted, That all Goods whatsoever which now are or may be deposited in any Warehouse or Place of Security under any Act of Parliament passed or to be passed for the warehousing of Goods, without Payment of Duty upon the first Importation thereof, or which may be imported and on board any Ship or Vessel, shall, upon being entered for Home Consumption, be subject and liable to such and the like Duties as may, at the Time of passing such Entry, be due and payable on the like Sort of Goods under any Act or Acts passed for imposing any Duty or Duties of Customs which shall or may be in force at the Time of passing such Entry, save and except in Cases where special Provisions shall be made in any such Act or Acts to the contrary.

Goods warehoused not cleared within Seven Years may be sold by Order of the Commissioners.

XXXVI. And be it enacted, That when any Goods deposited in any Warehouse for Security of Duties shall remain unclaimed for the Period of Seven Years from the Date of Importation, and the Owner of such Goods cannot be found, it shall be lawful for the Commissioners of Her Majesty's Customs to direct Sale thereof for Payment of the Duties due thereon, and after Payment of such Duties, together with the Freight and Charges, Warehouse Rent, and other incidental Expenses, to retain the Surplus, if any, arising from such Sale, to abide the Claim of the Owner of such Goods, or if such Goods shall be found not to be worth the Duty, then it shall be lawful for the said Commissioners to direct or cause the same to be destroyed.

Possessions abroad.

Acts done abroad by Officers to be as valid as if done by Collectors, &c. under the present Laws.

XXXVII. And be it enacted, That any Act, Matter, or Thing required by any Law relating to the Customs to be done or performed by, to, or with the Collector and Comptroller, or by, to, or with any Officer of Customs in any of Her Majesty's Possessions abroad, shall and may be done and performed by to, and with any Officer of Customs appointed by the Commissioners of Her Majesty's Customs to do and perform such Acts, Matters, and Things in any such Possession; and every such Act, Matter, and Thing done or performed by, to, and with such Officer shall be as valid and effectual in Law as if the same had been done and performed by, to and with any such Collector, or any such Collector and Comptroller, or by, to, and with any Officer of Customs under any Law now in force or hereafter to be made.

Isle of Man.

Duties on Muscovado Sugar and Tea in Isle of Man.

XXXVIII. And be it enacted, That from and after the passing of this Act Muscovado Sugar shall be admissible into the *Isle of Man* upon Payment of a Duty of One Shilling for every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight; and that all Tea imported or brought by Sea into the said Island shall be admissible into the said Island, and be charged with a Duty of One Shilling *per* Pound.

Act to be registered in Royal Courts of Guernsey, &c.

XXXIX. And be it enacted, That this Act shall be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and that the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

4 & 5 W. 4. c. 52.

XL. 'And whereas an Act was passed in the Session of Parliament holden in the Fourth and Fifth 'Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act 'of the Twentieth Year of His Majesty King* George *the Second for the Relief and Support of sick, 'maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or*

'*drowned*

'*drowned in the Merchant Service; and for other Purposes:* And whereas by another Act, passed in 'the Session of Parliament holden in the Ninth and Tenth Years of Her present Majesty, intituled '*An Act to amend the Laws relating to the Customs*, certain Powers are given to the Commissioners of 'Her Majesty's Treasury to appoint any Port and to declare the Limits of the same, and annul, alter, or 'vary the Names, Bounds, and Limits of any such Port: And whereas, in pursuance of the Powers 'granted by the said first-mentioned Act, Trustees have been appointed for certain Outports, and other 'similar Appointments may be made for certain other Outports, such Appointments being made or to 'be made with reference to the Limits of such Ports as existing at the Time of each Appointment: And 'whereas by the said last-mentioned Act the Limits of such Outports have already in some Cases, and 'may hereafter in other Cases, be altered:' Be it therefore enacted, That any such Alterations made or to be made in the Limits of any Outport after such Appointments of Trustees have been or shall hereafter be made shall be deemed to be made for Customs Purposes only, and shall not in anywise affect such Appointments or the Powers of such Trustees with reference to the Limits of such Outports at the Time of such Appointments, but that such Limits shall be deemed and taken to remain, continue, and be the same for the Purposes of such first-mentioned Act as if no such Alterations had been made for Customs Purposes as aforesaid.

9 & 10 Vict. c. 102.

Alteration of Limits of Ports by the Lords of the Treasury not to affect the Powers of Trustees appointed under 4 & 5 W. 4. c. 52.

XLI. 'And whereas by an Act passed in the Thirty-ninth Year of the Reign of His Majesty King 'George the Third, intituled *An Act for rendering more commodious and for better regulating the Port 'of* London, and also by several subsequent Acts, certain Rates or Duties of Tonnage were imposed on 'Ships or Vessels frequenting the Port of *London*, to be applied in manner therein directed: And 'whereas by the said Act, and by several subsequent Acts, certain Sums of Money were advanced out 'of the Consolidated Fund upon the Credit of the said Rates or Duties for the Purposes of the said 'Act: And whereas the said Sums of Money so advanced out of the Consolidated Fund under 'the said Acts have been fully paid and replaced:' Be it therefore enacted, That from and after the passing of this Act so much of an Act passed in the Fourth and Fifth Years of the Reign of His Majesty King *William* the Fourth as directs that the Duties imposed by that Act shall be under the Management of the Commissioners of His Majesty's Customs, and shall be received and recovered in the same Manner as any Duties of Customs are or can be received or recovered, shall be repealed.

Collection of certain Dues under 39 G. 3. c. lxix., &c., by the Customs, repealed.

XLII. And be it enacted, That the said Duties shall, from and after the passing of this Act, be managed, paid, received, and recovered by the Mayor, Commonalty, and Citizens of the City of *London* in such and the like Manner as any other Duties, Rates, or Dues may be managed, paid, received, and recovered by the said Mayor, Commonalty, and Citizens of the City of *London;* and the said Duties (the Cost and Expense of collecting and controlling the same being first paid) shall be applied by the Mayor, Commonalty, and Citizens of the City of *London* in the Manner and for the Purposes directed by the said Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth.

Tonnage Duties to be under Management of Corporation of London.

XLIII. 'And whereas by certain Local Acts for establishing or regulating Docks, Officers appointed 'under such Acts respectively are empowered to cause Goods brought into such Docks to be landed 'and warehoused as therein mentioned:' Be it enacted, That no Goods which shall be brought into any such Docks shall be landed and warehoused without due Entry thereof.

Goods brought into Docks not to be landed, &c. without due Entry.

XLIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

A.

A TABLE of FEES referred to in the foregoing Act.

In Cases summarily disposed of by One Justice.

	£	s.	d.
Convening Justices in One or more Detention Cases on the same Day	0	2	6
Attendance in each Case of Detention for the same Offence:			
Where One Person detained	0	5	0
Two Ditto	0	7	6
Three or more Ditto	0	10	6

In Cases of Detention and Remand.

Convening Justice in One or more Detention Cases on the same Day	0	2	6
Taking Information of Officer to ground Warrant of Detention against One or more Persons for the same Offence, and Oath	0	2	6
Warrant of Detention for One Defendant only	0	1	6
For each additional Defendant	0	0	6
Convening Justice to hear One or more Cases on same Day	0	5	0
For every Summons to Witnesses when required	0	2	0
For each Information exhibited	0	2	6
For each Witness examined, where Examination does not exceed Two Folios, and Oath	0	1	0
For every additional Folio beyond Two Folios	0	0	8
Taking down Prisoner's Reply, if any, to Charge	0	1	0
Recording Conviction or Acquittal	0	2	6
Warrant of Commitment, and Copy for Revenue Solicitor	0	4	0
Drawing and engrossing Conviction on Parchment to file, and transmitting same to Clerk of Peace	0	6	0

In

In Cases where the Parties are proceeded against by Summons.

	£	s.	d.
Convening Justices to receive Information in One or more Cases for same Day when required by Complainant	0	2	6
For each Information exhibited	0	2	6
Summons for Defendant's Appearance, and Duplicate	0	3	0
Convening Justices in One or more Cases on same Day, when required by Complainant	0	5	0
Each Summons for Witnesses (when required), and Duplicate	0	2	0
For each Witness examined, where Examination does not exceed Two Folios, and Oath	0	1	0
For every additional Folio after the Two first	0	0	8
Taking Statement of Party accused, when in Writing	0	1	0
Recording Conviction or Acquittal	0	2	6
Warrant of Commitment, and Copy for Revenue Solicitor	0	4	0
Drawing and engrossing Conviction on Parchment to file, and transmitting same to Clerk of Peace	0	6	0

GENERAL PROSECUTIONS at the INSTANCE of the COMMISSIONERS of CUSTOMS.

In Cases where Parties are brought before Justices for Offences determinable at Sessions or Assizes.

Convening Justices when required	0	2	6
Information and Oath to ground Warrant or Summons	0	2	6
Summons to compel Party's Appearance, and Duplicate	0	3	0
Warrant for Apprehension of Offender	0	3	0
Taking Depositions of Witnesses, per Folio	0	0	8
Copies ditto for Revenue Solicitor when required, per Folio	0	0	4
Warrant of Commitment	0	2	6
Recognizance to prosecute and give Evidence	0	2	6
Recognizance to give Evidence, whatever the Number of Witnesses included therein	0	2	6
For each Notice of Recognizance to prosecute or give Evidence	0	1	0

B.

TABLE OF DUTIES referred to in the foregoing Act.

ARTICLES.	RATES OF DUTY. Of or from Foreign Countries. £	s.	d.	Of and from British Possessions. £	s.	d.
Embroidery and Needlework - - - for every 100*l.* Value	15	0	0	5	0	0
Articles of Green or common Glass - - - - the Cwt.	0	0	9	0	0	9
Leather Manufactures:—						
—— Men's Boots and Shoes—						
—— If the Quarter do not exceed 2¾ Inches or the Vamp 4 Inches in Height from the Sole inside - - the Dozen Pairs	0	7	0	0	7	0
—— If either the Quarter or Vamp exceed the above Dimensions, but do not exceed 6 Inches in Height from the Sole inside the Dozen Pairs	0	10	6	0	10	6
—— If either the Quarter or Vamp do exceed 6 Inches in Height from the Sole Inside - - - - the Dozen Pairs	0	14	0	0	14	0
Wild Nutmegs, not in the Shell - - - - - the lb.	0	0	5	0	0	5
Wines, of any Description, not enumerated or otherwise charged with Duty in any Act or Acts relating to the Customs - - - - the Gallon	-		-	0	2	9
—— The Lees of such Wine - - - - - the Gallon	-		-	0	2	9
Coffee:—						
—— Kiln-dried, roasted, or ground, on and after the 1st Day of January 1850 - - - - - - - - the lb.	0	0	8	0	0	5

CAP. XCI.

An Act to provide for the Collection of Rates in the City of *Dublin*. [1st *August* 1849.]

'WHEREAS it is expedient that an Office for the Collection of certain public Rates in the City of *Dublin* should be established under due Superintendence and Control:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *December* One thousand eight hundred and fifty the several Powers, Duties, and Authorities of applotting, levying, and collecting the Rates, Cesses, Taxes, and Rents specified in Schedule (A.) to this Act annexed shall cease to be exercised by the Bodies Politic or Corporate, Boards, Commissioners, or Persons, empowered by any Act or Acts to applot, levy, and collect the same, but shall be vested in and exercised by the Collector General of Rates herein-after mentioned, and shall be performed in the Manner by this Act directed, and not otherwise, anything in such Acts or any of them, or any Law, Statute, or Usage, to the contrary in anywise notwithstanding.

Powers of applotting and collecting Rates in Schedule (A.) to be vested in Collector General of Rates under this Act.

II. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland*, by Warrant under his Hand and Seal, to appoint from Time to Time such Person as he may think proper to be the Collector General of Rates for the Purposes of this Act, and to remove such Person, and in like Manner to appoint any other Person in his Place; and in case of the Sickness or necessary Absence of such Collector General it shall be lawful for the said Collector General, with the Approbation of the said Lord Lieutenant, to appoint some other Person to act in the Place of such Collector General; and that the Person who shall for the Time being act as Collector General shall and he is hereby authorized to applot, collect, levy, and receive the Rates, Cesses, and Taxes herein mentioned, and all Arrears thereof, in the Manner by this Act provided.

Appointment of Collector General.

Collector General shall applot and collect Rates.

III. And be it enacted, That upon the Death, Resignation, or Removal of any Collector General appointed under this Act, the Balance of Cash for which he shall at that Time have Credit on his Account as Collector General with the Governor and Company of the Bank of *Ireland* shall, as soon as a Successor shall be appointed to the Office of Collector General, actually vest in such Successor, and shall be immediately transferred to the Account of such Successor, to be applied for the Purposes of this Act; and the Collector General for the Time being is hereby required to issue his Drafts or Orders for all unsatisfied Charges and Demands payable out of the Monies in the Bank, although the same shall have accrued in the Time of any former Collector General.

Upon the Death or Removal of the Collector General, the Balance of Cash at the Bank to be transmitted to his Successor.

IV. And be it enacted, That if any Person, having resigned or having been removed from the Office of Collector General, shall neglect, within Twenty-one Days after Notice for such Purpose, to account for and pay to any succeeding Collector General all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Collector General for the Time being in his own proper Name only, or by his Name and Description of Office, to sue for and recover the same from such Person, with Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt, in which Action it shall be sufficient for such Collector General to declare as for Money had and received to the Use of such Collector General for the Purposes of this Act; and the Defendant in the Action may, at the Discretion of any Judge of such Court, be held to Special Bail in such competent Sum as the Judge shall order; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner, without Prejudice to such Special Bail, to be audited by any Officer of the Court or other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the said Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule, either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable, or the Court may order Judgment to be entered up for such Sum as upon the Report shall appear to be due.

Upon the Removal of the Collector General his Successor may sue for any Balance remaining in his Hands.

V. And be it enacted, That in case of the Death of any Person during the Time that he shall be holding the Office of Collector General, or after he shall have resigned or been removed from such Office, the Collector General for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover from the Executors or Administrators of such Person deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act, by an Action of Debt in any of Her Majesty's Courts of Record at *Dublin*, in which Action it shall be sufficient for the Plaintiff to declare that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators; and in all such Actions the Defendant or Defendants may plead in like Manner, and avail themselves of the like Matters in Defence, as in any Action founded upon Simple Contracts of the original Testator or Intestate; and the Court may refer the Account in dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like Manner as is herein-before mentioned; and in all Actions to be brought as well as in all Proceedings whatsoever to be instituted or carried on by any Collector General by virtue of this Act, Proof of his acting in the Execution of the Office of Collector General shall be sufficient Evidence of his

Mode of proceeding against the Representatives of a deceased Collector General.

his holding such Office, unless the contrary shall be shown in Evidence by the Defendants in such Actions, or the Parties against whom such Proceedings shall be instituted or carried on.

Collector General to be indemnified for Acts done in the Execution of his Office.

VI. And be it enacted, That the Collector General, his Heirs, Executors, and Administrators, shall be indemnified, out of the Rates and other Monies coming to the Hands of the Collector General by virtue of this Act, for all Payments made or Liability incurred in respect of any Acts which he may do, and for all Losses, Costs, and Damages which he may incur in the due Execution of the Powers hereby granted to him.

Lord Lieutenant in Council to make Rules and Regulations for the Collector General's Office.

VII. And be it enacted, That it shall and may be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to make such Rules and Regulations for the Government of the said Collector General, and of such Clerks, Collectors, and other Officers as shall be appointed and employed to assist in the Execution of this Act, as the said Lord Lieutenant, with the Advice of the said Privy Council, shall think fit; provided that such Rules and Regulations shall not be repugnant to any Law now in force in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or inconsistent with the Provisions of this Act.

Salary of Collector General.

VIII. And be it enacted, That it shall be lawful for the said Lord Lieutenant to allow such Collector General a Salary not exceeding the Sum of Eight hundred Pounds by the Year, payable out of the Monies which he shall so receive; and the said Collector General shall not follow any Profession, Occupation, or Calling, but shall devote his entire Time to the Duties of his Office; and such Collector General for the Time being shall give such Security in such Sum as the said Lord Lieutenant shall direct, such Security to be for the faithful Performance of his Duty as such Collector General under this Act, and for the due Application, and for the Lodgment in the Bank of the Governor and Company of the Bank of *Ireland* once at least in each Week, of all Monies paid to him under this Act.

Collector General to open an Account in the Bank of Ireland.

IX. And be it enacted, That the said Collector General shall open an Account in the said Bank of *Ireland*, to be entitled "The Account of the Collector General of Rates in the City of *Dublin*," naming the Collector General for the Time being therein, and shall be governed, as to the Manner in which such Accounts shall be kept, prepared, and exhibited for Audit, and in every other respect where the same are not inconsistent with the Provisions of this Act, by such Rules and Regulations as shall be issued in that respect from Time to Time by the Lord Lieutenant with the Advice of the Privy Council aforesaid; and, in case the said Lord Lieutenant shall so direct, such Accounts shall be audited by the Officer who shall be from Time to Time by Warrant authorized by the said Lord Lieutenant to audit and declare the Accounts of the several Treasurers of Counties and Counties of Cities and Towns, under and by virtue of the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for public Monies, and to secure the same*, or of any Act or Acts amending the same.

7 W. 4. & 1 Vict. c. 54.

Bank of Ireland to keep a separate Account for each Tax, &c.

X. And be it enacted, That the said Governor and Company of the Bank of *Ireland* shall and they are hereby required to open and keep an Account for each of the Bodies Politic or Corporate, Boards, Commissioners, or Persons herein-after mentioned, in the Name of such Treasurer, Receiver, or Officer as such Bodies Politic or Corporate, Boards, Commissioners, or Persons shall respectively direct, and shall at all Times give to the said Collector General, or to such Bodies Politic or Corporate, Boards, Commissioners, or Persons, or to any Person so appointed to inspect and audit such Accounts, Copies of every such Account, as well as the Account of the said Collector General: Provided always, that the opening of any such Account as aforesaid shall not authorize or empower the said Governor and Company of the Bank of *Ireland* to pay out to any such Bodies Politic or Corporate, Boards, Commissioners, or Persons, or to the said Collector General, any Sums of Money lodged with them, without the proper Voucher or Authority which they are now or may hereafter be by Law directed to require.

Drafts on Bank of Ireland by the Boards, &c. for whom Money collected shall be paid by Bank.

XI. And be it enacted, That any Draft or Order for Money drawn upon the said Governor and Company of said Bank of *Ireland*, for the Purposes of the Bodies Politic or Corporate, Boards, Commissioners, or Persons, for whom any Rates shall be collected under the Provisions of this Act, shall be signed by such Treasurer, Receiver, or Officer, or in such Manner as such Bodies Politic or Corporate, Boards, Commissioners, or Persons, shall direct; and such Drafts and Orders so drawn, but not otherwise, shall be a sufficient Authority to said Governor and Company of the Bank of *Ireland* to pay the Amount thereof to the Persons named therein.

Power to Lord Lieutenant to appoint Officers and Collectors, and remove them from Time to Time.

XII. And be it enacted, That the Lord Lieutenant may retain for the Purposes of this Act such Clerks, Collectors, and other Officers employed by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, at the Commencement of this Act, as he shall think fit, and from Time to Time appoint and employ such Clerks, Collectors, and all such other Officers to assist in the Execution of this Act as he shall think necessary and proper, and from Time to Time remove any such Officers, and appoint others in the Room of such as shall be so removed, or may die, or resign or discontinue their Offices, and shall, out of the Monies to be collected and levied under the Provisions of this Act, direct such Salaries and Allowances to be paid to the said Officers respectively as he shall think reasonable: Provided always, that no Clerk, Collector, or other Officer employed in the Police Department of the District of *Dublin* Metropolis, and whose Office shall be abolished or rendered unnecessary by the passing of this Act, shall be so retained or employed without his Consent; and provided also, that before any such Officer is so retained or appointed the Collector General shall certify under his Hand to the Lord Lieutenant the Fitness of such Person to discharge the Duties of his Office; and that any Collector appointed and employed under

under the Provisions herein contained shall be paid by such Poundage Rate upon the Sums collected by him under the Provisions of this Act, or by such Salary, as the Lord Lieutenant shall think fit.

Security to be taken from Officers intrusted with Money.

XIII. And be it enacted, That before any Person, whether Collector or other Officer, intrusted by the Collector General with the Custody or Control of Monies by virtue of his Office, shall enter upon such Office, the Collector General shall take sufficient Security, subject to the Approval of the Lord Lieutenant, from him, for the faithful Execution thereof.

Collectors to pay over Money into the Bank of Ireland.

XIV. And be it enacted, That every Collector appointed or employed by virtue of this Act to collect any Rates shall pay over the same to the Governor and Company of the Bank of *Ireland* on the Day or Days in each Week appointed by the Collector General for such Purpose, to be placed to the Account of the Collector General of Rates in the City of *Dublin* herein-after mentioned; and the Receipt of such Governor and Company for the Monies so paid shall be a sufficient Discharge to the Collector; and every such Collector shall, in such Time and in such Manner as the Collector General shall direct, deliver to him true and perfect Accounts in Writing under his Hand of all Monies received by him, and of all Monies paid by him to the said Governor and Company of the Bank of *Ireland*, by virtue of this Act, and also a List of the Names of all Persons who have neglected or refused to pay any Rate or Money owing by them, with a Statement of the Monies due from them respectively.

Collector General to audit Books of Collectors once a Week or oftener.

XV. And be it enacted, That such Collector General, or such other Person as may be appointed by him for such Purpose, shall, once or oftener in each Week, audit and examine the Accounts of each Collector, and shall thereupon lodge with the said Governor and Company of the Bank of *Ireland* a Certificate stating the Amount of Money lodged by each Collector or other Person on his Behalf in the preceding Week, and the Proportions and Shares in which the same is to be allocated and credited by the said Governor and Company to the Use and Account of each of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, for whom an Account shall be opened as herein directed.

Books of Collector General to be open to Inspection of Boards, &c.

XVI. And be it enacted, That the Collector General shall, at all reasonable Times, permit the Bodies Politic or Corporate, Boards, Commissioners, or Persons, for whom any Rates shall be collected by the said Collector General, or any Persons authorized on their Behalf, to inspect the Books of Account in his Office relating to the Rates or Taxes collected by him, and to take Extracts therefrom, without paying anything for the same.

Collector General or Officers taking Fees other than those allowed to lose his or their Office or Offices, and forfeit 100*l*.

XVII. And be it enacted, That if the said Collector General, or any Officer or other Person employed under the Provisions of this Act, shall exact or accept, on account of anything done by virtue of his Office, or in relation to the Matters to be done under this Act, any Fee or Reward whatsoever, other than the Salary or Allowances payable to him or them under the Provisions of this Act, or shall be in anywise concerned or interested in any Bargain or Contract made by virtue of this Act, such Collector General, Officer, or Collector shall be incapable of being afterwards employed under this Act, and shall also forfeit a Sum equal to Treble the Amount of any Fee, Reward, or Benefit, so received by him, or shall forfeit the Sum of One hundred Pounds, whichever shall be sued for by any Person, by Action of Debt or on the Case, in any of the Superior Courts, and such Person suing for the same shall on Recovery thereof be entitled to full Costs of Suit.

No Person in Collector General's private Service to be employed herein.

XVIII. And be it enacted, That no Servant or Person in the private Service or Employment of the said Collector General or other Officer shall be capable of being employed or concerned in, or of receiving any Salary or Allowance, Fee or Reward, for or on account of any Matter or Thing to be done under or in pursuance of this Act; and such Collector General or other Officer who shall so employ any such Servant or Person, and pay to him any Salary, Allowance, Fee, or Reward, for the Purposes aforesaid, shall for every such Offence forfeit the Sum of One hundred Pounds, to be sued for and recovered in like Manner as herein last before mentioned, and shall also be incapable of being employed under this Act.

Summary Remedy against Officers failing to account.

XIX. And be it enacted, That if any Collector or other Officer fail to render such Accounts as aforesaid, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, if any, when thereunto required, or if for Five Days after being thereunto required he fail to deliver up to the Collector General, or to any Person appointed by him to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Collector General, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before him, at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or upon Proof that such Summons was personally served upon him or left at his last known Place of Abode, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence or upon Inspection of the Account, that any Monies of the Collector General are in the Hands of such Officer, or owing by him to the Collector General, such Justice may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress and Sale, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid.

Officers refusing to make out Account, and deliver up Documents, &c., may be committed to Prison.

XX. And be it enacted, That if any such Officer summoned as aforesaid refuse to make out such Account in Writing, or to produce and deliver to the Justice the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Collector General, such Justice may commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts in his Possession or Power, relating

relating to such Accounts, and all the Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Collector General.

Where Officer about to abscond, a Warrant may be issued in the first instance.

XXI. Provided always, and be it enacted, That if the Collector General, or other Person acting on behalf of the Collector General, shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and that he does believe, that it is the Intention of any such Officer as aforesaid to abscond, the Justice before whom the Complaint is made may, instead of issuing his Summons, issue his Warrant for bringing such Officer before him; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours, without bringing him before the said Justice; and such Justice may either discharge such Officer, if he think there is no sufficient Ground for his Detention, or order such Officer to be detained in Custody so as to be brought before Two Justices at a Time and Place to be named in such Order, unless such Officer give Bail, to the Satisfaction of such Justice, for his Appearance before such Justice to answer the Complaint of the Collector General.

Proceedings against Officers not to discharge Sureties.

XXII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Collector General of any Remedy which he might otherwise have against any Surety of such Officer.

What shall be Evidence of Appointment of Officers in any Suit or Action.

XXIII. And be it enacted, That if in any Court, either of Law or Equity, or any Action, Suit, Indictment, Information, or Proceeding whatsoever therein, any Question shall arise concerning the Right of the said Collector General, or Officer or Collector, to hold, exercise, or enjoy his said Office, it shall be sufficient to prove that such Collector General, or Officer or Collector, was at the Time in question commonly reputed to be such Collector General, Officer or Collector, respectively, without proving his Warrant or Commission, and without giving any Evidence that he had performed any of the Requisites which are or may be prescribed by Law to entitle him to execute the said Office.

Collector General and other Officers prohibited from taking any Part at Elections.

XXIV. And be it enacted, That it shall not be lawful for any Collector General appointed by virtue of this Act, or for any Officer or Servant of the said Collector General employed for the Purposes of this Act, to be a Member of Parliament, or to vote or to take any Part or to act in any Manner at any Election of a Member or Members to serve in Parliament for the City of *Dublin*, otherwise than as he by Law may be required to do in his official Capacity; and in case any such Collector General shall take any Part or act in any Manner at any such Election, save as aforesaid, he shall forfeit and pay for every such Offence the Sum of Three hundred Pounds; and in case any Officer or Servant of the said Collector General shall, save as aforesaid, take any Part at such Election, he shall forfeit and pay for every such Offence a Sum of One hundred Pounds; which said several Penalties shall be paid to any Person who may sue for the same respectively, for his own Use and Benefit, and may be recovered by any such Person by Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Superior Courts in *Ireland*.

Power to Collector General, with Consent of Lord Lieutenant, to rent an Office for Payment of Taxes.

XXV. And be it enacted, That it shall be lawful for the said Collector General, with the Consent of the Lord Lieutenant, to take or contract for One or more Houses or Offices in the said City of *Dublin*, or the Lord Lieutenant may appoint and appropriate any Portion of any public Building, or Building used for public Purposes, therein, for the Purposes of the same being made and constituted into an Office or Offices for the Payment of Taxes in such City; and that the Rents and Taxes chargeable thereon, and all Expenses attending the Repairs thereof, and the providing necessary Accommodation and Books and Stationery therein, shall be paid out of the Funds received under the Provisions of this Act.

Collector General to transmit an Account weekly to the Boards, &c.

XXVI. And be it enacted, That the said Collector General shall once in every Week transmit to the proper Officer belonging to each of the Bodies Politic or Corporate, Boards, Commissioners, or Persons aforesaid, an Account showing the Amount of the Sums of Money which he shall have collected and received on account of such Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively.

Expenses of Management not to exceed Two and a Half per Cent.

XXVII. And be it enacted, That the Expenses of the Management of the Office of the Collector General, including Salaries, Poundage, Rent of Office, Taxes, and all other incidental Expenses attending the same, shall not exceed Two Pounds and Ten Shillings *per Centum* upon the total Amount of Monies collected by the said Collector General.

Expenses of Management, how paid.

XXVIII. And be it enacted, That the Expenses incurred in applotting, collecting, levying, and recovering the said Rates, and of the Management of the Office of Collector General, together with the Rent of Offices, and all Taxes connected therewith, and other incidental Expenses, shall be paid by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, in proportion to the Sums collected for them; and an Account of such Expenses shall every Three Months be transmitted to such Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, who shall forthwith pay the same to the Governor and Company of the Bank of *Ireland*, to be placed to the Credit of the said Collector General; and in case any of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, shall for the Period of Ten Days neglect or refuse to pay the Proportion of such Expenses as specified in the Account so transmitted to them respectively, the said Collector General shall and he is hereby authorized to deduct the Amount of such Accounts respectively out of any Monies standing to his Credit at the Bank of *Ireland*, and applicable to the Purposes of such of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, making default as aforesaid.

Limits of Act.

XXIX. And be it enacted, That the Limits of this Act for the Collection of the Poor Rates, Borough Rates, Improvement Rates, Sewer Rates, Grand Jury Cess, and Pipe-water Rates or Rents, shall be the Municipal District of *Dublin* as defined by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Municipal Corporations in* Ireland; and the Limits of this Act for the Collection of the Police Rates shall be the District of *Dublin* Metropolis as defined or authorized

3 & 4 Vict. c. 108.

authorized to be defined by an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, and any other Act amending the same. 6 & 7 W. 4. c. 29.

Justices of Peace, on or before the 10th Day of December 1850, and in every succeeding Year, to estimate the Police Expenditure for a Year from the 1st of January following;

XXX. And be it enacted, That the Justices of the Peace for the District of *Dublin* Metropolis appointed under an Act passed in the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, and other Acts amending the same, shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, and on the Tenth Day of *December* in every succeeding Year, estimate and ascertain, as nearly as may be, the Amount of the Sums of Money which they shall find necessary for the Maintenance of the Police Force thereof, and for the several Purposes of the said Act, and of any Act or Acts amending the same, for Twelve Months next following the First Day of *January* in each Year; and such Justices, or One of them, shall sign and certify such Estimate, and transmit the same, on or before the said Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in every succeeding Year, to the said Collector General; and the said Collector General shall be and is hereby authorized and required, on and after the said First Day of *January*, to applot, levy, and collect the Money therein mentioned in the Manner and subject to the Rules and Regulations in this Act contained respecting the applotting, levying, collecting, and recovering of the several other Rates herein mentioned: Provided always, that the Amount of such Portion of such Estimate as is empowered or required to be raised and levied by any Rate under the said Acts and this Act, or any of them, shall not exceed the Amount or Sum which the said Justices, under the said Acts or any of them, would have been entitled to raise and levy by any Rate or Assessment under the said Acts or any of them if this Act had not been passed.

not to exceed the Amount they are now empowered to levy.

Particulars of Police Rate Arrears are to be given to Collector General;

XXXI. And be it enacted, That any Police Rate which shall have been assessed before the Tenth Day of *December* One thousand eight hundred and fifty shall, notwithstanding anything herein contained, be collected, levied, paid, received, and accounted for as if this Act had not been passed: Provided always, that the said Justices shall and they are hereby required, on or before the said Tenth Day of *December* One thousand eight hundred and fifty, to transmit to the said Collector General a true and particular Account of all Arrears of any such Rate which shall then remain due and uncollected upon any Buildings, Tenements, Hereditaments, or Persons respectively liable thereto, together with the particular Sums remaining due upon each such Building, Tenement, Hereditament, or Person, and shall, under their Hands and Seals, certify such Amount to be correct; and thereupon such Account shall be *primâ facie* Evidence that the said Arrears are due and owing by any of the Parties and Persons in such Account respectively mentioned; and such Arrears shall thereupon vest and the same are hereby vested in such Collector General, who shall thereupon be entitled and is hereby empowered to recover, levy, and raise, in his own Name, all such Arrears, from every Person therein mentioned, by all the Ways and Means herein given to or conferred upon such Collector General for the Recovery of any Rate directed to be levied or collected under the Provisions of this Act: Provided also, that from and after such Tenth Day of *December* One thousand eight hundred and fifty it shall not be lawful for any such Collectors or other Officers appointed by such Justices to receive any Portion of the Arrears so certified as aforesaid; but nothing herein contained shall in anywise lessen or affect the Liability or Duty of any Collector or other Officer, or the Sureties of such Collectors or other Officers, to collect, account for, or make good any such Rate, Tax, or Assessment, or to answer for any Default, under the Provisions of the said Acts for the Maintenance of the Police in such District, which shall have occurred or been committed previous to but not after the said Tenth Day of *December* One thousand eight hundred and fifty.

who is to collect them.

After 10th Dec. 1850 old Collectors not to receive any more Rate, but liable for Default prior to 10th Dec.

Board of Guardians on or before 10th Dec. 1850, &c. to estimate Expenditure for a Year from 1st Jan. following. 1 & 2 Vict. c. 56.

XXXII. And be it enacted, That the Board of Guardians in each Union or Part of a Union situate within the City of *Dublin* shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in every succeeding Year, estimate and ascertain, as nearly as may be, the Amount of the Sums of Money chargeable upon any Electoral Division situate or comprised within the Districts aforesaid which they shall find necessary for the Relief of the Poor under the Provisions of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or of any Act or Acts amending the same, for Twelve Months next following the First Day of *January* in each Year, and each such Board of Guardians shall certify such Estimate, and transmit the same, on or before the said Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in every succeeding Year, to the Office of the said Collector General, and the said Collector General is hereby authorized and required to applot, collect, and levy the same, in his own Name, upon all Lands and Houses liable to the Payment of the same, in the Manner and subject to the Rules and Conditions in this Act contained respecting the applotting, levying, collecting, and recovering of the several other Rates herein mentioned: Provided always, that every Rate for the Relief of the Poor, made and declared before the Tenth Day of *December* One thousand eight hundred and fifty, shall be collected, levied, and received as if this Act not been passed.

To transmit same to Collector General, who is to collect same.

Poor Rate made before 10th Dec. 1850 levied as before.

On 10th Dec. 1850 a List of Arrears to be sent to Collector General.

Old Collectors not to receive any Rate after 10th Dec., but

XXXIII. And be it enacted, That on or before the said Tenth Day of *December* One thousand eight hundred and fifty the said Guardians shall transmit to the said Collector General a true and particular Account of all Arrears of any such Rate then remaining due and uncollected, and shall certify the same to such Collector General, who shall thereupon be entitled, in his own Name, to receive, levy, and collect the said Arrears by all the Ways and Means given to him to collect any Rate under this Act: Provided always, that no Collector appointed to collect and receive such Rate as aforesaid shall be entitled or empowered to receive the same after the said Tenth Day of *December;* and such Collectors and their

liable for Default prior to 10th Dec.

Sureties, notwithstanding anything herein contained, shall be and shall remain liable to make good any Default in such Collection which shall have occurred or been committed before the said Tenth Day of *December*.

Not to interfere with Board of Guardians making supplemental Estimates of Rates.

XXXIV. And be it enacted, That nothing in this Act contained shall interfere with or prevent the Board of Guardians in each Union as aforesaid from transmitting at any Time an Estimate to the said Collector General of any additional Sum which they may require for the Relief of the Poor under the Provisions of the said recited Act or Acts, specifying the Amount thereof, and the Occupiers of rateable Hereditaments or other Persons liable to pay the same, and such Collector General shall upon Receipt thereof proceed to collect and recover the same in manner herein-before mentioned in respect to the said annual Rate.

Pipe Water.

15 & 16 G. 3. (I.)

19 & 20 G. 3. (I.)

42 G. 3. c. 92.

6 & 7 Vict. c. cii.

8 & 9 Vict. c. cxciii.

XXXV. 'And whereas, under an Act passed in the Parliament of *Ireland* in the Fifteenth and Sixteenth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for the better regulating of the Pipe Water of the City of* Dublin, and by another Act passed in the said Parliament in the Nineteenth and Twentieth Years of the Reign of His said Majesty, intituled *An Act for explaining and amending an Act passed in the Fifteenth and Sixteenth Years of the Reign of King* George *the Third, intituled 'An Act for the better regulating of the Pipe Water of the City of* Dublin,' and by another Act passed in the Forty-second Year of the Reign of His said Majesty, intituled *An Act for amending, altering, and extending the Powers of the several Acts of Parliament now in force for supplying the City of* Dublin *with Water, and for making better Provision for that Purpose*, and by another Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the more equal Applotment of certain Rates in the County of the City of* Dublin *and County of* Dublin *respectively*, and by another Act passed in the Eighth and Ninth Years of the Reign of Her said present Majesty, intituled *An Act to amend the Acts for regulating Pipe Water of the City of* Dublin, *and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of* Dublin *to extend the Supply of Pipe Water to the several Parishes or Portions of Parishes situate in the City and County of* Dublin, *and adjoining to the Borough of the said City of* Dublin, *but outside the Boundary thereof*, certain Rents and Powers were given to the Lord Mayor, Aldermen, and Burgesses of the City of *Dublin*, for effecting the several Purposes therein mentioned: And whereas it is expedient that the said Rents should be levied and collected by the Collector General appointed by this Act:' Be it enacted,

A Rental or Schedule of Rents to be made out.

That the said Lord Mayor, Aldermen, and Burgesses of *Dublin* shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, make out a true and perfect Rental or Account of all the Houses, Tenements, and Premises which under the said recited Acts or any of them may be chargeable with the said Rent or Rate, from the Twenty-fourth Day of *June* One thousand eight hundred and fifty to the Twenty-fourth Day of *June* One thousand eight hundred and fifty-one, and all Arrears of such Rent

Particulars, &c.

or Rate then due upon the said Houses, Tenements, and Premises, specifying whether any and which of them are insolvent Arrears, and a further List or Account of all and every the Houses, Tenements, or Premises (if any) which have not been given in charge for Collection; and the Town Clerk and Treasurer of the said Lord Mayor, Aldermen, and Burgesses of *Dublin* from Time to Time shall and they are hereby required respectively to verify and attest such Rental, List, or Account, and to transmit the same, when so verified and attested, within the Time aforesaid, to the said Collector General, and the said Lord Mayor, Aldermen, and Burgesses shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty-one, in like Manner attest and certify any Additions to or Alterations in the said Rental, List, or Account for the Period between the Twenty-fourth Day of *June* One thousand eight hundred and fifty-one and the First Day of *January* One thousand eight hundred and fifty-two, and shall also, on or before the said Tenth Day of *December* One thousand eight hundred and fifty-one, and on or before the Tenth Day of *December* in every succeeding Year, in like Manner attest and certify any Additions to or Alterations in the said Rental, List, or Account for the Period of Twelve Months from the First Day of *January* then next following, and transmit the same to the said Collector General, who shall accordingly amend and act upon the same: Provided also, that from and after the Tenth Day of *December* One thousand eight hundred and fifty it shall not be lawful for any such Collectors or other Officers appointed by such Lord Mayor, Aldermen, and Burgesses, to receive any Portion of the Arrears so certified as aforesaid; but nothing herein contained shall in anywise lessen or affect the Liability or Duty of any Collector or other Officer, or the Sureties of such Collectors or other Officers, to collect, account for, or make good any such Rent or Rate, or to answer for any Default, under the Provisions of the said recited Acts relating to the Pipe-water Rent or Rate, which shall have accrued or been committed previous to but not after the said Tenth Day of *December*.

To be verified by the Treasurer and Town Clerk of Corporation of Dublin, and given to Collector General for Collection.

After 10th December 1850, Collectors not to receive any more Rate, but liable for Default prior to 10th December.

Pipe-water Rent to be collected as other Rates.

XXXVI. And be it enacted, That from and after the said Tenth Day of *December* One thousand eight hundred and fifty the said Pipe-water Rent or Rate, and all Arrears thereof, shall become payable at the same Times, and be advertised and collected subject to the same Regulations, and in like Manner, and by the same Persons, and with the same Powers for levying or collecting the same, and lodging and publishing Accounts, as is herein directed with reference to the advertising, Payment, Collection, Lodgment, and Publication of the Accounts, and shall be subject to the like Incidents of and with any other Rate herein mentioned, and shall not be levied or collected or lodged in any other Manner or by any other Persons, any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided always, that nothing herein contained shall be construed to confirm, weaken, invalidate, alter, or in anywise affect the Right or Title of the said Lord Mayor, Aldermen, and Burgesses of *Dublin* in and to the said Pipe-water Rent or Rate, or the Liability or Exemption of any Person to or from Payment of the same.

XXXVII. And

Borough Rate to be collected by Collector General. 3 & 4 Vict. c. 108.

XXXVII. And be it enacted, That the Lord Mayor, Aldermen, and Burgesses of *Dublin*, when and as often as they shall make a Borough Rate under the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or any Act or Acts amending the same, shall on or before the Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in each succeeding Year, estimate and ascertain, as nearly as may be, the Amount of the Sums of Money on account of such Borough Rate which they shall find necessary for the Purposes of the said recited Act, and of any Act or Acts amending the same, for Twelve Months next following the First Day of *January* in each Year; and the said Collector General shall be and is hereby authorized and required, on and after such First Day of *January*, to applot, levy, and collect the Money therein mentioned according thereto, in the Manner and subject to the Rules and Regulations in this Act contained respecting the applotting, levying, collecting, and recovering of the several other Rates herein mentioned; provided always, that the Amount of such Portion of such Estimate as is empowered or required to be raised and levied by any Rate under the said recited Act, or any Act amending the same, and this Act, or any of them, shall not exceed the Amount or Sum which the said Lord Mayor, Aldermen, and Burgesses, under the said recited Act, or any Act amending the same, would have been entitled to raise and levy by any Rate or Assessment under the said recited Act, or any Act amending the same, if this Act had not been passed; and such Lord Mayor, Aldermen, and Burgesses shall certify such Estimate as aforesaid under their Common Seal, and transmit the same, on or before the said Tenth Day of *December* in each Year as aforesaid, to the Office of the said Collector General.

Lord Mayor, &c. of Dublin, on or before 10th February 1851, and on the 10th December in that and in every succeeding Year, to estimate Amount of ensuing Year's Expenditure in respect to Improvement Rate.

XXXVIII. 'And whereas a Bill is now pending in Parliament, intituled *An Act for the Improvement of the City of* Dublin,* by which Bill it is intended, among other things, to repeal certain Acts therein mentioned, so far as they relate to the paving, lighting, cleansing, widening, and improving of the Streets and Thoroughfares within the Borough of *Dublin*, and to vest all necessary Powers for those and other Purposes in the Lord Mayor, Aldermen, and Burgesses of *Dublin*: And whereas it is expedient that all Rates which may be authorized to be made, assessed, and levied under the Powers of the said intended Act should be applotted, levied, and collected by the said Collector General:' Be it therefore enacted, That in case the said Bill shall pass into a Law the said Lord Mayor, Aldermen, and Burgesses shall and they are hereby required, on or before the Tenth Day of *February* One thousand eight hundred and fifty-one, to estimate and ascertain, as nearly as may be, the Amount of the Sums of Money which they shall find necessary for the Purposes of the Improvement Rate mentioned in the said intended Act, for Twelve Months from the First Day of *January* then last past; and the said Lord Mayor, Aldermen, and Burgesses shall and they are hereby required, on or before the Tenth Day of *December* One thousand eight hundred and fifty-one, and on or before the Tenth Day of *December* in every succeeding Year, to estimate and ascertain, as nearly as may be, the Amount of the Sums of Money which they shall find necessary for the said Improvement Rate, for Twelve Months from the First Day of *January* then next ensuing; provided always, that the Amount of such Estimate shall not exceed the Amount or Sum which the said Lord Mayor, Aldermen, and Burgesses would by any Rate or Assessment under the said intended Act have been entitled to raise and levy if this Act had not been passed; and the said Lord Mayor, Aldermen, and Burgesses shall certify under their Seal such Estimate, and transmit the same, on or before the respective Dates herein-before mentioned, to the said Collector General as aforesaid, together with all necessary Information to enable the Collector General to applot, collect, and levy the same; and such Collector General is hereby empowered and required to applot, collect, and levy the same, in his own Name, upon all Lands and Houses liable to the Payment of the same under the Provisions of the said intended Act, in like Manner as he is authorized to collect and levy any other Rate under the Provisions of this Act.

* *See post*, Cap. 97.

Lord Mayor to send Particulars of Arrears to Collector General before 10th of February 1851, who is to collect them.

XXXIX. And be it enacted, That on or before the said Tenth Day of *February* One thousand eight hundred and fifty-one the said Lord Mayor, Aldermen, and Burgesses shall transmit to the said Collector General a true and particular Account of any Paving, Lighting, and Cleansing Rates then remaining due and uncollected which shall be vested in the said Lord Mayor, Aldermen, and Burgesses under the Provisions of the said intended Act, and the said Lord Mayor, Aldermen, and Burgesses shall in manner herein-before mentioned certify the same to such Collector General, who shall thereupon be entitled, in his own Name, to receive, collect, and levy the said Arrears, in like Manner as he is authorized to collect and levy any other Rate under the Provisions of this Act; provided always, that no Collector appointed to receive such Rates as aforesaid shall be entitled to receive the same after the said Tenth Day of *February*, and such Collectors and their Sureties, notwithstanding anything herein contained, shall remain liable to make good any Default in such Collection which shall have occurred or been committed before the said Tenth Day of *February*.

District Sewer Rate to be collected, and Estimates to be sent on the 10th December in each Year.

XL. 'And whereas by the said Bill it is intended that the said Lord Mayor, Aldermen, and Burgesses shall make and levy certain District Sewer Rates within the Borough of *Dublin*, for the Purposes of the said intended Act, and it is expedient that the said Rates should be collected and levied by the said Collector General:' Be it enacted, That in case the said Bill shall pass into a Law the said Lord Mayor, Aldermen, and Burgesses of *Dublin* shall, on or before the Tenth Day of *December* in each Year next after any District Sewer Rate shall have been made under the Provisions therein contained, transmit to the said Collector General an Estimate, and ascertain, as nearly as may be, the Amount of the Sums of Money which may be required for Twelve Months from the First Day of *January* next following for the Purposes aforesaid, together with an Account of all the Houses, Tenements, and Hereditaments liable under the said intended Act to be assessed to the said District Sewer Rate; and such Lord Mayor, Aldermen,

Aldermen, and Burgesses shall certify such Estimate as aforesaid, and shall transmit the same, on or before the said Tenth Day of *December* in each Year, to the said Collector General; and the said Collector General shall thereupon applot, collect, and levy the same, in like Manner as he is enabled to applot, collect, and levy any other Rate under the Provisions of this Act: Provided always, that the Amount of such District Sewer Rate shall not exceed the Amount and Sum which the said Lord Mayor, Aldermen, and Burgesses would have been authorized to raise and levy by any Rate or Assessment for the Purposes aforesaid under the said intended Act if this Act had not been passed.

Grand Jury Cess to be levied and collected by Collector General.

XLI. 'And whereas under the Provisions of the said intended Act the Fiscal Powers of the Sessions 'Grand Jury and Term Grand Jury for the County of the City of *Dublin* are transferred to and vested 'in the said Lord Mayor, Aldermen, and Burgesses, and it is expedient that the Collector General 'should applot and collect such Grand Jury Cess, or such Sums of Money as shall be presented by way 'or in lieu of or for the Purposes of such Grand Jury Cess:' Be it therefore enacted, That the Treasurer of the Borough of *Dublin* shall, on or before the Tenth Day of *February* One thousand eight hundred and fifty-one, and on or before the Tenth Day of *December* in the same Year, and on or before the Tenth Day of *December* in every succeeding Year, transmit to the Collector General an Estimate specifying the Amount of all the Sums required to be raised by Presentment pursuant to the Provisions of the said intended Act; and such Collector General shall forthwith apportion or applot such Amount upon all Houses, Lands, or Tenements liable to the Payment of the same, and such Collector General shall proceed to collect, levy, and receive the same by all the Ways and Means by which he is empowered to collect and levy any Rate made under the Provisions of this Act, and shall lodge all Monies received thereunder in the Hands of the Governor and Company of the Bank of *Ireland*, in like Manner and subject to the like Incidents and Directions as any other Monies received under this Act.

Amount to be lodged in Bank of Ireland.

Arrears of Grand Jury Cess to be sent to Collector General.

XLII. And be it enacted, That the said Treasurer of the Borough of *Dublin* shall and he is hereby required, on or before the Tenth Day of *February* One thousand eight hundred and fifty-one, to transmit to the said Collector General a true and particular Account of all Arrears of any Grand Jury Cess which shall then remain due and uncollected upon any House, Land, Tenement, or Hereditament respectively liable thereto, together with the particular Sums remaining due on each such House, Land, Tenement, or Hereditament, and shall under his Hand and Seal certify such Amount, and thereupon such Account shall be *primâ facie* Evidence that the said Arrears are due and owing by the Parties and Persons in such Account respectively mentioned, and such Arrears shall thereupon vest and the same are hereby vested in the said Collector General, who shall thereupon be entitled and is hereby empowered to recover, levy, and raise, in his own Name, all such Rates and Taxes from every Person therein mentioned, in manner by this Act directed, and account for the same as herein-before mentioned.

After the 10th February 1851 old Collectors not to receive any more Rate.

XLIII. Provided always, and be it enacted, That from and after the said Tenth Day of *February* One thousand eight hundred and fifty-one it shall not be lawful for any Collectors or other Officers appointed to collect Grand Jury Cess to receive any Portion of the Arrears so certified as aforesaid; but nothing herein contained shall in anywise lessen or affect the Liability or Duty of any Collector, or his respective Sureties, to collect, account for, or make good any such Assessment, or to answer for any Default, under the Provisions of any Act or Acts authorizing or requiring the Collection of the same, which shall have occurred or been committed previous to the said Tenth Day of *February*.

Rates to be applotted according to Poor Law Valuation, except in certain Cases.

1 & 2 Vict. c. 56.

XLIV. And be it enacted, That from and after the Tenth Day of *December* One thousand eight hundred and fifty every Rate or Assessment to be at any Time assessed, levied, or collected under the Provisions of this Act shall be assessed and levied upon all and every the Houses, Buildings, Lands, Tenements, and Hereditaments, or Persons, liable to be rated and assessed to the same, equably according to the net annual Value thereof respectively as the same now are or shall from Time to Time be hereafter valued and rated under an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or any Act or Acts amending the same: Provided always, that nothing herein contained shall extend to or affect the Provisions made by any Act or Acts authorizing the making of any Rate which is to be collected under this Act, as to the Mode of rating and assessing Colleges, Schools, Literary and Scientific Societies, Market-Houses, Halls, Theatres, Storehouses, Storeyards, Docks, Courts of Law, and other public Buildings used for public Purposes, or the Grounds or Tenements thereto respectively adjoining or therewith occupied and enjoyed.

Supplemental Valuations.

XLV. 'And whereas certain Hereditaments by the herein-before recited Acts made chargeable for the 'Purposes of the said Acts respectively may not have been included in the Valuation made for the Purpose 'of Poor Rates, and it is expedient that any such Property should be valued in like Manner and upon the 'same Scale as that which is so rated: And whereas, in the Valuation made for the Purpose of Poor Rates, 'Dwelling Houses may be in certain Cases valued together with Property not comprehended in that Term, 'and a separate Valuation of such Dwelling Houses may be necessary for the Purpose of assessing the said 'Rates:' Be it therefore enacted, That in all Cases of Property which is or shall be liable to the Payment of any Rate or Assessment to be collected under the Provisions of this Act, and which shall not be included in the Rate for the Relief of the Poor in the Union wherein the same may be situate, and in the Case of Dwelling Houses valued together with other Property, the Guardians of the Poor of such Union shall make and declare or cause to be made and declared separate Valuations of all or any such Property and Dwelling Houses situate in any Ward or Townland or other Denomination proper for that Purpose within the Union, in like Manner and subject to the like Direction of the Poor Law Commissioners for the Time being, as by Law required and directed with respect to Hereditaments rated as aforesaid; and every such separate Valuation of Property not liable to be rated to the Relief of the

Poor

Poor shall contain in a separate Column a Statement of the Ground of such Exemption; and all such separate Valuations, when made, shall be subject in all respects to the like Right of Appeal, Regulations, Additions, or Alterations; and shall be of like Force and Effect, under the Provisions of this Act, as any Valuation made for the Purposes of a Rate for the Relief of the Poor, as nearly as the Circumstances of the Case will admit.

Copies of Valuations.

XLVI. And be it enacted, That within Twenty-one Days after the Commencement of this Act the Clerk of the Guardians of the Poor of each Union in which any Property may be situated liable to be rated under the Provisions of this Act shall make out a true and perfect Copy of the then last made Rate for the Poor therein, and of such supplemental or separate Valuations as are herein-before directed to be made, or of so much of them or either of them as shall relate to any Property liable to the Rates, and Assessments herein-before mentioned, or as shall be required by the said Collector General, or as shall relate to the Rates or Assessments to be by him collected under the Provisions of this Act, and shall deliver the same, attested and certified by him, to the said Collector General; and such Clerk as aforesaid, from Time to Time and as often as any Additions to or Alterations in the said Rate for the Relief of the Poor shall have been made, whether by Appeal or otherwise, shall, within Ten Days after such Rate and supplemental Valuation shall have been so added to or altered, make true and perfect Copies of such Additions or Alterations, and deliver the same, attested and certified by him, to the said Collector General.

Entry of Rate or certified Copy to be Evidence.

XLVII. And be it enacted, That the Entry of such Rate or supplemental Valuation, or in the Absence of the Original, such attested and certified Copy of such Rate or supplemental Valuation, Addition, or Alteration as aforesaid, shall in all Cases be and be deemed and taken to be conclusive Evidence of all the Matters contained therein.

Collector General upon receiving such yearly Estimates, to assess them according to the Valuation for Poor Rate.

XLVIII. And be it enacted, That such Collector General, upon receiving such yearly Estimates as aforesaid, shall as soon as may be after the Receipt of the same, according to the several Amounts in such Estimates contained, make and declare the Poundage Rate to be levied in respect of each such Estimate upon all Premises, Tenements, and Hereditaments liable to be rated to the same, and in such Manner as is herein-before directed, and with the Exceptions, Additions, and Alterations herein-before mentioned; and such Estimates, so apportioned, and such Rate or Rates for each such Year as aforesaid, shall be due and payable in manner herein-after mentioned.

All Assessments to be entered in a Book; and separate Accounts kept.

XLIX. And be it enacted, That all such Rates shall be entered in a Book or Books, and signed by the said Collector General; and when the same shall have been entered and signed, and when Notice thereof shall have been given as herein-after mentioned, such Rates respectively shall be deemed and taken to be as good, valid, and effectual in Law as if the same had been made and ascertained by the Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, who if this Act had not been passed would have been duly qualified to make the same, any Law, Statute or Usage to the contrary in anywise notwithstanding; and correct and separate Accounts of every Rate or Rent which the said Collector General is hereby empowered to levy, collect, or receive shall be kept in sufficient Books for that Purpose.

Assessment not vitiated by exceeding, &c. Estimate.

L. And be it enacted, That any Rate made in pursuance of this Act shall not be deemed to be erroneous or liable to be quashed by reason of the entire Amount thereof respectively falling short of or exceeding the Amount of such Estimates respectively by any Sum not exceeding One Penny in the Pound upon such Valuation as aforesaid.

Rate may be paid by Instalments.

LI. And be it enacted, That every such Rate to be collected and levied by virtue of this Act shall be collected and paid by Instalments, in case the Collector General shall so think fit.

Public Notice of the Rate to be given.

LII. And be it enacted, That the said Collector General, so soon as may be after he shall have received such Estimate as aforesaid, shall give Notice thereof by Advertisement once in the *Dublin Gazette* and in Two other public Newspapers published in the City of *Dublin*, stating the Amount of such Estimates respectively, and of the Poundage upon the yearly Value of rated Property in respect of each Rate for the current Year, and in case the said Collector General shall determine that the said Rates shall be paid by Instalments, stating the Days upon which the Instalments of such Rate will become payable, and from and after such Publication as aforesaid the said Rates shall be and be deemed to be due and payable.

Demand of Rate to be made.

LIII. And be it enacted, That before any Rate shall be or be deemed due for the Purpose of enforcing the same by Distress or otherwise, a Demand thereof shall be made, by leaving at each House, Tenement, or Hereditament rated under the Provisions of this Act, or from which any Rate is to be collected and levied under the Powers and Authorities herein contained, a Notice in Writing, which shall contain the Valuation of such House, Tenement, or Hereditament as the same stands rated in the Valuation for the Poor's Rate, the Poundage Rate made thereon for each such Rate, and the Amount thereof respectively, together with the whole Amount charged upon or claimed from such House, Tenement, or Hereditament, and, in case the same shall be payable by Instalments, the Days upon which the Instalments of such Rate will become payable; and such Notice shall have the Collector's Name at Foot thereof, and shall be as near as may be in the Form in the Schedule (B.) to this Act annexed; and a Receipt from any Collector appointed to receive the same shall be a sufficient Acquittance to the Occupier, Owner, or Person liable to pay such Rate as aforesaid, for all Purposes whatsoever.

Particulars of Notice.

Rates on public Buildings to be paid by principal Officer.

LIV. And be it enacted, That the Rate or Rates so to be collected or levied on any public Building shall be paid by the principal Officer belonging to such public Building, or by the Proprietor thereof, and shall be recovered by all or any of the Remedies, Ways, and Means, herein-after mentioned.

LV. And

Collectors not to be discharged by a Return of insolvent Arrear until after personal Inspection of the Premises by Collector General.

LV. And be it enacted, That no Collector of any Rates to be levied or collected by virtue of this Act shall be permitted to discharge himself in his Accounts, or be excused for not collecting any Rates or Money which he shall have been charged to collect, upon the Ground of the Premises chargeable therewith being insolvent, unless such Premises shall have been previously personally visited and inspected by the said Collector General, or by some Person (not being a Collector) appointed for that Purpose by the said Collector General, and unless such Person, after such Inspection, and after he shall have made all due Inquiry as to the possible Means of enforcing Payment of the Rate due in respect of said Premises shall report to the said Collector General that he has personally inspected such Premises, and made such Inquiry as aforesaid, and that he believes such Premises to be insolvent, and that there are no Means to which such Collector could successfully resort for enforcing Payment thereof, and unless the said Collector General shall be satisfied that the Loss of such Rate has not been occasioned by any Default or Want of due Diligence on the Part of such Collector.

Collector General to make out half-yearly Accounts.

LVI. And be it enacted, That the said Collector General shall make out half-yearly, at such Time as shall be fixed by the Lord Lieutenant, for each such Bodies Politic or Corporate, Boards, Commissioners, or Persons, a true and correct Account of the entire Sum rated or notified for Collection by him at the Commencement of the preceding Year, and the whole Amount received by him during the past Year, and the Amount paid by him to each such Bodies Politic or Corporate, Boards, Commissioners, or Persons, and the Date thereof, and the Amount of each Rate remaining uncollected in each such Ward or Electoral Division, or Portion thereof, and the Amount thereof supposed to be insolvent, and the Description of the Premises deemed by the said Collector General to be insolvent, together with the Names of the Persons respectively rated for the same, together with the Charges, Salaries, Poundage, and Expenses of the said Office for receiving Rates, specifying the Items thereof, and the Amount which has been received by him on account thereof; and the said Collector General shall within Ten Days thereafter post in some conspicuous Place in the Office of the said Collector General Lists of the said Premises so deemed to be insolvent, together with the Description and Names as aforesaid, and shall transmit Copies thereof to the said several Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively.

Officers to receive Compensation, and Mode of ascertaining the same.

LVII. And be it enacted, That every Officer whose Office shall be abolished, or cease or become unnecessary, by reason of this Act, or who shall be removed from his Office under the Provisions of this Act, or deprived of Fees or Emoluments to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, or who shall not be employed or retained in an Office of equal Value under this Act, and also every Collector of any Cess, Rate, or Tax, who is now or on the Tenth Day of *December* in the Year One thousand eight hundred and fifty shall be employed in the Collection of any of the Cesses, Rates, or Taxes in the Schedule (A.) to this Act annexed, and who shall not be employed or retained in an Office of equal Value under this Act, shall be entitled to have an adequate Compensation, by way of a Sum of Money in gross or Annuity, at the Option of the Lord Mayor, Aldermen, and Burgesses of *Dublin*, for the Salary and for any Fees or Emoluments which he may enjoy or be entitled to receive on account of the Office or Employment which he shall cease to hold, regard being had to the Manner of his Appointment to the said Office, his Term or Interest therein, Length of Service, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall, within Three Months after the First Day of *January* One thousand eight hundred and fifty-one, deliver to the Town Clerk of the said Borough a Statement under his Hand, setting forth how long he shall have held his said Office, and the Amount received by him and his Predecessor, if any, every Year during the Period of Five Years, or such lesser Period as he shall have held his said Office, next before the passing of this Act, on account of the Salary, Fees, Emoluments, and Profits in respect of which he shall claim Compensation, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council of the said Borough, who shall take the same into consideration, and determine thereon; and if the Council shall not determine on such Claim within Six Months after the aforesaid Statement shall have been delivered to the Town Clerk, such Claim shall be considered as admitted; and, if the said Council shall so require, the Person preferring such Claim, upon receiving Notice in Writing signed by the Town Clerk, shall attend at any Meeting of the said Council, or any Committee thereof to which the Investigation of such Claim may be referred by such Council, and then and there shall answer all such Questions as shall be asked by any Member of the said Council or Committee touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Vouchers, Books, Papers, and Writings in his Possession Custody, or Power relating thereto; and immediately upon a Determination being made by the said Council or Committee touching the Matter in the said Statement, the Person preferring such Claim shall be informed of the Particulars of such Determination, by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and the said Council shall also transmit their Determination to such of the Bodies Politic or Corporate, Boards, Commissioners, or Persons, in connexion with whom such Officer or Collector had been, as shall be then existing, or whose Powers shall not have been transferred to the said Council; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, it shall be lawful for him to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem

seem just; and such Order, signed by Three or more of such Lords Commissioners, shall be binding upon all Parties; and such Order shall be transmitted to the Person preferring such Claim, and to such of the Bodies Politic or Corporate, Boards, Commissioners, or Persons, in connexion with whom such Officer or Collector had been, as shall be then existing, or whose Powers shall not have been transferred to the said Council; and such Bodies Politic or Corporate, Boards, Commissioners, or Persons, shall from Time to Time pay to every such Person awarded Compensation as aforesaid the Money or Annuity so granted or determined as and for Compensation when and as the same shall respectively become due and payable; and in case such Compensation shall be by way of Annuity, the same shall be payable by half-yearly Payments; and such Money or Annuity, as the Case may be, shall be included in the respective Estimates herein-before directed to be made, and shall be levied and collected in like Manner as any Rates so estimated as aforesaid are herein directed to be levied and collected: Provided always, that every such Person who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall subsequently be removed from such Office, for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation, in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office; provided also, that in case the Office or Employment of any Receiver, Collector, or other Officer belonging to the Police Establishment of the District of *Dublin* Metropolis shall cease or be abolished, wholly or in part, under this Act, and that he on his Removal from such Office or Appointment would have been entitled to Compensation for the Loss of the same under the Provisions of the Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to regulate the Superannuation Allowances of the Constabulary Force in* Ireland *and the* Dublin *Metropolitan Police*, then, in case his Office or Employment shall cease or be abolished under this Act, his Compensation for the Loss of the same shall be settled, determined, and paid in the Manner prescribed by the last-mentioned Act; and in case he shall not have been entitled to such Compensation under such last-mentioned Act, the Compensation of such Receiver, Collector, or other Officer shall be settled, determined, and paid under the Provisions of this Act: Provided also, that no Officer who shall have received Compensation under the Provisions of a Bill now pending in Parliament, to be called "The *Dublin* Improvement Act, 1849," in case the same shall pass into a Law, shall be entitled to receive Compensation under this Act for the Loss of any Office or Employment, Salary, Fees, or Emoluments, in respect of which he shall have so received Compensation.

10 & 11 Vict. c. 100.

If Compensation by way of Annuity, the same to be secured by Bond.

LVIII. And be it enacted, That any Compensation payable to any such Person aforesaid shall be secured to such Person by Bond or Obligation by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively liable to pay the same, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of such Compensation, with all Arrears thereof (if any) which shall have accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, and shall be delivered to the Person entitled to such Compensation, as soon as conveniently may be after the Amount thereof shall have been determined by the Council of the Borough, or, in the event of such Appeal as aforesaid, by Order of the said Commissioners of Her Majesty's Treasury.

No Officer appointed after passing of Act to have Compensation.

LIX. And be it enacted, That no Officer or Collector appointed by any of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, after the passing of this Act, and before the Fifth Day of *September* One thousand eight hundred and fifty, shall be entitled to claim Compensation under the Provisions of this Act.

Rate to be open to Inspection of Ratepayers, who may take Copies, &c.

LX. And be it enacted, That such Rate shall be open to the Inspection of any Person interested or rated in such Rate, at all reasonable Times, and any such Person may take Copies or Extracts from such Rate without paying anything for the same; and if the Collector General refuses or does not permit any Person so interested or rated as aforesaid to take Copies or Extracts from such Rate, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Rates may be amended.

LXI. And be it enacted, That the Collector General may from Time to Time amend any Rate by virtue of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appears to him that such Person has been underrated or overrated through clerical Errors, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and as respects such Person the Rates shall be considered to have been made at the Time when he received Notice of such Alteration; and every Person whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Unoccupied Premises to be included in the Rates; and if the Premises are afterwards

LXII. And be it enacted, That when any Property in respect of which any Person is liable to be assessed as Occupier to any Rate under the Provisions of this Act is unoccupied at the Time of making any such Rate, the Collector General shall in every such Case include such Property in the said Rate, describing it in the Column appropriated to the Name of the Occupier as being "empty;" and if any Person

occupied, a Portion of Rates to be paid.

Person afterwards occupy such Property during any Part of the Period for which such Rate was made the Collector General shall insert in such Rate the Name of such Occupier, and collect from such Occupier, or from the Owner, if he be liable to pay the same, a Portion of the said Rate proportioned to the Time during which such Person occupies such Property, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated; and all such Rates may be collected and recovered from the Person liable to pay the same under the Provisions of this Act, in the same Manner as other Rates made payable thereunder: Provided always, that any Person whose Name is so inserted in such Rate, and such Owner as last aforesaid, may appeal against such Rate to the Justices at Special Sessions, or to the next Quarter Sessions holden after such Insertion of his Name as aforesaid, admitting of such Appeal, in the same Manner as he might have appealed if named in the Rate: Provided also, that, except as aforesaid, no Rate shall be payable by any Person in respect of unoccupied Premises.

Owners of Property of not more than 8*l.* yearly Value to pay Rates, &c.

LXIII. And be it enacted, That the Owners of all rateable Property of which the full net annual Value does not exceed the Sum of Eight Pounds, or which are let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Not necessary to name the Owner, where unknown.

LXIV. And be it enacted, That whenever the Name of any Owner liable to be rated under the Provisions of this Act is not known to the Collector General, it shall be sufficient to rate such Owner in the Rate Book as the Owner of the Property to be rated, by the Designation of "the Owner," without stating his Name.

Tenants under existing Leases to repay the Owner.

LXV. Provided always, and be it enacted, That when any Owner is rated in respect of any rateable Property in the Occupation of any Tenant under any Lease or Agreement made prior to the Commencement of this Act, such Tenant shall repay to the Owner all Sums paid by him during the Continuance of such Lease on account of any Rates under this Act payable by the Occupier, unless it have been agreed that the Owner shall pay all Rates in respect of such Property; and every Sum so payable by the Tenant to the Owner may be recovered, if not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Occupiers may be rated, if they think fit.

LXVI. And be it enacted, That the Occupiers of any rateable Property may demand to be assessed for the same, and to pay the Rates in respect thereof made by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, and applotted, levied, and collected under the Authority of this Act, and the Collector General shall assess every such Occupier so long as he duly pays the said Rates, anything herein-before contained notwithstanding.

Persons aggrieved may appeal to a Divisional Justice on the Ground of Incorrectness, &c. of Valuation.

LXVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, or in the Amount assessed thereon, he may, at any Time within One Month after such Rate is applotted by the Collector General, appeal to a Divisional Justice of the District within which the rateable Property is situated; but no such Appeal shall be entertained by such Justice unless Ten Days Notice in Writing of such Appeal be given by the aggrieved Party to the Collector General; and such Justice shall hear and determine all Objections to any such Rate on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any Property included therein, or in the Amount assessed thereon, of which Notice has been so given, but no other Objection, and his Decision shall be final; provided that no such Appeal shall be heard before such Justice unless the Party appealing shall, within Five Days after the giving of the said Notice, enter into a Recognizance before a Divisional Justice, with sufficient Sureties, conditioned to try such Appeal before the first-mentioned Divisional Justice, and to abide the Order of and pay such Costs as shall be awarded by such Divisional Justice.

Quarter Sessions, &c. to have same Power of amending Rates, &c. as in Appeals against Poor Rates.

LXVIII. And be it enacted, That the said Justice shall in any such Appeal as aforesaid have the same Powers of amending the Rate in respect of which the Appeal is made as are by Law vested in Courts of Quarter Sessions for amending the Rates for the Relief of the Poor within their Jurisdiction upon Appeals against such Rates, and shall likewise have, in any Appeal against any Rate to be levied under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to the Appeal, and of recovering such Costs, as are now vested in such Courts for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their Jurisdiction.

Order of Justices not to be removed.

LXIX. And be it enacted, That no Order of the said Justice upon any such Appeal as aforesaid shall be removed by Certiorari or otherwise into any of Her Majesty's Courts of Record at *Dublin*.

Rates to be recovered by Distress.

LXX. And be it enacted, That if any Person rated to any of the Rates or Rents to be levied under the Authority of this Act fail to pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Collector General or his Collector, any such Justice, on the Application of the Collector General or his Collector, may summon such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly, or the Collector General may recover the same by Action of Debt or by Civil Bill; provided that if no sufficient Distress whereon to levy the Amount due in respect of such Rates can be found within the Jurisdiction of the said Justice, then, upon Oath thereof made before any Justice of any other County or Jurisdiction in which any Goods or Chattels of the Person not paying the said Rates may be found, such Justice shall certify the said Oath, by endorsing the said Warrant, and thereupon the Amount due in respect of the said Rates, and unpaid by the said Person, may be levied by Distress of the Goods and Chattels of such Person as assessed in the last-mentioned County or Jurisdiction.

LXXI. And

LXXI. And be it enacted, That the Warrant of Distress for the Recovery of any Rate made payable by this Act may be in the Form or to the Effect mentioned in Schedule (C.) to this Act annexed; and in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale, pursuant to such Warrant. Form of Warrant of Distress. Constables to assist in making Distress.

LXXII. And be it enacted, That in any Proceeding to levy and recover or consequent on the levying or recovering of any Rate under the Provisions of this Act the Books of Rates of the Collector General, and all Entries made therein in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Notices and other Requirements of this Act have been given or complied with, or on Proof of the Signature of the Collector General subscribed therein, shall be received as Evidence of such Rate and of the Contents thereof. Rate Books to be Evidence.

LXXIII. And be it enacted, That if any Person quit or be about to quit any rateable Property before he has paid the Rates then payable by him in respect thereof, and do not pay the same to the Collector General or his Collector, on Demand, any Justice having Jurisdiction where such Person resides or his Goods are found may summon such Person to appear before him at a Time mentioned in the Summons, to show Cause why the Rates should not be paid, and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly. Remedy against Persons quitting before Payment of Rates.

LXXIV. And be it enacted, That when any Rate has been made for a particular Period, and the Owner or Occupier who is rated to such Rate ceases to be the Owner or Occupier of the Property in respect whereof he is rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period proportionate to the Time during which he continued to be Owner or Occupier; and in every such Case, if any Person, after the making of such Rate, become the Owner or Occupier of any Property so rated as aforesaid during Part of the Period for which such Rate was made, such Person shall pay a Portion of such Rate proportioned to the Time during which he held or occupied the Property so rated, and the same shall be recovered from him in the same Manner as if he had been originally rated for such Property. Rates to be apportioned on Holder quitting.

LXXV. And be it enacted, That when the Owner of any rateable Property is rated in respect thereof under the Authority of this Act, and the Rate remains unpaid for Three Months, the Collector General or his Collector may demand the Amount of such Rate from the Occupier for the Time being of such rateable Property, and on Nonpayment thereof may recover the same by Distress and Sale of his Goods and Chattels, in like Manner as Rates may be recovered from the Occupier of any Property liable to be rated; and every such Occupier shall be entitled to deduct from the Rent payable by him to such Owner so much as was so paid by or recovered from him. Rates due from Owner may be recovered from Occupier.

LXXVI. Provided always, and be it enacted, That no such Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Amount of Rate, or which after such Demand, and after Notice not to pay the same to his Landlord, at any Time accrues and becomes payable by him, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Collector General, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier. Occupier not to be required to pay more than the Amount of Rent owing by him.

LXXVII. And be it enacted, That if, on the Request of the Collector General or of the Collector of the said Rates, the Occupier of any Property refuses or wilfully omits to disclose or wilfully misstates to the Collector General or Collector making such Request the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, such Occupier so refusing or wilfully omitting to disclose or wilfully mis-stating as aforesaid shall be liable to pay the Rate or Rates to which the Property occupied by him shall have been rated, in like Manner as if he had been himself rated to the same under the Provisions of this Act. Occupier refusing to give Name of Owner liable to pay the Rate.

LXXVIII. And be it enacted, That any Summons or Notice, or any Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Collector General, may be served by the same being left at or transmitted through the Post, directed to the Office of the Collector General, or being given personally to him. Service of Notices upon Collector General.

LXXIX. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. Tender of Amends.

LXXX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

Penalty on Witnesses making default.

LXXXI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Parties allowed to appeal to Quarter Sessions, on giving Security.

LXXXII. And be it enacted, That if any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

LXXXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal, the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

False Evidence Perjury.

LXXXIV. And be it enacted, That every Person who, upon any Examination upon Oath under the Provisions of this Act, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Application of Penalties.

LXXXV. And be it enacted, That all Penalties imposed by or under the Authority of this Act, where the Application is not otherwise provided for, shall be payable to the Guardians of the Poor of the Union within which the Offence was committed, to be applied in aid of the Poor Rates of such Union.

List of Rate-payers to be given to Council for Municipal Purposes.

LXXXVI. And be it enacted, That the said Collector General shall from Time to Time, when required so to do, give to the Town Clerk of the Borough of *Dublin* a List of the Names of all the Rate-payers of the Borough of *Dublin*, or of such Ward or Wards of such Borough as shall be required by the Town Council, for Municipal Purposes.

Collector General to make out List of Persons liable to serve on Juries, with Residences, &c. 3 & 4 W. 4. c. 91.

LXXXVII. And be it enacted, That the Clerk of the Peace of the County of the City of *Dublin* shall, within One Week after the Commencement of the Midsummer Sessions in the Year One thousand eight hundred and fifty-one, and within One Week after the Commencement of the Midsummer Sessions in every succeeding Year, issue and deliver to the said Collector General his Precept, in the Form and Manner and within the Time directed by the Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Jurors and Juries in* Ireland, requiring the said Collector General to do the several Matters and Things directed by that Act to be done by the Collectors of Grand Jury Cess; and the said Collector General shall prepare and make out, in alphabetical Order, a true List of every Man residing within the County of the City of *Dublin* who shall be qualified and liable to serve on Juries for the Trial of all Issues joined in any of Her Majesty's Courts of Record in *Dublin*, and in all Courts of Nisi Prius, Oyer and Terminer, and Gaol Delivery, in the said City of *Dublin*, with the Christian and Surname written at full Length, and with the true Place of Abode, the Title, Quality, Calling, or Business, and the Nature of the Qualification of every such Man, in the same Manner as is now required to be done by the Collectors of Grand Jury Cess under the Powers and Provisions of the said Act, and other Acts amending the same; and the said Collector General shall deliver a true Copy of such List, signed by the said Collector General, to the Town Clerk of the Borough of *Dublin*, within Twenty-one Days after the Receipt of such Precept, and shall also deliver a true Copy of such List to the Clerk of the Peace of the County of the City of *Dublin*; and the said List shall be dealt with in the like Manner, and shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been prepared and made by the Collectors of Grand Jury Cess under the Provisions of the said recited Act.

Expenses of Act.

LXXXVIII. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the applying for and obtaining this Act shall be paid by the Collector General out of the first Monies which shall come to his Hands under the Provisions of this Act (each separate Rate collected by him bearing its own proportionate Share of such Costs, Charges, and Expenses); and that the Amount of such Costs, Charges, and Expenses shall be included in and form a Part of the first quarterly Account of Expenses to be transmitted by the Collector General to the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, under the Provisions herein-before mentioned.

Interpretation of Terms.

LXXXIX. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; that is to say,

Words importing the Singular Number shall include Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words

Words importing the Masculine Gender shall include Females:
The Words "Lord Lieutenant" shall mean Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland:*
The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin:*
The Words "General or Quarter Sessions of the Peace" shall mean General or Quarter Sessions for the Borough of *Dublin:*
The Word "Justice" shall mean the Lord Mayor of *Dublin* for the Time being, and any Justice of the Peace acting in or for the Borough of *Dublin*, or any One of the Divisional Justices of the District of *Dublin* Metropolis:
The Word "Owner" shall mean Landlord or immediate Lessor:
The Word "Rate" shall mean and include any Tax, Rent, Cess, or Assessment:
The Words "City of *Dublin*" shall be construed to mean the Municipal District of *Dublin* as defined by the Act of the Third Year of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland:
The Word "Lands" or "Houses" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure:
The Word "Oath" shall include Affirmation:
The Word "Constable" shall mean Constable or Sub-Constable of the *Dublin* Metropolitan Police Force:
The Word "Officer" shall mean a Person in the Receipt of a Salary or of any Fees or Emoluments arising from an Office or Employment.

Commencement of Act.

XC. And be it enacted, That this Act shall commence and take effect from the Fifth Day of *September* One thousand eight hundred and fifty.

Act may be amended, &c.

XCI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Public Act.

XCII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Name of Rate, Cess, Tax, or Rent to be collected by the Collector General.

Police Rate.
Poor Rate.
Pipe-water Rate or Rent.
Borough Rate.
Improvement Rate.
District Sewer Rate.
Grand Jury Cess.

SCHEDULE (B.)

Form of Notice of Demand of Rates and Taxes being due and payable.

No.

By Order of the Collector General of Taxes.

To

TAKE notice, That the under-mentioned Rates and Taxes due by you for Property in your Occupation, or for which you are liable, from to became due and payable on the Day of .

A.B., Collector.

Collector General's Office,
Street, Dublin.

[*Date.*]

Name of Rate or Tax.	Description and Situation of Property.	Valuation.	Poundage.	Amount due on each Rate.	Total due.
Police Rate - -					
Poor Rate - -					
Pipe-water Rate or Rent -					
Borough Rate - -					
Improvement Rate - -					
District Sewer Rate -					
Grand Jury Cess - -					

SCHE-

SCHEDULE (C.)

Form of Warrant of Distress for the Recovery of Rates.

County of *or* Borough, *&c.*, to wit. } WHEREAS Complaint hath been duly made by One of the Collectors of Rates to the Collector General appointed under the Authority of an Act, intituled [*here insert Title of this Act*], that of, *&c.*, hath not paid and has refused to pay the Sum of duly assessed upon him in and by a certain Rate [*or* Rates] for the said Borough [*or* District], called the bearing Date on or about the Day of in the Year of our Lord 184 , and duly made according to the Directions and for the Purposes of [*here name the Act under which Authority is given to make the Rate or Rates*], although the same hath been duly demanded of him: And whereas it appears to me One of Her Majesty's Justices of the Peace in and for the said County or Borough, *&c.*, as well as upon Oath of One of the said Collectors of Rates, as otherwise, that the said Sum of hath been duly demanded in Writing by him from the said and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said having appeared before me in pursuance of my Summons for that Purpose, hath not shown to me any sufficient Cause why the same should not be paid [*or* And whereas it hath been duly proved to me upon Oath that the said hath been duly summoned to appear before me to show Cause why he refuseth to pay the said Rate or Assessment, but he the said hath neglected to appear according to the said Summons, and hath not shown to me any sufficient Cause why the same should not be paid]: These are therefore in Her Majesty's Name to command you to levy the said Sum of by Distress of the Goods and Chattels of the said and if the same shall not be paid within the Space of Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the said Goods and Chattels by you distrained, and out of the Money arising by such Sale that you detain the Sum of and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the said the Overplus, on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said whereon to levy the said Sum of that then you certify the same to me, together with the Warrants, to the end that such further Proceeding may be had therein as to the Law doth appertain. Given under my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and forty .

CAP. XCII.

An Act for the more effectual Prevention of Cruelty to Animals. [1st *August* 1849.]

5 & 6 W. 4. c. 59.

7 W. 4. & 1 Vict. c. 66.

'WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto:* And whereas another Act was passed in the First Year of the Reign of our Sovereign Lady Queen *Victoria*, intituled *An Act to extend to* Ireland *the Act of the Fifth and Sixth Years of His late Majesty's Reign, consolidating and amending the Laws relating to the cruel and improper Treatment of Animals:* And whereas it is expedient to repeal the Provisions of the said recited Acts, and to make other and more effectual Provisions for promoting the Objects and Purposes of the said Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts (excepting so far as they, or either of them, repeal any other Act or Part of any other Act,) be and the same are hereby repealed, save as to any Offences committed against the Provisions of the said recited Acts, or either of them, before the passing of this Act, which Offences shall and may be dealt with, and the Offenders proceeded against and punished, as if this Act had not passed.

Recited Acts repealed, save as to Offences committed before passing of this Act.

Penalty for Cruelty to Animals.

II. And be it enacted, That if any Person shall from and after the passing of this Act cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any Animal, every such Offender shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds.

As to Places kept for Bull-baiting, Dog-fighting, &c.

III. And be it enacted, That every Person who shall keep or use or act in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Kind of Animal, whether of domestic or wild Nature, or shall permit or suffer any Place to be so used, shall be liable to a Penalty not exceeding Five Pounds for every Day he shall so keep or use or act in the Management of any such Place, or permit or suffer any Place to be used as aforesaid; provided always, that every Person who shall receive Money for the Admission of any other Person to any Place kept or used for any of the Purposes aforesaid shall be deemed to be the Keeper thereof; and every Person who shall in any Manner encourage, aid, or assist at the fighting or baiting of any Bull, Bear, Badger, Dog, Cock, or other Animal as aforesaid shall forfeit and pay a Penalty not exceeding Five Pounds for every such Offence.

As to Damage done by Persons guilty of

IV. And be it enacted, That if any Person shall, by cruelly beating, ill-treating, over-driving, abusing, or torturing any Animal, do any Damage or Injury to such Animal, or shall thereby cause any Damage or Injury to be done to any Person or to any Property, every such Offender shall on Conviction of such

Offence

Offence pay to the Owner of such Animal (if the Offender shall not be the Owner thereof), or to the Person who shall sustain Damage or Injury as aforesaid, such Sum of Money by way of Compensation, not exceeding the Sum of Ten Pounds, as shall be ascertained and determined by the Justice of the Peace by whom such Person shall have been convicted: Provided always, that the Payment of such Compensation, or any Imprisonment for the Nonpayment thereof, shall not prevent or in any Manner affect the Punishment to which such Person or the Owner of such Animal may be liable for or in respect of the beating, ill-treating, or abusing of the said Animal: Provided also, that nothing herein contained shall prevent any Proceeding by Action against such Offender, or the Employer of such Offender, where the Amount of Damage or Injury is not sought to be recovered under this Act. Cruelty to Animals.

V. And be it enacted, That every Person who shall impound or confine, or cause to be impounded or confined, in any Pound or Receptacle of the like Nature, any Animal, shall provide and supply during such Confinement a sufficient Quantity of fit and wholesome Food and Water to such Animal; and every such Person who shall refuse or neglect to provide and supply such Animal with such Food and Water as aforesaid shall for every such Offence forfeit and pay a Penalty of Twenty Shillings. Persons impounding Animals to provide Food and Water.

VI. And be it enacted, That in case any Animal shall at any Time be impounded or confined as aforesaid, and shall continue confined without fit and sufficient Food and Water for more than Twelve successive Hours, it shall and may be lawful to and for any Person whomsoever, from Time to Time, and as often as shall be necessary, to enter into and upon any Pound or other Receptacle of the like Nature in which any such Animal shall be so confined, and to supply such Animal with fit and sufficient Food and Water during so long a Time as such Animal shall remain and continue confined as aforesaid, without being liable to any Action of Trespass or other Proceeding by any Person whomsoever for or by reason of such Entry for the Purposes aforesaid; and the reasonable Cost of such Food and Water shall be paid by the Owner of such Animal, before such Animal is removed, to the Person who shall supply the same, and the said Costs may be recovered in like Manner as herein provided for the Recovery of Penalties under this Act. Power to supply Food and Water to Animals impounded.

VII. 'And whereas by an Act of Parliament passed in the Twenty-sixth Year of the Reign of His 'late Majesty King *George* the Third, intituled *An Act for regulating Houses and other Places kept for* '*the Purpose of slaughtering Horses*, it is enacted, that every Person and Persons licensed according to the 'Provisions of that Act shall cause to be painted or affixed over the Door or Gate of the House or Place 'where he, she, or they shall carry on the Business of slaughtering Horses or other Cattle, in large 'legible Characters, his, her, and their Name and Names, together with the Words "Licensed for '"slaughtering Horses, pursuant to an Act passed in the Twenty-sixth Year of His Majesty King *George* '"the Third:" And whereas no Penalty is provided by the said recited Act for the Refusal or Neglect 'to comply with the said Provision:' For Remedy whereof be it enacted, That any Person licensed as aforesaid who shall refuse or neglect to comply with the said recited Provision of the said recited Act shall forfeit and pay for such Offence a Penalty not exceeding Five Pounds, and shall forfeit and pay a like Penalty for every Day during which such Refusal or Neglect shall continue, such Penalties to be recovered as Penalties under this Act are directed to be recovered. 26 G. 3. c. 71. Persons keeping Places for slaughtering Cattle, &c. to affix Names, &c.

VIII. And be it enacted, That every Person keeping or using or acting in the Management of any Place for the Purpose of slaughtering Horses or other Cattle (not intended for Butchers Meat) shall immediately upon any Horse or other Cattle being brought to or delivered at such Place for the Purpose of being slaughtered, cut off or cause to be cut off the Hair from the Neck of such Horse or other Cattle, and within Three Days from the Time of such Horse or other Cattle being brought or delivered as aforesaid shall kill or cause to be killed the said Horse or other Cattle, and until such Horse or other Cattle shall be killed shall supply such Horse or other Cattle with a sufficient Quantity of fit and wholesome Food and Water; and if any Person keeping or using or acting in the Management of any such Place shall neglect or omit to cut or cause to be cut off the Hair of the Neck of such Horse or other Cattle, or to kill or cause to be killed any such Horse or other Cattle, within the Time above limited, or shall neglect or omit to supply a sufficient Quantity of fit and wholesome Food and Water to such Horse or other Cattle as aforesaid, every such Person shall on Conviction of any or either of the said Offences be liable to a Penalty not exceeding Five Pounds. Regulations as to Cattle sent to be slaughtered.

IX. And be it enacted, That if any Person keeping or using or having the Management of any Place for the Purpose of slaughtering Horses or other Cattle (not intended for Butchers Meat) shall use or employ or cause or permit to be used or employed any Horse or other Cattle brought to or delivered at, or which shall be in or upon, such Place for the Purpose of being slaughtered, or shall permit or suffer any such Horse or other Cattle to leave the said Place, to be employed in any manner of Work, every such Person shall be liable to forfeit and pay a Penalty not exceeding Forty Shillings for every Day on which such Horse or other Cattle shall be so used or employed, or shall be absent from such Place; and every Person who shall be found using or employing any such Horse or other Cattle, or in the Possession of any such Horse or other Cattle whilst so used or employed, shall be liable to forfeit and pay a Penalty not exceeding Forty Shillings for every Day he shall use or employ or be so possessed of any such Horse or other Cattle as aforesaid. Cattle intended for Slaughter not to be employed. Penalty.

X. And be it enacted, That every Person keeping or using or having the Management of any Place for slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, at the Time of receiving any Horse or other Cattle in such Place, enter in a Book such a full and correct Description of the Colour, Marks, and Gender of such Horse or other Cattle as may clearly distinguish and identify the same; and if any such Person shall refuse or neglect to make or cause to be made such Entry in a clear and distinct Manner, Description of Cattle to be entered in a Book. Penalty for Neglect.

Manner, or shall refuse or neglect to produce such Book before any Justice of the Peace whenever required by such Justice so to do, or shall refuse to allow such Book to be inspected, and Extracts to be made therefrom, at all reasonable Times, by any Constable, or other Person duly authorized by such Justice, every such Person shall be liable to forfeit and pay a Penalty for every such Offence not exceeding Forty Shillings.

Persons licensed to slaughter Horses not to be licensed as Horse Dealers at same Time.

XI. And be it enacted, That it shall not be lawful for any Person who shall be licensed to slaughter Horses, during the Time while such Licence shall be in force, to be licensed as a Horse Dealer, or exercise or use the Trade or Business of a Dealer in Horses; and if any Person licensed to slaughter Horses shall, while such Licence shall be in force, obtain a Licence as a Horse Dealer, every such last-mentioned Licence shall be void.

Penalty for improperly conveying Animals.

XII. And be it enacted, That if any Person shall convey or carry or cause to be conveyed or carried in or upon any Vehicle any Animal in such a Manner or Position as to subject such Animal to unnecessary Pain or Suffering, every such Person shall forfeit and pay a Penalty not exceeding Three Pounds for the First Offence, and a Penalty of Five Pounds for the Second and every subsequent Offence.

Apprehension of Offenders.

XIII. And be it enacted, That when and so often as any of the Offences against the Provisions of this Act shall happen, it shall and may be lawful for any Constable, upon his own View thereof, or upon the Complaint and Information of any other Person who shall declare his or her Name and Place of Abode to the said Constable, to seize and secure by the Authority of this Act any such Offender, and forthwith without any other Authority or Warrant to convey such Offender before a Justice of the Peace, to be dealt with by such Justice for such Offence according to Law.

Justice may hear Complaints made under this Act within One Month after Offence committed.

XIV. And be it enacted, That every Complaint under the Provisions of this Act shall be made within One Calendar Month after the Cause of such Complaint shall arise; and every Offence committed against this Act may be heard and determined by any Justice of the Peace within whose Jurisdiction such Offence shall be committed, in a summary Way, upon the Complaint of any Person, and without any Information in Writing; and it shall be lawful for any such Justice in all Cases where any Person complained of shall not be in Custody to summon such Person to appear before such Justice, or before any other Justice of the Peace, at a Time and Place to be named in such Summons; and on the Appearance of the Party accused, or in default of such Appearance upon Proof of the Service of such Summons, the said Justice or any other Justice who shall be present at the Time and Place appointed for such Appearance shall proceed to examine into the Matter; and if upon the Confession of the Party accused, or on the Oath of One or more credible Witness or Witnesses, the Party accused shall be convicted of having committed the Offence charged or complained of, the Party so convicted shall pay such Penalty, Damage, or Compensation as the said Justice shall according to the Provisions of this Act adjudge, order, or award, together with the Costs of Conviction, to be settled by such Justice, or be otherwise dealt with according to the Provisions of this Act.

As to Service of Summons.

XV. And be it enacted, That any Summons issued by any such Justice, requiring the Appearance of any Party charged as an Offender against any of the Provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or a Copy thereof shall be served personally on such Person as aforesaid, or shall be left at his usual or last known Place of Abode, in whatever County or Place such Summons may be served or left.

Warrant may be issued by Justice without Summons.

XVI. And be it enacted, That any Justice of the Peace may, without issuing any such Summons as aforesaid, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence against the Provisions of this Act, whenever good Grounds for so doing shall be stated on Oath before such Justice.

Justices may summon Witnesses to appear.

XVII. And be it enacted, That any Justice of the Peace may summon any Witness to appear and give Evidence before him upon the Matter of any Offence against the Provisions of this Act; and if any such Witness shall, after Tender of his reasonable Expenses in that Behalf, neglect or refuse to attend at the Time and Place stated in such Summons, then, Proof on Oath being first given of the personal Service of the Summons upon such Witness, such Justice may issue his Warrant for the Apprehension of such Witness, and such Justice may commit any Witness appearing or being brought before him who shall refuse to give Evidence to the House of Correction or Common Gaol within the Jurisdiction of such Justice, there to remain without Bail or Mainprize for any Time not exceeding Twenty-one Days, or until such Witness shall sooner submit himself to be examined and to give Evidence; and in case of such Submission the Order of such Justice shall be a sufficient Warrant for the immediate Discharge of such Witness from Custody.

Offenders not paying Penalty may be committed.

XVIII. And be it enacted, That in every Case of a Conviction under this Act, where the Sum imposed as a Penalty, or the Amount awarded for Compensation or Damage, together with Costs (if any), by any Justice of the Peace, for or in respect of any Offence against the Provisions of this Act, shall not be paid immediately upon the Conviction, or within such Time as the convicting Justice shall, in the Exercise of his Discretion, appoint and limit in that Behalf, it shall be lawful for such Justice and he is hereby required to commit the Offender to the House of Correction, there to be imprisoned, with or without hard Labour, for any Time not exceeding Two Calendar Months, unless Payment be sooner made: Provided always, that if such Conviction shall take place before Two Justices or before One of the Police Magistrates sitting at any Police Court within the Metropolitan Police District it shall be lawful for such Justices, or such Police Magistrate, if they or he shall think fit, instead of imposing a pecuniary Penalty, forthwith to commit any such Offender to the House of Correction, there to be imprisoned, with or without hard Labour, for any Time not exceeding Three Calendar Months.

XIX. And

XIX. And be it enacted, That whenever any Person having Charge of any Vehicle or any Animal shall be taken into Custody by any Constable for any Offence against the Provisions of this Act, it shall be lawful for such Constable to take charge of such Vehicle or Animal, and deposit the same in some Place of safe Custody as a Security for Payment of any Penalty to which the Person having had Charge thereof, or the Owner thereof, may become liable, and for Payment of any Expenses which may have been or may be necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Justice of the Peace before whom the Case shall have been heard to order such Vehicle or such Animal to be sold for the Purpose of satisfying such Penalty and reasonable Expenses, in default of Payment thereof, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of such Penalty and Expenses. Vehicles, &c. may be detained.

XX. And be it enacted, That in case any Person shall at any Time or in any Manner unlawfully obstruct, hinder, molest, or assault any Constable or Keeper of a Pound while in the Exercise of any Power or Authority under or by virtue of this Act, every such Person shall forfeit and pay a Penalty not exceeding Five Pounds for every such Offence. Penalty for obstructing Constables.

XXI. And be it enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act shall be respectively divided, paid, and distributed in the following Manner; (that is to say,) One Moiety thereof to the Overseers of the Poor of the Parish in which the Offence shall have been committed, to be by such Overseers applied in aid of the Rates of their respective Parishes, and the other Moiety thereof to the Person who shall complain and prosecute for the same, or to such other Person as to such Justice shall seem fit and proper; and that every Sum of Money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace under the Authority of this Act to be paid as the Amount of any Damage or Injury occasioned by the Commission of any of the Offences herein-before mentioned shall be paid to the Person who shall or may have sustained such Damage or Injury, according to the Order or Determination and Discretion of such Justice: Provided always, that the Moiety of Penalties hereby directed to be paid to the Overseers of the Poor shall, if recovered before any Justice of the Peace under the Provisions of this Act upon Convictions of Offences committed in *Ireland*, be paid to such Hospital, Dispensary, or Infirmary as the Justice before whom the Conviction shall have taken place may direct, to be by the Treasurer thereof applied in aid of the Funds maintaining such Institution. Distribution of Penalties.

XXII. And be it enacted, That when any Complaint shall be made before any Justice of the Peace against the Driver or Conductor of any Hackney Carriage, or the Driver or Conductor of any Stage Carriage, or the Driver of any Cart, Waggon, Van, or other Vehicle, for any Offence committed by him against the Provisions of this Act, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Hackney or Stage Carriage, or the Owner of such Cart, Waggon, Van, or other Vehicle, to produce before him the Driver, Conductor, or other Servant by whom such Offence was committed, to answer such Complaint; and in case such Proprietor or Owner, after being duly summoned, shall fail to produce the Driver, Conductor, or Servant, it shall be lawful for the Justice of the Peace before whom such Driver, Conductor, or Servant shall be required to be produced, if he shall think fit, to proceed in the Absence of such Driver, Conductor, or Servant, to hear and determine the Case, in the same Manner as if he had been produced, and to adjudge Payment, by the Proprietor or Owner, of any Penalty or Sum of Money and Costs in which the Driver, Conductor, or Servant shall be convicted; and any Sum of Money which shall be so paid by the Proprietor or Owner shall and may be recovered in a summary Way from the Driver, Conductor, or Servant through whose Default such Sum shall have been paid, upon Proof of Payment thereof, and of such Servant's refusing or neglecting to be produced pursuant to the Order of the Justice, in the same Manner as Penalties are to be recovered under the Provisions of this Act: Provided always, that if the said Justice of the Peace shall deem it proper, it shall be lawful for him, when such Proprietor or Owner shall fail to produce his Driver, Conductor, or Servant, without any satisfactory Excuse, to be allowed by such Justice, to impose a Fine of Forty Shillings upon such Proprietor or Owner, and so from Time to Time as often as he shall be summoned in respect of such Complaint, until he shall produce the said Driver, Conductor, or Servant. Proprietors of public Vehicles may be summoned to produce their Servants.

XXIII. And be it enacted, That every Conviction for any Offence against this Act may be drawn and made according to the following Form or to the Effect thereof, or as near thereto as the Case shall permit: Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord to wit. A.B. is brought before me [*or* us] C.D., *et cætera*, a Justice [*or* Justices] of the Peace for the [*here insert the County, Borough, or other Jurisdiction of the Justice or Justices*], and is charged before me [*or* us] with having [*here describe the Offence*], contrary to the Provisions of a certain Act [*here insert the Title of this Act*], and it appearing unto me [*or* us] upon the Confession of the said A.B. [*or* upon the Oath of a credible Witness or Witnesses, *as the Case may be,*] that the said A.B. is guilty of the said Offence, I do therefore adjudge the said A.B. [*here insert the Adjudication, and, in the Case of a Second or subsequent Offence, add these Words,* the same being the Second [*or any subsequent*] Offence against the Provisions of the said Act]. Given under my [*or* our] Hand [*or* Hands] at [*here insert the Place where the Justice or Justices may be*], the Day and Year first above written.'

XXIV. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next General or Quarter Sessions which shall be holden for the County, Borough, or other Jurisdiction wherein the Offence shall have been Convictions to be transmitted to General or Quarter Sessions.

been committed, there to be kept by the proper Officer among the Records of the said Court; and upon any Complaint or Proceeding against any Person for a subsequent Offence a Copy of such Conviction certified by the proper Officer of the said Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown.

Appeal.

XXV. And be it enacted, That in all Cases where the Sum adjudged to be paid on any Conviction shall exceed Two Pounds, and in all Cases where Imprisonment shall be adjudged, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Fourteen Days after the Day of such Conviction for the County, Borough, or other Jurisdiction wherein the Cause of Appeal shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Sessions shall hear and determine the Matter of the Appeal and shall make such Order therein as to the Court shall seem meet, and in case of the Dismissal or Nonprosecution of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be thereby awarded, and also the Costs of such Appeal, or incident thereto or occasioned thereby, and shall, if necessary, issue Process for enforcing such Judgment: Provided always, that it shall be lawful for the said Court to adjourn the Hearing of any such Appeal to any succeeding Sessions, if such Court shall think fit; and such Court, in the event of such Postponement, may make any Order for the Payment of Costs by either Party to the other as to such Court shall seem reasonable.

Convictions not to be removed.

XXVI. And be it enacted, That no Conviction made under the Authority of this Act, nor any Order, Judgment, or Proceeding relative thereto, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment under the Provisions of this Act shall be held void by reason of any Defect therein, provided it be therein alleged that the Party committed has been convicted, and there be a good and valid Conviction to sustain the same.

As to Actions.

XXVII. And be it enacted, That no Action shall be brought against any Justice of the Peace or other Person for anything done in pursuance or under the Authority of this Act, unless such Action shall be commenced within Two Calendar Months next after the Fact committed, and no such Action shall be commenced until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to the Defendant, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney or Agent, in which said Notice the Cause of Action shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Parties so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney or Agent, if such Notice have been served by such Attorney or Agent; and in every such Action the Venue shall be laid in the County where the Act complained of was committed, or, in Actions in the County Court, the Action shall be brought in the Court within the Jurisdiction of which the Act complained of was committed; and the Defendant in any such Action shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action; and in every such Case after Notice of Action shall be given as aforesaid, and before such Action shall be commenced, the Defendant to whom such Notice shall be given may tender to the Party complaining, or to his Attorney or Agent, such Sum of Money as he may think fit, as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit; and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if it shall be found at the Trial that the Plaintiff is not entitled to Damages beyond the Sum tendered or paid into Court, or beyond the Sums so tendered and paid into Court, the Defendant shall be entitled to a Verdict, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs, to be taxed; and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause.

Venue in Actions.

XXVIII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the

the County or Place laid as Venue in the Margin of the Declaration, or, when such Plaintiff shall sue in the County Court, within the District for which such Court is holden, then and in every such Case such Plaintiff shall be nonsuit, or the Defendant shall be entitled to a Verdict; and the Defendant shall in all Cases where he shall obtain Judgment, upon Verdict or otherwise, be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client. Costs.

XXIX. And be it enacted, That for the Purposes of this Act the following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say,) Meaning of certain Words.

The Word "Justice" shall be taken to mean a Justice of the Peace or Magistrate for the County, City, Borough, Liberty, Cinque Port, Riding, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of any Justice of the Peace or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Headborough, Parish Beadle, Peace Officer, Special Constable, or any Person belonging to the Metropolitan or City of *London* Police Forces, or any Constabulary Force in any Part of the United Kingdom:

The Expression "House of Correction" shall be taken to mean the House of Correction or Common Gaol for the County, City, Borough, Liberty, Cinque Port, Riding, or other Jurisdiction for which the Justice of the Peace by whom any Person shall be committed under the Provisions of this Act shall act:

And, subject to the Context and to the Nature of the Subject Matter, Words denoting the Singular Number are to be understood to apply also to a Plurality of Persons, Animals, or Things; and Words denoting the Masculine Gender are to be understood to apply also to Persons and Animals of the Feminine Gender; and the Word "over-drive" shall also signify over-ride.

XXX. And be it enacted, That this Act shall not extend or apply to *Scotland*. Extent of Act.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

CAP. XCIII.

An Act to amend the Metropolitan Sewers Act. [1st *August* 1849.]

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and continue in force for Two Years, and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers:* And whereas it is expedient to extend and amend the Provisions of the said Act:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in citing for any Purposes, in other Acts of Parliament and in legal Instruments, the said Act or this Act it shall be sufficient to use the Expression, as to the said Act, "The Metropolitan Sewers Act, 1848," and as to this Act "The Metropolitan Sewers Amendment Act, 1849." 11 & 12 Vict. c. 112. Short Titles.

II. And be it enacted, That if a Commission be issued under the said Act for Limits including Part only of the District within the Limits of any Commission of Sewers now in force, not being within the City of *London* or the Liberties thereof, the Authority of the Commissioners under such last-mentioned Commission of Sewers shall, as to all Parts and Places included within the Limits of the Commission issued under the said Act, cease and determine, but, as to the Residue of the Parts and Places within the Limits of such other Commission of Sewers, shall continue as if such Residue only had been originally within the Limits thereof; and it shall be lawful for the Lord Chancellor, when he shall think fit, to direct the Issue of such Commission as aforesaid under this Act, to appoint any fit Person or Persons to ascertain the Debts and Liabilities of such other Commission, and to apportion, as between the Metropolitan Commissioners of Sewers and the Commissioners under such other Commission, the Liabilities subsisting under such other Commission, in such Manner as may appear just; and such Portion of the Debts and Liabilities as the Person or Persons so appointed may think just, and the Expenses of such Apportionment, shall be paid or provided for by the Metropolitan Commissioners of Sewers, and may be levied by Rates to be made on such of the Parts and Places within the Limits of their Commission as were previously within the Limits of such other Commission of Sewers, or by Monies borrowed, or otherwise, as they may think fit. Provision for Cases where Parts within existing Commissions are included in Metropolitan Commission.

III. And be it enacted, That the said Commissioners may agree with any Paving Board or Authorities in Matters of Paving for the undertaking the paving of any District or Place, on such Terms as may be agreed on, where the Commissioners and such Board or Authorities deem that Sewerage Works and the Convenience and Health of the Public would be promoted thereby. Commissioners may agree to undertake Works of Paving.

IV. And be it enacted, That in all Cases where, either from Accident or Failure of Works under the Control of the Commissioners, Damage or Loss is occasioned to any Person, the Commissioners may, where they think fit, make such reasonable Compensation as to the Commissioners seems just for such Damage and Loss, although such Compensation may not be recoverable at Law against the Commissioners. Commissioners may make Compensation in Cases of accidental Damage.

V. 'And whereas Doubts have been raised as to the Power of the Commissioners to order certain Works of cleansing to be done except at Night:' Be it declared and enacted, That, notwithstanding the Provisions of any Act concerning the Police of the Metropolis or other Acts to the contrary, the said Commissioners Works of cleansing may be performed in the Daytime,

under Precautions.

Commissioners may order or authorize their Officers, Workmen, or Contractors to carry on all Operations of cleansing Privies, Cesspools, and Places of the like Character within the Limits of the said Act, and to remove all Filth, Soil, and Matter, and to carry on all Works connected therewith, in the Daytime, the Commissioners taking all proper Care to prevent, as far as possible, Nuisance, Annoyance, or Delay; and any Contractor or Person employed by the Commissioners who omits to take all such reasonable Precautions as the Case admits of for the preventing Nuisance, Annoyance, or Delay in such Operations shall be liable to a Penalty of Five Pounds for every such Offence, and the like Penalty for every Day after the first during which the same Offence is continued.

Penalty for not delivering Copies of Rates to Commissioners.

VI. And be it enacted, That when the Commissioners require a Copy or Extract of a Poor Rate Book from any Vestry Clerk or other Person, the same shall be delivered within such Time, not less than Seven Days, as the Commissioners require, and in default they may impose on such Vestry Clerk or other Person a Penalty of Twenty Pounds, and a Penalty of Five Pounds for every Day during which such Vestry Clerk or other Person delays to supply such Copy.

Rates may be partly prospective and partly retrospective.

VII. 'And whereas Doubts have been raised whether Rates under the said Act must not be made 'either wholly prospectively or wholly retrospectively:' Be it therefore declared and enacted, That such Rates may, in respect of any Expenses whatever, be made partly prospectively and partly retrospectively.

District and special Sewers Rates.

VIII. And be it enacted, That the District Sewers Rate and any other Sewers Rate may be made in respect of a Period shorter or longer than for One Year, and the Commissioners shall not be compelled or compellable in any Case to make a special Sewers Rate.

Contributions towards building Sewers.

IX. And be it enacted, That the Commissioners may accept and order Payment by such Instalments as they think fit of Contribution towards the building of Sewers into which Parties are required to drain; and whenever the Commissioners, in pursuance of the recited Act, order the Owner or Occupier of a House to construct a covered Drain from such House to a Sewer, made within Thirty-five Years before the passing of that Act, they may (unless any Owner or Occupier of such House have previously contributed in respect of such House towards the Expense of the original Construction of such Sewer,) order the Owner or Occupier of such House to contribute and pay to the Commissioners, or to such Person as they think fit, such Sum as the Commissioners think just towards such Expense, notwithstanding there be a Drain made (either with or without the Permission of the Commissioners) from such House communicating with such Sewer, unless such existing Drain be in the Judgment of the Commissioners sufficient for the proper Drainage of such House; and after any such Sum is ordered to be paid, the same may be recovered as a Debt due to the Commissioners or other Persons to whom the same is ordered to be paid from the Party ordered to pay, or if the same is ordered to be paid to the Commissioners the Amount may be recovered by Distress and Sale of the Goods and Chattels of the Person liable to pay the same.

Amount of Improvement Rate may include Expenses of making and recovering Rate.

X. And be it enacted, That the Amount of any Improvement Rate which the Commissioners may levy may, if they think fit, be such Amount as in their Judgment will be sufficient to discharge, not only the Expenses in respect of which the Rate is levied, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, but also such a Sum as will meet the Expenses, or what is, in the Judgment of the Commissioners, a due Proportion of the Expenses, incurred and to be incurred in and about the making and recovering of such Rate.

For Recovery of Improvement Rates in certain Cases.

XI. And be it enacted, That whenever any Premises in respect of which any Expenses authorized to be paid by an Improvement Rate have been incurred are wholly or partly destroyed, pulled down, or suffered to fall into Decay, or are unoccupied for more than Twelve successive Months, or are subdivided, or have their Boundaries altered, and whenever, for any other Cause, it appears to the Commissioners that the Recovery of such Expenses by an Improvement Rate may be impracticable, or practicable only at an undue Cost, or with undue Difficulty or Delay, then and in any such Case the Commissioners may at any Time, if they think fit, by their Order or Decree direct that such Expenses, or such Part thereof as (after applying towards the Discharge of such Expenses, with Interest, the Rate or Rates, if any previously levied,) remain unpaid, shall be paid as Charges for Default; and the Commissioners may also at any Time, if they think fit, by their Order or Decree charge the unpaid Amount of such Expenses, with Interest, upon the Site of such Premises, and order that such unpaid Expenses and Interest shall be paid by the Owner for the Time being of such Site; and in such Case such unpaid Expenses and Interest shall be paid by such Owner, and shall be recoverable in like Manner as by the recited Act provided with respect to the Payment and Recovery of the Costs, Charges, and Expenses of and incidental to the making and putting in force of any Order or Decree of any Court of Sewers touching any Matter or Thing within the Jurisdiction of the Commissioners.

Rate may be recovered by Action.

XII. Provided always, and be it enacted, That the Commissioners, if they think it expedient so to do, may bring in the Name of their Clerk any Action of Debt or special Action on the Case in any of the Superior Courts for any Rate exceeding Twenty Pounds, in which Action it shall be sufficient to declare that the Defendant is indebted to the Commissioners in such Sum of Money as the Commissioners suppose to be due; and if they recover such Sum, or any Part thereof, they shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered.

Several Names may be in One Warrant.

XIII. And be it enacted, That the Commissioners may include any Number of Names and Sums in any Warrant of Distress.

Commissioners may prepare Forms of Notices, &c.

XIV. And be it enacted, That the Commissioners may, if they think fit, from Time to Time prepare such Forms of any Notices, Presentments, Rates, Warrants, Precepts, Summonses, and other Process and Proceedings for any of the Purposes of the Commission, as they think most convenient, and alter and revoke such Forms; and every such Form, sanctioned by the Order or Decree of a special Court, may, and

and when so directed by such Order or Decree shall, until the same is altered or revoked by the Order or Decree of a subsequent special Court, be used for the Purposes indicated by the Order or Decree sanctioning the same, and shall, according to the Terms of such Order or Decree, be as valid and effectual to all Intents and Purposes as if such Form were by this Act enacted and authorized or directed to be used accordingly.

Clerk to be Secretary.

XV. And be it enacted, That after the passing of this Act the Chief Clerk to the Commissioners shall be called the Secretary, and the Word "Clerk" in the recited Act and this Act and in any other Act relating to the Commissioners and in any Commission issued under the recited Act respectively shall include "Secretary."

"Surveyor" to include "Engineer."

XVI. And be it enacted, That after the passing of this Act the Word "Surveyor" in the recited Act and this Act and in any other Act relating to the Commissioners and in any Commission issued under the recited Act respectively shall include "Engineer;" and the Commissioners may from Time to Time, if they think fit, by their Order direct which, if any, of their Officers shall be called Engineers, and which, if any, of their Officers shall be called Surveyors.

Mortgages and Annuities.

XVII. And be it enacted, That the Commissioners may borrow Money to pay off any Debt not actually due, or for redeeming Annuities, or otherwise, as they may deem beneficial; and the Commissioners may, for the Purpose of raising Money, instead of making Mortgages under the said Act, grant Annuities for Lives or Years, to be paid out of the Rates, as they think fit; and, notwithstanding any Act shall not pass for the Renewal of the said Act, any Mortgage or Annuity granted or Liability contracted by the Commissioners shall after the Expiration of the said Act be valid and in full Force; and the Justices of the several Counties of *Middlesex*, *Surrey*, *Kent*, and *Essex*, in Quarter Sessions assembled, shall, as to the Parts within the Limits of the Commissions subject to their respective Jurisdictions, make such Rate for the Payment of the Monies from Time to Time due on such Mortgages and Annuities and Liabilities as the Commissioners might make if the Commission under the said Act had continued in full Force.

Act of 1848 and this Act to be One Act.

XVIII. And be it enacted, That the Metropolitan Sewers Act, 1848, as amended by this Act, and this Act, shall be One Act, and shall be put in execution accordingly.

CAP. XCIV.

An Act for confirming certain Provisional Orders of the General Board of Health, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places. [1st *August* 1849.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of the Act, certain Provisional Orders mentioned in the Schedule to this Act annexed, and it is expedient that the said Orders should be confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisional Orders of the General Board of Health referred to in the Schedule to this Act annexed shall be and the same are hereby confirmed, and shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Confirmation of certain Provisional Orders of the General Board of Health.

First Election of Local Board of Health for Taunton.

II. And be it enacted, That the First Election of the Local Board of Health for the Borough of *Taunton* for the Purposes of the said Public Health Act shall take place on the Fourteenth Day of *September* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board for Croydon.

III. And be it enacted, That the First Election of the Local Board of Health for the Town of *Croydon* for the Purposes of the said Public Health Act shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board for Chatham.

IV. And be it enacted, That the First Election of the Local Board of Health for that Part of *Chatham* lying without the Liberties of the City of *Rochester*, to wit, *Chatham Extra*, for the Purposes of the said Public Health Act, shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board for Sheerness.

V. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Minster*, *Isle of Sheppey*, for the Purposes of the said Public Health Act, shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board for Ware.

VI. And be it enacted, That the First Election of the Local Board of Health for the Town of *Ware* for the Purposes of the said Public Health Act shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board for Uxbridge.

VII. And be it enacted, That the First Election of the Local Board of Health for the Town of *Uxbridge* for the Purposes of the said Public Health Act shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

Local Boards of Health may contract for lighting.

VIII. 'And whereas it is expedient that the Local Boards of Health for the Execution of the Public Health Act, 1848, should be invested with certain Powers not included in that Act:' Be it therefore enacted, That the said Local Boards constituted under the said Public Health Act may contract for any Period not exceeding Three Years at any One Time with any Company or Person for the Supply of Gas or Oil, or other Means of lighting the Streets, Roads, and other open Places, Markets, and public Buildings within their respective Districts, and may provide such Lamps, Lamp Posts, and other Materials and Apparatus as such Local Boards respectively may think necessary for lighting the same; and the

Expenses

Expenses incurred by any such Local Board in so doing shall be defrayed out of the general or special District Rates (as the Nature of the Case may require) levied under the said Public Health Act.

Printed Copies of Provisional Orders to be delivered to both Houses of Parliament.

IX. And be it enacted, That every Provisional Order issued by the General Board of Health relating to any City, Borough, or Place which shall be included under or enumerated in the Schedule of any Bill for confirming certain Provisional Orders of the General Board of Health, shall be printed, and printed Copies thereof shall be delivered to the Doorkeepers of both Houses of Parliament, for the Use of the Members of such Houses respectively, before the First Reading of such Bill.

Construction of certain Expressions used in the Public Health Act, 1848.

X. And be it declared and enacted, That the Expression "Corporate Borough" whenever used in the Public Health Act, 1848, shall be construed to include any City, Borough, Port, Cinque Port, or Town Corporate named in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and to any City, Borough, Port, Cinque Port, or Town Corporate incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act; and the Word "Burgesses" wherever used in the said Public Health Act shall be construed to mean Citizens in the Case of a City.

Act incorporated with Public Health Act.

XI. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were One Act.

Short Title of this Act.

XII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1849."

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE to which this Act refers.

PROVISIONAL ORDERS of the GENERAL BOARD OF HEALTH, submitted for the Confirmation of Parliament.

PLACES to which the Orders apply.

Taunton.	Durham.	Gloucester.
Worcester.	Leicester.	Lancaster.
Ware.	Chatham.	Croydon.
Sheerness.	New Windsor.	Uxbridge.
Kendal.	Carmarthen.	Coventry.

CAP. XCV.

An Act to amend the Law concerning Judgments in *Ireland*. [1st *August* 1849.]

9 G. 2. (I.)

'WHEREAS an Act of the Parliament of *Ireland* was passed in the Ninth Year of King *George* the Second, intituled *An Act for the more effectual assigning of Judgments, and for the more speedy Recovery of Rents by Distress;* and an Act of the Parliament of *Ireland* was passed in the Twenty-

25 G. 2. (I.)

fifth Year of King *George* the Second, intituled *An Act to explain and amend an Act passed in the Ninth Year of the Reign of His present Majesty, intituled 'An Act for the more effectual Assignment of Judgments, and for the more speedy Recovery of Rents by Distress,' so far as the said Act relates to the Assignment of Judgments and Statutes, and to prevent great Inconveniences that frequently happen to the Suitors of the Court of Chancery by the Death or Removal of a Six Clerk or Six Clerks of the said Court, and to enable Grand Juries to make Presentments for the Clerks of the Crown and Peace:* And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in* Ireland; *and to amend the Laws relating to Grants in custodiam and Recovery of Debts in* Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the Public Accounts of* Great Britain, it was enacted, that it should be lawful for any Person entitled to sue out or who had already sued out a Writ of Elegit upon any Judgment recovered in any of His Majesty's Courts at *Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver might be appointed of the Rents and Profits of the entire, and not of a Moiety only, of all Lands, Tenements, or Hereditaments which he would be entitled to have extended or appraised under a Writ of Elegit, or extended, seized, or taken under a Writ of Levari facias, or other Proceeding on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that Matter, and it should be lawful for the Court to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as should appear to it sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance: And whereas by an Act passed in the Fourth Year of Her Majesty's Reign, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law*

5 & 6 W. 4. c. 55.

3 & 4 Vict. c. 105.

'and

'*and the better Advancement of Justice in* Ireland, it was enacted, that it should be lawful for the 'Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, should be 'directed at the Suit of any Person upon any Judgment which at the Time appointed for the Commence- 'ment of that Act should have been recovered, or should be thereafter recovered, in any Action in any 'of Her Majesty's Superior Courts at *Dublin*, to make and deliver Execution unto the Party in that 'Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including 'Lands and Hereditaments which might be of Copyhold Tenure, as the Person against whom Execution 'was so sued, or any Person in trust for him, should have been seised or possessed of at the Time of 'entering up the said Judgment, or at any Time afterwards, or over which such Person should at the 'Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he 'might without the Assent of any other Person exercise for his own Benefit, in like Manner as the Sheriff 'or other Officer might then make and deliver Execution of One Moiety of the Lands and Tenements of 'any Person against whom a Writ of Elegit was sued out, which Lands, Tenements, Rectories, Tithes, 'Rents, and Hereditaments by force and virtue of such Execution should accordingly be held and enjoyed 'by the Party to whom such Execution should be so made and delivered, subject to such Account in the 'Court out of which such Execution should have been sued out as a Tenant by Elegit was then subject 'to in a Court of Equity; and it was enacted, that it should be lawful for any Person entitled to sue out 'or who had already sued out a Writ of Elegit upon any Judgment recovered in any of Her Majesty's 'Courts at *Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recogni- 'zance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity 'Side thereof, for an Order that a Receiver might be appointed over any Lands, Tenements, Rectories, 'Tithes, Annuities, Rents, or Hereditaments by that Act made liable to be seized, extended, appraised, 'or taken in Execution on any such Judgment, or to order that any Receiver appointed before the 'passing of that Act over the Property of any Judgment Debtor might be extended to the Matter of such 'new Petition, and that in proceeding under the said Act of the Sixth Year of King *William* the Fourth 'and the Act now in recital the said Court of Chancery and Court of Exchequer at the Equity Side 'thereof should have Power to appoint or extend a Receiver in a summary Way, on a Petition at the 'Instance of such Person, over any Property of such Judgment Debtor which such Creditor would or 'could make available for the Payment of his Judgment Debt by filing (after a Writ of Execution had 'been issued and returned at Law upon such Judgment) a Bill in a Court of Equity, or by any Writ of 'Execution at Law, or (subject to the Proviso therein-after contained) by Petition under the Provisions 'of the Act now in recital, and it should be lawful for the said Courts respectively to appoint or extend 'a Receiver accordingly over the whole thereof, or over so much thereof as should appear to be sufficient 'for the Purposes of paying the Sum due on such Judgment or Recognizance; and it was enacted, that 'a Judgment already entered up or to be thereafter entered up against any Person in any of Her Majesty's 'Superior Courts at *Dublin* should operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, 'Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to 'which such Person should at the Time of entering up such Judgment, or at any Time afterwards, be 'seised, possessed, or entitled for any Estate or Interest whatever at Law or in Equity, whether in 'possession, reversion, remainder, or expectancy, or over which such Person should at the Time of 'entering up such Judgment, or at any Time afterwards, have any disposing Power which he might 'without the Assent of any other Person exercise for his own Benefit, and should be binding as against 'the Person against whom Judgment should be so entered up, and against all Persons claiming under 'him after such Judgment, and should also be binding as against the Issue of his Body, and all other 'Persons whom he might without the Assent of any other Person cut off and debar from any Remainder, 'Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, 'Tithes, Rents, and Hereditaments, and that every Judgment Creditor should have such and the same 'Remedies in a Court of Equity against the Hereditaments so charged by virtue of that Act or any Part 'thereof as he would be entitled to in case the Person against whom such Judgment should have been 'so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed 'to charge the same with the Amount of such Judgment Debt and Interest thereon, subject to the Pro- 'visoes in such Act contained; and by the lastly-recited Act the Effect of Judgments in the Superior 'Courts of Common Law was given to certain Decrees, Orders, and Rules for Payment of Monies, Costs, 'Charges, and Expenses: And whereas it is expedient to amend the Law concerning Judgments in '*Ireland:*' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions of the said Acts of the Ninth and Twenty-fifth Years of King *George* the Second, relating to Judgments, Statutes Staple, and Statutes Merchant, shall be repealed, save so far as respects Judgments entered up before the passing of this Act.

Repeal (in part) of recited Acts of 9 G. 2. (I.) and 25 G. 2. (I.), save as to certain Judgments.

II. And be it enacted, That from and after the passing of this Act the Provisions herein-before recited of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty shall not in anywise extend or be applicable to any Judgment entered up after the passing of this Act in respect of any Sum then actually due for Principal and Interest (exclusively of Costs, and over and above all just and fair Allowances), not exceeding the Sum of One hundred and fifty Pounds, save only such Judgments as shall be entered up before the Thirty-first Day of *December* One thousand eight hundred and forty-nine upon any Warrant of Attorney or Cognovit actionem given before the passing of this Act, nor

Recited Provisions of 5 & 6 W. 4. c. 55. and 3 & 4 Vict. c. 105. not to extend to Judgments, Decrees, Orders, or Rules for Sums

not exceeding 150*l.*

nor to any Decree, Order, or Rule made after the passing of this Act where the whole Amount therein ordered to be paid shall not exceed One hundred and fifty Pounds; and the Judgments, Decrees, Orders, and Rules respectively to which under this Act the Provisions of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty shall not extend or be applicable are hereinafter respectively referred to as Judgments, Decrees, Orders, and Rules subject to the Provisions of this Act.

What Lands may be delivered in Execution on Judgments subject to the Provisions of the Act.

III. And be it enacted, That the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, is directed at the Suit of any Person upon any Judgment subject to the Provisions of this Act recovered in any Action in any of Her Majesty's Superior Courts at *Dublin*, shall make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments only (including Lands and Hereditaments which may be of Copyhold Tenure) as the Person against whom Execution is so sued, or any Person in trust for him, is seised or possessed of at the Time when such Writ of Elegit is delivered to the Sheriff or other Officer to be executed, or over which the Person against whom Execution is so sued has at the Time when such Writ of Elegit is delivered as aforesaid any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, which Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments by force and virtue of such Execution shall accordingly be held and enjoyed by the Party to whom such Execution shall be so made and delivered, subject to such Account in the Court out of which such Execution shall have been sued out as a Party to whom Execution is made and delivered under the recited Provision of the said Act of the Fourth Year of Her Majesty is made subject to under such Provision.

Rights of Judgment Creditor in Equity.

IV. And be it enacted, That any Creditor under a Judgment subject to the Provisions of this Act on which a Writ of Elegit has been sued out shall have the same Rights and Remedies in Equity, upon and in respect of such Lands, Tenements, and Hereditaments as might under this Act be delivered in Execution under such Elegit, as such Creditor might have had in respect of the Lands, Tenements, and Hereditaments, or Moiety of Lands, Tenements, and Hereditaments, which might have been delivered in Execution under a Writ of Elegit in case the recited Provisions of the said Acts of the Sixth Year of King *William* the Fourth and of the Fourth Year of Her Majesty had not been enacted.

Rights of Judgment Creditor in Administration of Assets.

V. And be it enacted, That in the Administration in Courts of Equity of the Assets of any Person against whom any Judgment subject to the Provisions of this Act may be recovered who shall die seised of or entitled to any Estate or Interest in Lands, Tenements, or Hereditaments, the Judgment Creditor shall under such Judgment have the same Rights upon and in respect of such Lands, Tenements, or Hereditaments as if this Act had not been passed.

Voluntary Conveyances after Judgment entered up void as against the Creditor.
10 Car. 1. st. 2. c. 3. (*I.*)

VI. Provided always, and be it enacted, That every Conveyance and other Act whatsoever of and concerning Lands, Tenements, or Hereditaments which under an Act of the Parliament of *Ireland* passed in the Tenth Year of King *Charles* the First, intituled *An Act against covenous and fraudulent Conveyances*, would be deemed void against Purchasers for Money or other good Consideration, shall be void as against any Judgment Creditor whose Judgment shall have been entered up before such Conveyance or other Act, and the like Execution and other Remedies may be had under such Judgment in respect of such Lands, Tenements, and Hereditaments as if such Conveyance or other Act had not been made or done: Provided also, that nothing herein contained shall in anywise affect the Provisions of the same Act concerning Conveyances and other Acts had or made to the Intent to delay, hinder, or defraud Creditors.

Decrees, Orders, and Rules to have the same Effect as Judgments.

VII. And be it enacted, That all Decrees and Orders of the Court of Chancery, and of the Court of Exchequer at the Equity Side thereof, and all Rules of any of the Superior Courts of Common Law, and all Orders of the Lord Chancellor or Master of the Rolls or of the Court of Commissioners of Bankruptcy, and all Orders of the Lord Chancellor in Matters of Lunacy, to which the Effect of Judgments in the Superior Courts of Common Law was given by the said Act of the Fourth Year of Her Majesty, shall, where the same respectively shall be Decrees, Orders, and Rules subject to the Provisions of this Act, have the Effect of Judgments subject to the Provisions of this Act recovered in the Superior Courts of Common Law, and the Persons to whom any Monies, Costs, Charges, and Expenses are by such Decrees, Orders, and Rules respectively directed to be paid shall have the Remedies to which Judgment Creditors under such Judgments will have and be entitled to.

Judgments of Inferior Courts removed to have no further Force than Judgments of Superior Courts.

VIII. And be it enacted, That any Judgment, Rule, or Order subject to the Provisions of this Act (or which would be so subject if the same were a Judgment, Rule, or Order of one of the Superior Courts of Common Law) obtained in or made by any Inferior Court of Record which shall, under the Provisions of the said Act of the Fourth Year of Her Majesty, be removed into any of Her Majesty's Superior Courts of Record at *Dublin*, shall have no further Force or Effect than a Judgment, Rule, or Order subject to the Provisions of this Act recovered in or made by such Superior Court; but, save as aforesaid, any Judgment, Rule, or Order so removed shall be subject to the Provisions of the said Act of the Fourth Year of Her Majesty in relation to Judgments, Rules, or Orders removed into any of such Superior Courts.

New Writs to be framed.

IX. And be it enacted, That such new or altered Writs shall be sued out of the Courts of Law and Equity and Court of Commissioners of Bankrupt as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced,

enforced, or as near thereto as the Circumstances of the Cases will admit, and that any existing Writ the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

A Receiver not to be appointed or extended until after the Expiration of a Year.

X. And be it enacted, That no Person shall be entitled, in respect of any Judgment, Recognizance, Decree, Order, or Rule whatever, entered up, enrolled, or made after the passing of this Act, to apply, under the Provisions of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty, or either of such Acts, to the Court of Chancery or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver may be appointed over any Lands, Tenements, Rectories, Tithes, Annuities, Rents, or Hereditaments, or to have a Receiver thereof previously appointed extended to the Matter of such Application, until after the Expiration of One Year from the Time of the entering up of such Judgment, the Enrolment of such Recognizance, or the making of such Decree, Order, or Rule; and that where any Receiver is appointed or extended in respect of any Judgment, Recognizance, Decree, Order, or Rule entered up, enrolled, or made after the passing of this Act, the Costs incurred by the Person at whose Instance such Receiver is appointed or extended in procuring such Appointment or Extension shall, notwithstanding the Provisions of the said Act of the Sixth Year of King *William* the Fourth, be in every Case paid in the same Priority only as the Debt or Sum secured by the Judgment, Recognizance, Decree, Order, or Rule in respect of which such Appointment or Extension was made.

Costs of Appointment of Receiver to be paid in same Priority as the Debt.

Court may direct substituted Service under Scire facias.

XI. And be it enacted, That where any Writ of Scire facias is issued to revive any Judgment entered up after the passing of this Act, or for obtaining Execution on any such Judgment, if any Person required to be summoned under such Writ be out of the Jurisdiction of the Court in which such Judgment has been recovered, it shall be lawful for such Court, on the Application of the Party prosecuting such Writ, to direct Service of Notice of such Writ on any Agent of the Person required to be summoned as aforesaid, or Notice of such Writ to be otherwise served or given as the Court may think fit, instead of actual Summons of such Person under such Writ; and after such substituted Notice shall have been so served or given, and after the Expiration of such Time as the Court may limit in this Behalf, the like Proceedings may be had as if the Person required to be summoned had been duly summoned, and the Return of such Writ had been made accordingly.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

CAP. XCVI.

An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty. [1st *August* 1849.]

'WHEREAS by an Act passed in the Eleventh Year of the Reign of King *William* the Third, intituled *An Act for the more effectual Suppression of Piracy*, it is enacted, that all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, in any Place at Sea or upon the Land in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories to be appointed for that Purpose by the King's Commission, in the Manner therein directed, and according to the Civil Law and the Method and Rules of the Admiralty: And whereas by an Act passed in the Forty-sixth Year of the Reign of King *George* the Third, intituled *An Act for the speedy Trial of Offences committed in distant Parts upon the Sea*, it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be inquired of, tried, heard, determined, and adjudged, according to the common Course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories under and by virtue of the King's Commission or Commissions under the Great Seal of *Great Britain*, to be directed to Commissioners in the Manner and with the Powers and Authorities therein provided: And whereas it is expedient to make further and better Provision for the Apprehension, Custody, and Trial in Her Majesty's Islands, Plantations, Colonies, Dominions, Forts, and Factories of Persons charged with the Commission of such Offences on the Sea, or in any such Haven, River, Creek, or Place as aforesaid:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person within any Colony shall be charged with the Commission of any Treason, Piracy, Felony, Robbery, Murder, Conspiracy, or other Offence, of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or if any Person charged with the Commission of any such Offence upon the Sea, or in any such Haven, River, Creek, or Place shall be brought for Trial to any Colony, then and in every such Case all Magistrates, Justices of the Peace, public Prosecutors, Juries, Judges, Courts, public Officers, and other Persons in such Colony shall have and exercise the same Jurisdiction and Authorities for inquiring of, trying, hearing, determining, and adjudging such Offences, and they are hereby respectively authorized, empowered, and required to institute and carry on all such Proceedings

10 & 11 W. 3. c. 7.

46 G. 3. c. 54.

All Persons charged in any Colony with Offences committed on the Sea may be dealt with in the same Manner as if the Offences had been committed on Waters with-

in the local Jurisdiction of the Courts of the Colony.

Proceedings for the bringing of such Person so charged as aforesaid to Trial, and for and auxiliary to and consequent upon the Trial of any such Person for any such Offence wherewith he may be charged as aforesaid, as by the Law of such Colony would and ought to have been had and exercised or instituted and carried on by them respectively if such Offence had been committed, and such Person had been charged with having committed the same, upon any Waters situate within the Limits of any such Colony, and within the Limits of the local Jurisdiction of the Courts of Criminal Justice of such Colony.

Persons convicted of such Offences shall suffer the like Punishments as in England.

II. Provided always, and be it enacted, That if any Person shall be convicted before any such Court of any such Offence such Person so convicted shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case such Offence had been committed, and were inquired of, tried, heard, determined, and adjudged, in *England*, any Law, Statute, or Usage to the contrary notwithstanding.

Provision for the Trial of Murder and Manslaughter where the Death only happens in the Colony or upon the Sea.

III. And be it enacted, That where any Person shall die in any Colony of any Stroke, Poisoning, or Hurt, such Person having been feloniously stricken, poisoned, or hurt upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or at any Place out of such Colony, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being Accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in such Colony in the same Manner in all respects as if such Offence had been wholly committed in that Colony; and that if any Person in any Colony shall be charged with any such Offence as aforesaid in respect of the Death of any Person who having been feloniously stricken, poisoned, or otherwise hurt, shall have died of such Stroke, Poisoning, or Hurt upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, such Offence shall be held for the Purpose of this Act to have been wholly committed upon the Sea.

Jurisdiction of the Supreme Courts of New South Wales, &c. preserved. 9 G. 4. c. 83.

IV. Provided also, and be it enacted, That nothing in this Act contained shall in any way affect or abridge the Jurisdiction of the Supreme Courts of *New South Wales* and *Van Diemen's Land* as established by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto.*

Interpretation of Terms.

V. And be it enacted, That for the Purposes of this Act the Word "Colony" shall mean any Island, Plantation, Colony, Dominion, Fort, or Factory of Her Majesty, except any Island within the United Kingdom and the Islands of *Man, Guernsey, Jersey, Alderney,* and *Sark,* and the Islands adjacent thereto respectively, and except also all such Parts and Places as are under the Government of the *East India* Company; and the Word "Governor" shall mean the Officer for the Time being administering the Government of any Colony.

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

CAP. XCVII.

An Act for the Improvement of the City of *Dublin.* [1st *August* 1849.]

31 G. 2. (I.) 33 G. 2. (I.) 7 G. 3. (I.) 17 & 18 G. 3. (I.) 21 & 22 G. 3. (I.) 23 & 24 G. 3. (I.) 25 G. 3. (I.)

'WHEREAS an Act was passed in the Parliament of *Ireland* in the Thirty-first Year of the Reign of King *George* the Second, intituled *An Act for making a wide and convenient Way, Street, and Passage from* Essex Bridge *to the Castle of* Dublin, *and for other Purposes therein mentioned:* And whereas another Act was passed in the said Parliament in the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act for amending an Act passed in the Thirty-first Year of His present Majesty's Reign, intituled "An Act for making a wide and convenient Street and Passage from "* Essex Bridge *to the Castle of* Dublin, *and for other Purposes therein mentioned," as also for amending another Act passed in the same Year for widening and repairing or rebuilding* Baal's Bridge *in the City of* Limerick: And whereas another Act was passed in the said Parliament in the Seventh Year of the Reign of King *George* the Third, intituled *An Act for further amending an Act passed in the Thirty-first Year of the Reign of His late Majesty King* George *the Second, intituled "An Act "for making a wide and convenient Way, Street, and Passage from* Essex Bridge *to the Castle of "* Dublin, *and for other Purposes therein mentioned:"* And whereas another Act was passed in the said Parliament in the Seventeenth and Eighteenth Years of the Reign of King *George* the Third, intituled *An Act for making and keeping in repair a Circular Road round the City of* Dublin: And whereas another Act was passed in the said Parliament, and in the said last-mentioned Years of the Reign of King *George* the Third, intituled *An Act for the Improvement of the City of* Dublin *by making wide and convenient Passages through the same, and for regulating the Coal Trade thereof:* And whereas another Act was passed in the said Parliament in the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, intituled *An Act for continuing and amending an Act passed in the Twenty-second Year of His present Majesty's Reign, intituled "An Act for the Improve-"ment of the City of* Dublin *by making wide and convenient Passages through the same, and for "regulating the Coal Trade thereof;" and for other Purposes:* And whereas another Act was passed in the said Parliament in the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act passed in the Seventeenth and Eighteenth Years of the Reign of His present Majesty, intituled "An Act for making and keeping in repair a Circular Road round the City of "* Dublin:'

'"Dublin:" And whereas another Act was passed in the said Parliament, and in the Twenty-sixth
'Year of the Reign of King *George* the Third, intituled *An Act for explaining and further amending* 26 G. 3. (I.)
'*the several Acts heretofore passed for the Improvement of the City of* Dublin *by making wide and*
'*convenient Passages through the same, and for other Purposes:* And whereas another Act was passed
'in the said Parliament in the Twenty-seventh Year of the Reign of King *George* the Third, intituled
'*An Act for further explaining and amending the several Acts now in force for making wide and con-* 27 G. 3. (I.)
'*venient Passages in the City of* Dublin: And whereas another Act was passed in the said Parliament
'in the Thirtieth Year of the Reign of King *George* the Third, intituled *An Act for the further* 30 G. 3. (I.)
'*amending an Act, intituled "An Act for continuing and amending an Act passed in the Twenty-*
'*"second Year of His present Majesty's Reign, intituled 'An Act for the Improvement of the City of*
'*"Dublin by making wide and convenient Passages through the same, and for regulating the Coal Trade*
'*"thereof;' and for other Purposes:"* And whereas another Act was passed in the said Parliament in
'the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act to ascertain the* 36 G. 3. (I.)
'*Powers of the Commissioners for making wide and convenient Streets in the City of* Dublin, *for opening*
'*the Passage from* Sackville Street *to* Carlisle Bridge, *and for laying out new Streets to the East-*
'*ward thereof, and to ratify certain Grants theretofore made by the said Commissioners:* And whereas
'another Act was passed in the said Parliament in the Thirty-ninth Year of the Reign of King
'*George* the Third, intituled *An Act to grant certain Duties therein mentioned to His Majesty, to be* 39 G. 3. (I.)
'*applied to the Purpose of making wide and convenient Ways, Streets, and Passages in the City of*
'Dublin, *and for enabling the Commissioners therein mentioned more effectually to execute the Trusts*
'*reposed in them:* And whereas another Act was passed in the said Parliament in the Fortieth Year
'of the Reign of King *George* the Third, intituled *An Act to amend and explain an Act passed in the* 40 G. 3. (I.)
'*Thirty-ninth Year of the Reign of His present Majesty, intituled "An Act to grant certain Duties*
'*"therein mentioned to His Majesty, to be applied to the Purpose of making wide and convenient Ways,*
'*"Streets, and Passages in the City of* Dublin, *and for enabling the Commissioners therein mentioned*
'*"more effectually to execute the Trusts reposed in them:"* And whereas another Act was passed in
'the said Parliament in the Fortieth Year of the Reign of King *George* the Third, intituled *An Act to* 40 G. 3. (I.)
'*amend and render more effectual the Laws now in force for amending and keeping in repair a Circular*
'*Road round the City of* Dublin: And whereas another Act was passed in the Forty-seventh Year of
'the Reign of King *George* the Third, intituled *An Act for improving and rendering more commodious* 47 G. 3. c. lxxiv.
'*such Parts of the County and the County of the City of* Dublin *as are situate on the South Side of*
'*the River* Anna Liffey *and West of His Majesty's Castle of* Dublin, *and for the Appointment of an*
'*Inspector of the Presentments and other Accounts of the County of the City of* Dublin: And whereas
'another Act was passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled
'*An Act for the more effectual Improvement of the City of* Dublin *and the Environs thereof:* And 47 G. 3. c. cix.
'whereas another Act was passed in the Fifty-fourth Year of the Reign of King *George* the Third,
'intituled *An Act to explain and amend an Act passed in the Forty-seventh Year of His present* 54 G. 3. c. ccxxi.
'*Majesty's Reign, for the more effectual Improvement of the City of* Dublin *and the Environs thereof:*
And whereas another Act was passed in the Fifty-seventh Year of the Reign of King *George* the Third,
'intituled *An Act to amend an Act passed in the Forty-seventh Year of His present Majesty's Reign,* 57 G. 3. c. xxxix.
'*for improving and rendering more commodious such Parts of the County and County of the City of*
'Dublin *as are situate on the South Side of the River* Anna Liffey *and West of His Majesty's Castle of*
'Dublin, *and for the Appointment of an Inspector of the Presentments and other Accounts of the County*
'*of the City of* Dublin: And whereas another Act was passed in the Eleventh Year of the Reign of
'King *George* the Fourth, intituled *An Act to enable the Commissioners of Wide Streets to widen and* 11 G. 4. &
'*improve certain Ways, Streets, and Passages in and about the City and County of* Dublin; *and to* 1 W. 4. c. cxviii.
'*amend and extend the Provisions of Two Acts passed in the Forty-seventh and Fifty-seventh Years of*
'*the Reign of His late Majesty, for improving and rendering more commodious such Parts of the*
'*County and County of the City of* Dublin *as are situate on the South Side of the River* Anna Liffey
'*and West of His Majesty's Castle of* Dublin: And whereas another Act was passed in the First Year
'of Her present Majesty's Reign, intituled *An Act to extend, alter, and enlarge the Powers of several* 7 W. 4. & 1 Vict.
'*Acts for enabling the Commissioners of Wide Streets in* Dublin *to widen and improve certain Ways,* c. cxxvii.
'*Streets, and Passages in said City and County of* Dublin, *and for raising further Funds to enable the*
'*said Commissioners to carry the same into execution:* And whereas another Act was passed in the
'Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for further extending* 4 & 5 Vict.
'*the Powers of several Acts for enabling the Commissioners of Wide Streets,* Dublin, *to widen and improve* c. lxiv.
'*certain Ways, Streets, and Passages in the City and County of* Dublin, *and for raising Funds to enable*
'*the said Commissioners to carry the same into execution:* And whereas another Act was passed in
'the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to extend the* 9 & 10 Vict.
'*Powers of the Commissioners of Wide Streets,* Dublin, *to widen and improve certain Streets and* c. cccc.
'*Passages in the City and County of* Dublin: And whereas it is expedient that the said recited Acts,
'in so far as they relate to the paving, lighting, cleansing, widening, and improving of the Streets and
'Thoroughfares within the Borough of *Dublin*, and to Turnpike Roads therein, should be repealed, and
'that other and enlarged Powers and Provisions should be made and granted for these Purposes, and for
'the sanitary Improvement of the said Borough, and also that the public Markets within the said Borough
'should be better regulated, and that new Markets should be established therein: And whereas it is
'expedient that the Fiscal Powers of the Grand Jury of the County of the City of *Dublin* and the Sessions

'Grand Jury of the City of *Dublin*, so far as they relate to Matters required to be done within the 'Borough of *Dublin*, should be transferred to the Right Honourable the Lord Mayor, Aldermen, and 'Burgesses of *Dublin*:' May it therefore please Your Majesty that it may be enacted; and be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and fifty-one, and thereupon the said several recited Acts, in so far as they relate to the paving, lighting, cleansing, widening, and improving of the Streets and Thoroughfares within the said Borough of *Dublin*, and to the Turnpike Roads therein, shall be and the same are hereby repealed, save and except as to Matters and Things heretofore done under the same, and save so far as they repeal any Acts by them repealed: Provided always, that, except in so far as the same are hereby repealed, the said recited Acts, and all the Powers, Provisions, Penalties, Matters, and Things therein contained shall be good, valid, and effectual, to all Intents and Purposes, in the same Manner as if this Act had not been passed.

On 1st Jan. 1851 this Act to take effect, and recited Acts repealed, so far as they relate to paving, &c. the Streets of Dublin.

II. And be it enacted, That all Rates due or in arrear from any Person, and all Monies due to and all Property and all Choses in Action vested in the Commissioners for widening and improving the Streets of *Dublin*, and also in the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, respectively, under the said recited Acts or any of them, hereby repealed, at the Time of the Repeal thereof, and all Contracts, Bonds, Debts, and Engagements entered into with, to, or by the Commissioners respectively under the said recited Acts or any of them, hereby repealed, shall immediately after the Commencement of this Act be vested in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, who may sue for, recover, and enforce the same, and act in respect thereof as effectually as if the same had been vested in or entered into with them under the said recited Acts or any of them, or this Act; and the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin* shall be liable to all the Contracts, Bonds, Debts, and Engagements to which the Commissioners respectively under the said recited Acts or any of them were liable at the Time of the Repeal thereof.

Rates and Monies due and Property under recited Acts vested in the Town Council of Dublin.

III. And be it enacted, That all the Contracts, Bonds, Debts, and Engagements of the Commissioners respectively for executing the said recited Acts or any of them, hereby repealed, which may be owing or in force at the Time of the Commencement of this Act, for or on account or on the Credit of the Rates or Assessments therein authorized to be made and levied, together with all Interest due or to accrue due thereon, shall be paid and discharged by and out of the Rates or Assessments which may be in force at the Time of the Commencement of this Act, or which otherwise have or may come to the Hands of the Council by virtue of the same; and in case of any Deficiency for that Purpose the Amount of such Deficiency shall be raised and paid by the Council by and out of the Rates by this Act authorized to be raised, levied, and collected; and in case there shall be any Surplus of such Monies after paying and discharging such Contracts, Bonds, Debts, and Engagements, the Amount of such Surplus shall be by the said Council carried to the Credit of the said Rates by this Act authorized to be raised and levied; and such Contracts, Bonds, Debts, and Engagements shall have the same Priority, as nearly as Circumstances will admit, and shall be recovered from the Council in like Manner, *mutatis mutandis*, as the same could have been recovered from the said Commissioners respectively before the Commencement of this Act.

Contracts and Liabilities under the recited Acts, how to be discharged.

IV. 'And whereas the said Commissioners for making wide and convenient Ways, Streets, and 'Passages in the City of *Dublin*, under the Provisions of several Acts relating to the same, hereby 'repealed, have borrowed from the Lords Commissioners of Her Majesty's Treasury and from the '*National* Insurance Company of *Ireland* large Sums of Money on the Credit of the Rates and Assess-'ments established and vested in them by virtue of the said Acts, and for securing the Repayment of 'the said Monies and the Interest thereon the said Commissioners of Wide Streets have granted 'Mortgages on the said Rates: And whereas the said Commissioners of Wide Streets have from Time 'to Time paid off certain Portions of the Sums so borrowed, together with the Interest due thereon, 'leaving the Sum of Twenty-one thousand two hundred and sixty-three Pounds Twelve Shillings still 'due and owing to the said Lords Commissioners of Her Majesty's Treasury, and the Sum of Eighteen 'thousand five hundred Pounds still due and owing to the said *National* Insurance Company: And 'whereas it is expedient to provide for the Payment of such Debts, by making the same a Charge upon 'the Rates to be levied under the Provisions of this Act:' Be it therefore enacted, That the said Mortgages and Securities for Money which before the Commencement of this Act were duly given and legally payable from and out of the Rates which the said Commissioners of Wide Streets were under the Provisions of the said recited Acts, hereby repealed, entitled to raise and levy, shall, together with all Interest due and to accrue due thereon, be chargeable on and paid by the Lord Mayor, Aldermen, and Burgesses of *Dublin* out of the Rates authorized to be levied and collected under the Provisions of this Act, and the said Lord Mayor, Aldermen, and Burgesses shall discharge such Portions of the Principal Monies so due as aforesaid, with all Interest payable thereon, and also upon the Principal Monies remaining unpaid, at such Times and in such Manner as has heretofore been lawfully done by the said Commissioners of Wide Streets, in compliance with the Obligations contained in the Mortgages and Securities herein-before mentioned, and shall be recovered from the said Lord Mayor, Aldermen, and Burgesses in like Manner as the same might have been recovered from the said Commissioners of Wide Streets if this Act had not been passed.

For paying off Wide Street Debts.

V. And

V. And be it enacted, That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever, of the Commissioners respectively, under the said recited Acts, hereby repealed, kept according to the Directions of the said Acts, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others. Old Books to be Evidence.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatever, commenced by or against the Commissioners respectively acting in the Execution of the said recited Acts or any of them previous to the Commencement of this Act, shall abate, cease, be discontinued, or prejudicially affected by this Act, but the same shall continue and take effect, both in favour of and against the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, under this Act, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners respectively under the said recited Acts or any of them if this Act had not been passed, and that all Persons who before the passing of this Act have committed any Offence or incurred any Penalty or Forfeiture under the Provisions of the said recited Acts or any of them, so far as the same are hereby repealed, may be sued and prosecuted for such Offences, Penalties, and Forfeitures in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed, the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin* under this Act being in reference to the Matters aforesaid in all respects substituted in place of the Commissioners respectively under the said recited Acts. Actions not to abate.

VII. And be it enacted, That every Treasurer, Collector, Clerk, Supervisor of Works, Law Agent, and other Officer appointed by virtue of or acting under the Authority of the said recited Acts hereby repealed, or any of them, and who shall hold and enjoy his Office and Employment at the Commencement of this Act, shall continue to hold his Office and Employment until he shall be removed therefrom by the Council. Officers acting under recited Acts to continue until removed.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Dublin* Improvement Act, 1849." Short Title of the Act.

IX. And be it enacted, That the Limits of this Act shall be the Municipal Boundaries of the Borough of *Dublin*, and this Act shall and may be put in force within the said Limits or any Part thereof. Limits of the Act.

X. And be it enacted, That all the Provisions, Matters, and Things contained in the said recited Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, and of any other Act or Acts which may be passed amending the same, shall, where the same may be applicable, and are not inconsistent with the Provisions hereof, extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as though the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things, and the said Act or Acts and this Act shall be construed and read together as forming One Act. Provisions of 3 & 4 Vict. c. 108., and any Act amending the same, extended to this Act.

XI. And be it enacted, That the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, by the Council of the said Borough, shall be and they are hereby empowered to carry this Act into execution. Council of the Borough to execute the Act.

XII. And be it enacted, That the said Council may appoint out of their own Body from Time to Time such and so many Committees, not exceeding Three, and consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act, which, in the Discretion of such Council, would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval. Council may appoint Committees.

XIII. And be it enacted, That the Council shall appoint a proper Person to act as Secretary, to attend each Committee, and may remove such Person, and in like Manner appoint another Person in his Place; and that no such Secretary shall follow any other Profession, Occupation, or Calling in addition to such Office, but shall devote his entire Time to the Execution of those Duties which he may by the said Council be required from Time to Time to perform; and that each such Secretary shall be paid by the said Council out of the Rates hereby authorized such Salary, not exceeding at the Rate of Four hundred Pounds *per Annum*, as they shall think fit, so long as he shall duly perform the Duties of his Office. Secretaries to be appointed to attend Committees.

XIV. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members, if any, fixed by the Council, and if no Quorum be fixed, Three Members, be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as a Member of the Committee. Quorum of Committee.

XV. And be it enacted, That the Treasurer and Town Clerk for the Time being of the said Borough shall be the Treasurer and Clerk for the Purposes of this Act. Treasurer, &c. to hold the same Offices, &c.

XVI. And be it enacted, That all Clauses and Provisions of the "Commissioners Clauses Consolidation Act, 1847," with respect to the following Matters, that is to say, Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners,

With respect to the Appointment and Accountability of the Officers of the Commissioners,

With respect to Mortgages to be executed by the Commissioners,

With

With respect to making of Bye Laws,
With respect to giving of Notices and Orders, and
With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices,

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the paving, lighting, cleansing, widening, sewering, and improving the Streets, and also to the Markets, within the said Borough, and to the said Lord Mayor, Aldermen, and Burgesses, or the Council on their Behalf, and shall be construed as if the Expression "The Lord Mayor, Aldermen, and Burgesses of *Dublin*" had been inserted therein instead of the Word "Commissioners," or, where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners."

Accounts of Receipts and Disbursements to be kept, audited, and published.

XVII. And be it enacted, That the said Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the said Borough; and such Treasurer shall, before the First Day of *February* in every Year, transmit to the Lord Lieutenant a Statement of such Receipts and Expenditure, which Statement shall be prepared in such Form and Manner as the said Lord Lieutenant shall direct, and such Account shall refer and be made up to the Audit next before the First Day of *January* of the Year in which such Account is hereby required to be so transmitted; and all the Accounts, with all Vouchers and Papers relating thereto, shall, in the Months of *March* and *September* in every Year, be submitted by the Treasurer of the Borough to the Auditors provided to be elected in pursuance of an Act passed in the Session holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, and to such Member of the Council as the Mayor shall name, in pursuance of the said last-mentioned Act, on the First Day of *March* in every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall be so examined and audited, in the Month of *September* in every Year, the Treasurer shall make out in Writing, and shall cause the same to be printed, a full Abstract of the Account for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the said Lord Mayor, Aldermen, and Burgesses, by virtue of this Act or the said recited Acts, or any of them, hereby repealed, and to all the Rate-payers of such Borough, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of One Shilling for each Copy: Provided always, that the said Town Council may award such Salary to the Auditors as, having regard to the Duties hereby imposed on them, to the said Town Council shall seem just and reasonable.

3 & 4 Vict. c. 108.

Power to make Bye Laws.

XVIII. And be it enacted, That the said Lord Mayor, Aldermen, and Burgesses may from Time to Time make such Bye Laws as they think fit for the several Purposes of this Act, and of any Act incorporated therewith, and from Time to Time repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the said Lord Mayor, Aldermen, and Burgesses; and that the said Lord Mayor, Aldermen, and Burgesses, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they shall think fit, not exceeding Forty Shillings for each Breach of such Bye Laws: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty; provided also, that the said Lord Mayor, Aldermen, and Burgesses shall be and they are hereby required to make such Bye Laws within Six Calendar Months after the Commencement of this Act.

Bye Laws not to be in force until confirmed by Lord Lieutenant.

XIX. And be it enacted, That no Bye Law made under any of the Powers for that Purpose herein or in any Act incorporated herewith contained (except such as relate only to the Officers and Servants of the said Lord Mayor, Aldermen, and Burgesses,) shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the Lord Mayor, Aldermen, and Burgesses, to the Lord Lieutenant of *Ireland*, and shall have been published once in the *Dublin Gazette* and in Two of the Newspapers circulating within the Borough of *Dublin*; and if at any Time within the said Period of Forty Days the said Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, shall disallow the same Bye Laws or any Part thereof, such Bye Laws, or Part thereof disallowed, shall not come into operation: Provided also, that it shall be lawful for the said Lord Lieutenant, with the Advice of the said Privy Council, at any Time within the said Period of Forty Days, to enlarge the Time within which any Bye Law (if allowed) shall come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

Evidence of Bye Laws.

XX. And be it enacted, That a Copy of any such Bye Law, under the Seal of the Lord Mayor, Aldermen, and Burgesses, with a Declaration thereon, signed by the Lord Mayor of the Borough, that the same hath been sent, sealed as aforesaid, to the said Lord Lieutenant, and published as aforesaid, and that no Part thereof hath been disallowed by such Lord Lieutenant, with the Advice of the said Privy Council, and that the same is in force, shall be received as Evidence of any such Bye Law, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity, and before all Justices.

XXI. And

Bye Laws to be printed, affixed in Justice Rooms, and published.

XXI. And be it enacted, That all Bye Laws made in pursuance of this Act, or any Act incorporated herewith, except such as relate only to the Officers and Servants of the said Lord Mayor, Aldermen, and Burgesses, shall be printed, and a Copy thereof shall be affixed and continued in the usual Place of meeting of the Council, and in every Justice Room or Office in which any Justice shall sit for the Administration of Justice; and Copies of such Bye Laws shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Council shall think fit to fix as the Price of such Bye Laws.

Town Clerk refusing to deliver Copies of Bye Laws.

XXII. And be it enacted, That if the Town Clerk shall not, upon the Payment or Tender of such Sum as the Council shall direct to be paid for the same, deliver to any Person applying for the same, at the Office of the Town Clerk, a printed Copy of all or any Bye Laws made in pursuance of this Act, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Persons refusing Inspection of Bye Laws affixed in Police Office.

XXIII. And be it enacted, That if the Person for the Time being having the Care of any Police Office or any Justice Room wherein any Justice shall sit for the Administration of Justice shall not permit the printed Copy of any Bye Laws affixed in such Office or Room to be inspected, at all reasonable Times, by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power for Council to borrow on Mortgage or Bond.

XXIV. And be it enacted, That it shall be lawful for the Council to borrow for the Purposes of this Act on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred thousand Pounds, on the Security of the Rates by this Act authorized; and for securing the Repayment of the Monies so to be borrowed, with Interest, the Council may mortgage the Rates or any Part thereof respectively by this Act authorized to be raised to the Person or Persons who shall advance or lend such Money, or his Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Council not to make any Rates except those authorized by 3 & 4 Vict. c. 108. and this Act.

XXV. Provided always, and be it enacted, That, save and except any Borough Rate to be raised and levied pursuant to the Provisions and for the Purposes of the said recited Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it shall not be lawful for the said Council, by virtue of or under the Provisions of any Act incorporated in this Act, to make, assess, or levy any Rates or Sums of Money, other than the Rates and Sums authorized to be made, assessed, and levied under the Provisions of this Act.

Council not to misapply Money.

XXVI. Provided also, and be it enacted, That it shall not be lawful for the Council to apply any Portion of the Sum of One hundred thousand Pounds borrowed on the Security of any Rate to be made under the Provisions of this Act, save to the Purposes for which such Rate has been made.

Power to Exchequer Bill Loan Commissioners to lend or advance Money on Mortgage.

XXVII. And be it enacted, That it shall and may be lawful for the Exchequer Bill Loan Commissioners to lend and advance to the Council the said Sum of One hundred thousand Pounds or any Part thereof upon One or more Mortgage or Mortgages of the Rates, Rents, and Duties and other Properties hereby vested in the said Council, with Interest at such Rate as shall be agreed upon, to be applied by the said Council in buying up, paying off, and absolutely extinguishing the several Debts heretofore created by the Commissioners for making wide and convenient Streets in the City of *Dublin*, and the Residue of said Sum to be applied to the Execution of the Works hereby authorized to be made.

Arrears of Principal and Interest may be enforced by Appointment of Receiver.

XXVIII. And be it enacted, That it shall be lawful for the Mortgagees of the Council to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Form of Mortgage.

XXIX. And be it enacted, That every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Common Seal of the Lord Mayor, Aldermen, and Burgesses, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

XXX. And be it enacted, That all Persons to whom such Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Mortgages respectively.

Council may raise Money by Annuity.

XXXI. And be it enacted, That it shall be lawful for the Council to raise all or any Part of the Money borrowed for the Purposes of this Act by granting Annuities for Lives instead of Mortgages as aforesaid, and for that Purpose the Council may charge the Rates granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Council any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

XXXII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Lord Mayor, Aldermen, and Burgesses, and may be in Form in Schedule (B.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

XXXIII. And be it enacted, That for preventing improvident Grants of Annuities the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

XXXIV. And be it enacted, That every such Annuity so granted shall be paid out of the Rates vested in the Lord Mayor, Aldermen, and Burgesses by virtue of this Act, according to the Grant of such Annuity, and shall have Priority after any Mortgages granted under this Act.

XXXV. And

Expenses of Mortgages and Annuities.

XXXV. And be it enacted, That the Expenses of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Council out of the Monies raised by the same, or the Rates on the Credit of which such Monies shall be raised.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

XXXVI. And be it enacted, That a Register of such Mortgages and Annuities shall be kept by the Town Clerk, and within Fourteen Days after the Date of any such Mortgage or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all seasonable Times by any Person interested therein, without Fee or Reward.

Transfer of Mortgages and Annuities.

XXXVII. And be it enacted, That from Time to Time any Party entitled to such Mortgage or Annuity may transfer his Right and Interest therein to any other Person by a Deed duly stamped, wherein the Consideration shall be truly stated, and may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

A Register of Transfers to be kept.

XXXVIII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Town Clerk, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Annuity, and for such Entry the Town Clerk may demand the Sum of Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Annuity in all respects; and no Party, having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Annuity so transferred, or any Sum thereby secured.

Interest on Mortgages to be paid half-yearly.

XXXIX. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the several Parties entitled thereto.

Fiscal Powers of Grand Jury and Sessions Grand Jury in the Borough of Dublin to cease;

XL. 'And whereas the Powers of presenting and levying Rates or Cesses for divers local Purposes 'are now vested in the Grand Jury of the County of the City of *Dublin* and in the Sessions Grand 'Jury of the City of *Dublin*, and it is expedient that the same Powers, so far as they relate to Matters 'to be done within the Borough of *Dublin*, should be transferred to the Right Honourable the Lord 'Mayor, Aldermen, and Burgesses of *Dublin*:' Be it therefore enacted, That on and after the Day on which this Act shall come into operation all the Powers and Duties of the said Grand Jury of the County of the City of *Dublin* and the said Sessions Grand Jury of the City of *Dublin*, in relation to the presenting and levying of Rates or Cesses as aforesaid, shall cease and determine within the said Borough.

and to be transferred to Corporation.

XLI. And be it enacted, That from the Time aforesaid all the Powers theretofore exercised by or vested in relation to the presenting and levying of Rates or Cesses for local Purposes within the Borough of *Dublin*, in the said Grand Jury and the said Sessions Grand Jury, shall be transferred to and be solely exercised by the Council of the said Borough, and all things by any Act theretofore in force authorized or required to be done by the said Grand Jury of the County of the City aforesaid and of the said Sessions Grand Jury, in relation to the said Fiscal Matters, Rates, or Cesses, shall, save where altered by this Act, be done by the said Council.

Mode of proceeding.

XLII. And be it enacted, That the Council of the said Borough shall fix a Time, once in every Year, to receive Applications for all things now authorized to be done by the said Grand Jury of the County of the City of *Dublin* or the said Sessions Grand Jury, in relation to Fiscal Matters, Rates, or Cesses within the Borough of *Dublin*, and such Applications shall be made in like Form as the same are now authorized to be made in Cases of Applications for Presentments; and immediately after the Day so fixed for receiving such Applications the Council shall proceed to investigate such Applications and decide upon them at an open Meeting of the said Council, or of a Committee thereof authorized in that Behalf.

Schedule of Applications to be lodged with Clerk of Crown and Clerk of the Peace.

XLIII. And be it enacted, That a Schedule of such Applications as may be agreed to with respect to the said Grand Jury Cess shall be made out by the Town Clerk, who shall lodge the same, Two clear Days before the First Day of *Hilary* Term in the Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of *Michaelmas* Term in the said Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of *Michaelmas* Term in every succeeding Year, with the Clerk of the Crown of the Court of Queen's Bench; and a Schedule of such Applications as may be agreed to with respect to the said Sessions Grand Jury Cess shall be made by the said Town Clerk, who shall lodge the same, Two clear Days before the First Day of the *January* Quarter Sessions of the Peace held for the City of *Dublin* in the Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of the *October* Quarter Sessions of the Peace held for the City of *Dublin* in the said Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of the *October* Quarter Sessions in every succeeding Year, with the Clerk of the Peace for the City of *Dublin*; and thereupon it shall be lawful for the said Court of Queen's Bench, or any Judge of the said Court, and the Recorder of the City of *Dublin* respectively, to fix Days for the Consideration of the said Presentments, and on such Days at least Twenty Members of the said Council shall attend the said Court or Judge or Recorder respectively, and the said Court or Judge or Recorder respectively after hearing all Parties affected by or interested in such Presentments, shall make such Orders therein and shall allow or disallow the same or any of them, or any Portions thereof, as to the said Court or Judge or Recorder respectively shall seem fit, and shall fiat the same or any Portions thereof, according as the same shall be allowed, either by the full Court or by One of the Judges thereof or the Recorder respectively: Provided

vided always, that it shall be lawful for any Rate-payer to traverse any Presentment made by the said Council, or to object to the same being fiated, and such Traverse or Objection shall be heard and determined by the said Court or Judge or Recorder respectively on a Day to be fixed for considering and fiating the same; and it shall be lawfnl for the said Court of Queen's Bench and Recorder respectively to make Orders from Time to Time to regulate the Reception of the said Traverses, and the Mode of Procedure thereupon, and to order Juries to be impannelled for the Trial thereof, as they are now in such Cases authorized: Provided also, that in case Twenty Members of the said Council shall not attend the said Court or Judge or Recorder respectively as aforesaid, it shall be lawful for the said Court or Judge or Recorder to proceed to hear and determine such Matters as shall be brought before such Court or Judge or Recorder respectively in like Manner as if such Twenty Members were then present, and the said Court or Judge or Recorder shall have Power to inflict such Penalty on the Council, not exceeding Ten Pounds, for Nonattendance, as such Court or Judge or Recorder respectively shall think fit.

Presentments made by Town Council may be traversed.

XLIV. And be it enacted, That in case any Application shall not be sanctioned by the said Council, the Party making such Application shall be at liberty (on giving Six Days Notice of his Intention so to do) to bring the same before the said Court or Judge or Recorder respectively, at the Time of fiating the said Presentments; and if it shall appear to the said Court or Judge or Recorder respectively that such Presentments should have been made, the same shall be added to the Schedules sent in by the Town Clerk.

Rejected Application may be made before the Court or Recorder, and granted by them.

XLV. And be it enacted, That so soon as all Objections or Traverses have been disposed of, and the new Presentments (if any) have been added, the said Schedules shall be signed by the Clerk of the Crown and the Clerk of the Peace respectively, and shall by them be transmitted to the Town Clerk, who shall lay the same before the Council, and thereupon the said Council shall raise, and they are hereby required so to do, the Amount of the several Sums mentioned in the said Schedules by a Rate, pursuant to the Provisions of this Act and the Acts now for such Purposes in force.

When fiated to be raised by a Rate.

XLVI. And be it enacted, That all Arrears of Rates, and the Property in the Borough now vested in the Grand Jury of the County of the City of *Dublin* and the Sessions Grand Jury of the City of *Dublin*, or any of their Officers, shall, immediately after this Act comes into operation within the Borough, vest in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*.

Property of the Grand Jury and Sessions Grand Jury to vest in Corporation.

XLVII. And be it enacted, That all Contracts heretofore made by or with the Grand Jury of the County of the City of *Dublin* and the Sessions Grand Jury of the City of *Dublin* shall be enforced by or against the Lord Mayor, Aldermen, and Burgesses of *Dublin*, after this Act shall come into operation, so far as the same relates to Matters to be done with the Borough.

Contracts made by or with the Grand Jury, &c. to be good.

XLVIII. 'And whereas under and by virtue of an Act passed in the Fifty-fifth Year of the Reign 'of His Majesty King *George* the Third, intituled *An Act for the Payment of Costs and Charges to 'Prosecutors and Witnesses in Cases of Felony in* Ireland, the Treasurer of Public Money of the County 'of the City of *Dublin* is required to pay certain Expenses of Prosecutors and Witnesses: And whereas 'by the Transfer of the Fiscal Powers of the Grand Jury and Sessions Grand Jury in the Borough of '*Dublin* to the Lord Mayor, Aldermen, and Burgesses of the said Borough, the Duties of the said 'Treasurer will cease; and it is expedient that the same Duties should be performed hereafter by the 'Treasurer of the Borough of *Dublin*:' Be it therefore enacted, That from and after the Commencement of this Act the Treasurer of the Borough of *Dublin* shall, subject to the Provisions of the said last-recited Act, perform all the Duties in respect to the Payment of Prosecutors and Witnesses Expenses which shall have been theretofore done and performed by the Treasurer of Public Monies of the County of the City of *Dublin* in respect to the same, anything in the said Act contained to the contrary notwithstanding.

Treasurer of Borough to pay Expenses of Witnesses, &c., by Order of Judges of Commission, and Recorder.

XLIX. 'And whereas divers Sums of Money have been advanced from Time to Time from Her Majesty's Exchequer by the Direction or Authority of the Commissioners of Her Majesty's Treasury, or of 'the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for public Purposes of the County 'of the City of *Dublin*: And whereas the Lord Mayor, Aldermen, and Burgesses of *Dublin* are by this 'Act authorized to exercise all the Powers heretofore exercised by or vested, in relation to the presenting 'and levying of Rates or Cesses for local Purposes within the Borough of *Dublin*, in the Grand Jury 'and the Sessions Grand Jury; and it is expedient that the like Duties should be imposed upon the Treasurer of the Borough of *Dublin* with respect to the Claims of Her Majesty's Exchequer as were imposed on the Treasurer of the Grand Juries aforesaid in relation to such Claims before the Commence-'ment of this Act:' Be it therefore enacted, That the Amount of any Sum presented by the Council for the Purpose of repaying such Advances as aforesaid shall be paid by the Treasurer of the said Borough of *Dublin* out of such Public Money, Rates, and Cesses as shall be by him received in respect of such Presentments (so far as the same shall extend), when and as soon as the same shall come to his Hands, in priority and preference to any other Lien, Charge, Demand, or Claim upon the same whatsoever; and such Treasurer shall pay over the said Amount in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury shall direct.

Treasurer of Borough to stand on the same Relation to the Claims of Her Majesty's Exchequer as the Treasurer of Grand Juries formerly stood.

L. And be it enacted, That if in any Case the Treasurer of the said Borough for the Time being shall neglect or refuse to pay any Sum of Money presented for the Repayment of Advances made as aforesaid, or any Sums or Instalments of such Sums presented as aforesaid, in priority and preference to any other Lien, Charge, Demand, or Claim whatsoever upon the Money in his Hands in respect of such Presentments, such Treasurer shall for each such Neglect or Refusal forfeit the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

Penalty on Treasurer withholding Monies due to the Exchequer.

After Commencement of this Act Council to appoint a Board of Superintendence of Prisons. 7 G. 4. c. 74. 6 & 7 W. 4. c. 51.

LI. 'And whereas an Act was passed in the Seventh Year of the Reign of His Majesty King *George* 'the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in* Ireland, 'and another Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King '*William* the Fourth, intituled *An Act for converting the* Richmond *General Penitentiary into One of* 'the Prisons for the County of the City of Dublin, *and to amend the Law relating to Prisons in* Ireland: 'And whereas, under the Provisions of the said Act or Acts, the Grand Jury of the County of the City 'of *Dublin* are authorized and required to appoint a Board of Superintendence of Prisons within the 'County of the City of *Dublin*: And whereas it is expedient that the Council of the City of *Dublin* should 'appoint the said Board of Superintendence instead of the said Grand Jury:' Be it therefore enacted, That from and after the Tenth Day of *January* next after the Commencement of this Act all the Powers of the said Grand Jury in respect to the Appointment of the said Board of Superintendence shall cease and determine, and thereupon, and on the Tenth Day of *January* in each succeeding Year, the said Council are hereby authorized and required to appoint Twelve Persons, being Burgesses of the City of *Dublin*, One Half of whom at least shall be Justices of the Peace for the County of the said City, to be a Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within the said County of the said City, supported in part or in the whole by Grand Jury Presentment, and not being a Portion of a different County; and the said Council shall and they are hereby required to lay a Copy of their half-yearly Reports before the Judges of the Court of Queen's Bench at the *Trinity* and *Hilary* Terms in every Year; and all the Powers, Duties, Regulations, Authorities, Clauses, and Provisions in the said last-recited Acts or any other Act contained with respect to such Board of Superintendence, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Board of Superintendence to be appointed under the Provisions of this Act.

Clerk of the Peace of the City of Dublin hereafter to be paid by Salary.

LII. 'And whereas it is expedient that the Clerk of the Peace of the County of the City of *Dublin* 'should be paid from henceforth by a fixed Salary, in lieu of Fees and Emoluments heretofore paid by 'virtue of Grand Jury Presentment or otherwise, and that the Fees and Emoluments now arising or 'which shall at any Time hereafter arise from the Business of the said Office, or incident thereto, shall 'be paid into the Borough Fund of the said Borough:' Be it therefore enacted, That from and after the Commencement of this Act the Salary of the Clerk of the Peace for the County of the City of *Dublin* shall be fixed at the Sum of Eight hundred Pounds *per Annum;* and that the said Clerk of the Peace shall be enabled to employ One Chief and One Assistant Clerk, removable at his Pleasure, to aid in the Discharge of the Duties of the said Office, and that the Salary of such Chief Clerk shall be fixed at the Sum of One hundred Pounds *per Annum*, and the Salary of such Second Clerk shall be fixed at the Sum of Seventy-five Pounds *per Annum;* and that the said Clerk of the Peace shall also receive the Sum of One hundred and twenty-five Pounds *per Annum* for all other annual Expenses incidental to the said Office and the Duties thereof, of every Nature and Kind whatsoever; and that *Robert Dickenson* Esquire, the present Clerk of the Peace, shall, so long as he shall continue to hold the said Office, be entitled to receive the said annual Salary of Eight hundred Pounds and the said annual Sum of One hundred and twenty-five Pounds, and his Chief Clerk for the Time being shall be entitled to receive the said annual Salary of One hundred Pounds, and his Second Clerk for the Time being shall be entitled to receive the said annual Salary of Seventy-five Pounds, which said several Sums shall be respectively paid them in full and complete Satisfaction and Remuneration for all the Duties and Services to be done and performed in the Office of the said Clerk of the Peace or incidental thereto, and for all Expenses which shall be incurred in the Execution of the same.

R. Dickenson, Esq. to retain Fees until Salary is paid under this Act.

LIII. And be it enacted, That the said *Robert Dickenson* Esquire shall be entitled and is hereby authorized to retain, out of the Fees and Emoluments which shall have come into his Hands as Clerk of the Peace since his Appointment to the said Office, or which shall come into his Hands in respect of such Office at any Time before the Commencement of this Act, such Sum of Money as shall be sufficient to pay him his said Salary of Eight hundred Pounds, and the said Sum of One hundred and twenty-five Pounds, and the said Sums of One hundred Pounds and Seventy-five Pounds, or such Proportion thereof as shall be equivalent to the Salary and Allowances herein-before mentioned, from the Period of his Appointment to his said Office until his said Salary and Allowance, and the Salaries of his Clerks, as aforesaid, shall first become due and payable under the Provisions of this Act, and shall account for and pay the Balance, if any, to the Treasurer of the said Borough.

Salaries to be included in Schedule, and to be paid half-yearly.

LIV. And be it enacted, That the said Council are hereby required annually to include in the said Schedule of Applications the several Sums of Eight hundred Pounds, One hundred and twenty-five Pounds, One hundred Pounds, and Seventy-five Pounds aforesaid, and to pay the same to the said Clerk of the Peace in Two equal half-yearly Payments on the Fifth Day of *January* and the Fifth Day of *July* in each Year respectively, and the same shall be one of the Presentments to be made and payable every Year under this Act.

Penalty on Clerk of the Peace accepting Money, &c. for the Appointment of Clerks.

LV. And be it enacted, That it shall not be lawful for the Clerk of the Peace to accept of any Sum of Money or Security for Monies, or to stipulate for or receive any Share or Proportion of the Profits of the said Offices of Chief or Assistant Clerk respectively, or receive any other valuable Consideration whatever, as and for a Consideration for the Appointment of any Person whatsoever to the said respective Offices; and if any Clerk of the Peace shall herein offend, contrary to the Provisions of this Act, he shall for every such Offence forfeit the Sum of One hundred Pounds, and shall also forfeit his said Office.

LVI. And

Clerk of Peace to hand over Fees received by him to Treasurer of Borough.

LVI. And be it enacted, That from and after the Commencement of this Act the Clerk of the Peace of the said County of the City of *Dublin* shall keep an Account of all Sums received by him for and on account of Fees for the Duties and Services of the said Office, and shall in the Month of *December* in every Year lay such Account before the Council of the said Borough, and shall verify the same on Oath, and shall hand over the Amount of Fees so received by him to the Treasurer of the said Borough.

Council may contract for printing Lists of Voters, &c., and include Expense in Presentments.

LVII. And be it enacted, That it shall be lawful for the said Council, from and after the Commencement of this Act, to contract for the annual Printing of all Registry Books, and Lists of Applications of Persons to be registered, and Lists of registered Voters, as are or shall be required to be printed by the several Acts now in force to regulate the Elections for Members to serve in Parliament for *Ireland* for the said County of the City of *Dublin;* and the said Council are hereby required to include in their Lists of Presentments all such Sum or Sums of Money as may be necessary to defray the Expenses of same, together with the Expense of the Manuscript Lists for said Printing, to be paid to the Person or Persons so contracting or executing same as aforesaid.

Powers of 3 & 4 Vict. c. 58. relating to Poddle River to be transferred to Council.

LVIII. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of Her present 'Majesty, intituled *An Act to amend the Acts relating to the River* Poddle *in the County and City of* 'Dublin, it was provided that all the Powers and Authorities belonging under the Acts recited therein 'to the Commissioners constituted thereunder should cease to be exercised by the said Commissioners, 'and should be thenceforward transferred to and vested in the Commissioners for paving, cleansing, and 'lighting the Streets of *Dublin:* And whereas it is expedient that the Powers and Authorities vested in 'the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, under the Provisions of 'the said Act, should be transferred to and vested in the Right Honourable the Lord Mayor, Aldermen, 'and Burgesses of *Dublin:*' Be it therefore enacted, That from and after the Commencement of this Act all the Powers, Rights, Duties, and Authorities transferred to, imposed upon, and vested in the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, under the Provisions of the said Act, shall cease to be exercised by the said Commissioners, and shall be thenceforward transferred to, imposed upon, and vested in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin;* and all the Clauses and Provisions in the said Act contained, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "The Lord Mayor, Aldermen, and Burgesses of *Dublin*" had been inserted therein, instead of the Words "Commissioners for paving, cleansing, and lighting the Streets of *Dublin*," or, where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word Commissioners."

Property to vest in Lord Mayor, Aldermen, and Burgesses.

LIX. And be it enacted, That all the Estates and Effects, Real and Personal, and all Debts, Dues, and all Penalties of or belonging to or recoverable by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, under the Provisions of the said last-recited Act, shall from and after the Commencement of this Act be vested in and recoverable by the said Lord Mayor, Aldermen, and Burgesses of *Dublin*, who shall have all such Remedies for recovering the said Debts, Dues, and Penalties respectively as the said Commissioners would have had if this Act had not been passed; and all Debts due by the said Commissioners shall be borne and paid by the said Lord Mayor, Aldermen, and Burgesses out of the Monies to be raised and levied by virtue of this Act; and the said Commissioners and their Officers shall deliver over to the said Lord Mayor, Aldermen, and Burgesses all Assessments, Valuations, Contracts, Books, and other Documents relating to the several Purposes of the said last-recited Act.

Power to purchase Lands.

LX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Council to agree with the Owners of any Lands within the Limits of this Act which they may require for the Purpose of opening and making more convenient Communications, Ways, or Streets, and of widening, improving, altering, or diverting any existing Ways or Streets, or for other the Purposes of this Act, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and the Lands so purchased shall be laid into the said Ways or Streets, or otherwise appropriated for the Purposes aforesaid as the Council shall think fit, and all such Ways or Streets, when and as soon as the same shall be so formed, widened, or improved, shall be deemed public Streets or Ways.

8 & 9 Vict. c. 18. incorporated with this Act.

LXI. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in the said "Lands Clauses Consolidation Act" contained shall authorize the Council to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

10 & 11 Vict. c. 34. incorporated with this Act.

LXII. And be it enacted, That "The Towns Improvement Clauses Act, 1847," shall (save so far as it is expressly varied or excepted by or is inconsistent with this Act) be incorporated with and form Part of this Act.

Power to Council to cause Streets, &c. to be paved, &c.

LXIII. And be it enacted, That the Council shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watered, and otherwise improved the Borough of *Dublin*, and do all necessary Acts for promoting the Health and Convenience of the said Borough, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith.

Owners possessing Freehold of Courts, &c. to pave the same.

LXIV. And be it enacted, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, shall be vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner.

Owner of Courts to flag them, and keep the Flagging in repair.

LXV. And be it enacted, That the Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, to the Satisfaction of the Council, sufficiently pave the same, and lay, at a proper Level, through, over, or along such Part thereof as the Council may require, a Channel or Gutter, and keep such Pavement and Channel or Gutter in good Repair to the Satisfaction of the Council; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, shall not sufficiently pave the same as aforesaid, or shall not lay down therein such Channel or Gutter, or shall not repair and keep the same respectively in good Repair to the Satisfaction of the Council, within Fourteen Days after Notice in Writing requiring him so to do shall have been given to him by the Council, it shall be lawful for the Council to cause such Court, Passage, or public Place to be paved, or such Channel or Gutter to be laid down, or, as the Case may be, to be repaired and put into good Order, and to levy and recover the Costs and Expenses thereof from such Owner in the Manner by this Act provided.

Power for Council to contract with any Company for restoring Pavements.

LXVI. And be it enacted, That it shall be lawful for the Council to contract and agree, for any Term not exceeding Three Years, with any Company or Person authorized to take up any of the Pavements or other formed Surface of any of the Streets within the City of *Dublin*, for the filling-in, paving, and restoring of such Parts of the said Streets as shall be from Time to Time required to be taken up for the Purpose of enlarging, altering, or repairing any Pipes or other like Purpose.

Certain Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

LXVII. And be it enacted, That the Clauses of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water or other Nuisance from Gas, shall be incorporated with this Act; and the Expression "the Undertakers," in the said "Gasworks Clauses Act," shall, in reference to this Act, mean and include any Person whom the Council may contract with or employ to supply any Gas within the Limits of this Act.

Power for Council to charge Places not within Sewerage District, but deriving Benefit from Works, with Part of the Expense of Construction.

LXVIII. 'And whereas in the Construction and Enlargement of the Sewers and Drains, or some of 'them, within the said Borough, under the Powers of this Act, it may be deemed by the Council expedient 'to construct and enlarge some of such Sewers and Drains, or some Part thereof, of such Size, Capacity, 'and Strength, and in such Situation, Manner, and Form, in One or more of the Sewerage District or 'Districts, or in some other Parts of the said Borough, as may be sufficient, not only for the Wants and 'Exigencies of such Districts or other Parts of the said Borough, but also for the Purpose of promoting 'and facilitating efficient Drainage and Sewerage of and in other Sewerage District or Districts or other 'Parts of the said Borough, and it may in such Case be deemed by the Council proper and equitable to 'charge such other District or Districts, or other Parts of the said Borough, which in the Judgment of 'the Council may derive Benefit or Advantage therefrom, with the Payment of the extra Expense, or 'some Part thereof, which may have been incurred in constructing, enlarging, maintaining, repairing, 'and cleansing such Sewers and Drains as aforesaid, in manner and subject as herein-after mentioned:' Be it therefore enacted, That if at any Time the Council shall be of opinion that any Expense which may have been incurred by any Drainage District by this Act formed within the said Borough, which shall have been defrayed by or charged upon the District Sewer Rate levied and collected therein respectively, in making, constructing, maintaining, repairing, or cleansing any Sewer or Sewers of a Size, Capacity, Strength, or otherwise as aforesaid, and any Benefit and Advantage shall thereby be derived or conferred by or to any Drainage District within the said Borough, by reason of such last-mentioned District opening into or communicating with any such Sewer or Sewers which may have been made and constructed as aforesaid, it shall be lawful for the Council in any of the Cases aforesaid (if they shall in their Discretion deem it proper and equitable so to do) from Time to Time to order and direct the District which shall by the Means and in manner aforesaid derive or receive any such Benefit or Advantage by the Facility of opening and communicating with and into such Sewer or Sewers, or otherwise, to pay in respect thereof such Sum or Sums of Money, at such Time or Times, and subject to such Terms and Conditions, as the Council shall think just and reasonable, which Sum or Sums of Money shall be applied by the Council in aid of the District Sewer Rate levied and collected within the Drainage District, and at whose Expense the said Sewer or Sewers shall be constructed, enlarged, maintained, repaired, and cleansed as aforesaid; and all such Monies which the Council shall think fit so to order and direct to be paid as aforesaid shall be a Charge upon the District Sewer Rate within and for any Drainage District which shall be so ordered and directed to pay such Money, and the same shall and may be levied and collected by the Authority of the Council in such Manner and by such Ways and Means as by this Act are authorized for making, levying, and collecting such Rates respectively.

Persons aggrieved by Orders of the Council may appeal.

LXIX. And be it enacted, That any Person liable to pay such Sum or Sums of Money as aforesaid, or otherwise aggrieved by any such Order of the Council relating thereto, may, at any Time within Seven Days next after the making of such Order, give Notice in Writing to the Council that he intends to appeal against such Order to the Divisional Justices of the District of *Dublin* Metropolis after the Expiration of Ten Days next after the Delivery of such Notice, and that, together with such Notice, he shall give a Statement in Writing of the Grounds of the Appeal; and such Divisional Justices, upon due Proof of such Notice having been given, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the said Divisional Justices, in their Discretion, shall think fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given, nor on the Hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

LXX. And

Power to enter upon Lands for the Purposes of this Act.

LXX. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Council may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Council and the Superintending Inspector, Surveyor and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them; and if no sufficient Cause shall be shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon the Council, any Superintending Inspector, the Surveyor and Inspector of Nuisances, and any Person authorized by the Council, or any such Superintending Inspector, Surveyor or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing; Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment, unless, Twenty-four Hours at the least previously thereto, Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

10 & 11 Vict. c. 14. incorporated with this Act.

LXXI. And be it enacted, That the "Markets and Fairs Clauses Act, 1847," shall (with the Exception of the Clause prohibiting Sales elsewhere than in Markets, and such other of the Clauses as are expressly varied by or are inconsistent with this Act,) be incorporated with and form Part of this Act.

Lord Mayor to be sole Clerk of the Markets in Dublin.

LXXII. 'And whereas the Lord Mayor of the City of *Dublin* is by Charter Clerk of the Markets 'within the said City:' Be it therefore enacted, That the Lord Mayor for the Time being shall be the sole Clerk of the Markets of the Borough of *Dublin*, and shall have and enjoy all the Privileges of such Office, save so far as the same are altered by or inconsistent with this Act.

Powers of Clerk of the Markets.

LXXIII. 'And whereas Doubts have arisen respecting the Powers vested in the said Lord Mayor by 'right of his said Office of Clerk of the Markets of the Borough of *Dublin*, and it is expedient to remove 'the same:' Be it therefore enacted, That it shall be lawful for the said Lord Mayor for the Time being, by virtue of such Office, from Time to Time to make such Bye Laws as he shall think fit for all or any of the following Purposes; that is to say,

For Inspection of the Markets in the said Borough:

For preventing Nuisances or Obstructions in the Market Places, or in the immediate Approaches thereto:

For keeping the Markets in a cleanly and proper State, and for removing Filth and Refuse at least Once in every Twenty-four Hours, and for requiring that they be provided with a sufficient Supply of Water, and preventing the Exercise of Cruelty therein:

For preventing the Use of false or defective Weights, Scales, or Measures:

For preventing the Sale or Exposure for Sale of unwholesome Provisions in the Markets, and for condemning and disposing of the same:

For preventing Frauds in the Hay, Straw, and other public Markets in the said Borough, and for authorizing the seizing, detaining, inspecting, or weighing (for the Detection or Prevention of Frauds) any Hay, Straw, Goods, or Wares exposed for Sale in any of the said Markets, or the Carts, Carriages, or Vehicles whereon the same may be laden:

And the said Lord Mayor may, from Time to Time as he shall think fit, repeal or alter any such Bye Laws; provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or the Provisions of this Act, or any Act incorporated therewith; and such Bye Laws shall be reduced into Writing, under the Hand and Seal of the said Lord Mayor; and the said Lord Mayor by the said Bye Laws may impose such reasonable Penalties as he shall think fit, not exceeding Five Pounds for each Breach of such Bye Laws; provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or a Part only of such Penalty to be paid, or to remit the whole Penalty; and such Bye Laws shall be confirmed, printed and published, and received as Evidence, and be subject to the same Regulations in all respects as the Bye Laws by this Act authorized to be made by the Lord Mayor, Aldermen, and Burgesses of the said Borough: Provided always, that all Penalties by this Act authorized or imposed relating to Markets shall be paid to the Guardians of the Poor of the Union in which the Offence shall have been committed.

Lord Mayor may appoint and remove Assistants.

LXXIV. And be it enacted, That it shall be lawful for the Lord Mayor for the Time being to appoint during Pleasure, and to remove, Assistants or Deputies to such Lord Mayor as such Clerk of the Markets, and for the Council to pay such Assistants or Deputies such Salaries as the said Council shall think fit.

Act not to deprive Lord Mayor, &c. of Power of punishing Frauds.

LXXV. And be it enacted, That nothing in this Act contained shall be deemed or taken to deprive the Right Honourable the Lord Mayor, or the Lord Mayor and Council, of any Power with which he or they is or are at present invested with respect to the *Dublin* Markets, or to detect and punish Frauds within the said Borough.

Penalty for exposing for Sale unsound Meat or Provisions.

LXXVI. And be it enacted, That if any Butcher, Dealer in Meat, or other Person, shall keep, expose, or offer for Sale in his Shop, Stall, Warehouse, or on any Part of his Premises or other Place within the Limits of this Act, any unsound or unwholesome Meat, Fish, or other Provisions unfit for the Food

Food of Man, adulterated or fraudulently made up, every Person so offending, and convicted of such Offence before Two Justices of the Peace, shall for every such Offence forfeit a Sum not exceeding Five Pounds; and such Meat, Fish, or other Provisions shall and may be seized, carried away, and dealt with in such Manner as the said Justices shall order and direct.

Power to search for and seize unwholesome Meat.

LXXVII. 'And whereas Meat, Fish, and other Provisions are frequently clandestinely kept, and sold 'to the Inhabitants of the said Borough for the Purpose of Human Food, at the Time such Meat is unfit 'to be eaten by Man, and there is great Difficulty in discovering the Person keeping and the Places in 'which such Meat is kept, and it is expedient to provide a Remedy for the same:' Be it therefore enacted, That where it shall appear to any Justice, by Information on Oath or Affirmation, that there is reasonable Ground to suspect that any such Meat is kept or concealed within the Limits of this Act, it shall be lawful for such Justice to issue his Warrant to any Constable, or to any Officer of the Council, authorizing him, with proper Assistants, to enter any Building or Place in which such Meat shall be suspected to be kept or concealed, and to search for the same, and to break open any Doors for that Purpose; and if upon any such Search any Meat shall be found which shall be reasonably suspected to be unfit to be eaten by Man, such Constable or other Officer shall cause such Meat to be produced before any Two Justices with all convenient Despatch; and if it shall appear to such Justices, either upon View thereof or other good Proof, that such Meat is unfit to be eaten by Man, it shall be lawful for the Justices to order such Meat to be destroyed or otherwise disposed of as such Justices shall think fit; and if the Person in whose Possession or Premises such bad or unwholesome Meat shall be found shall not give some satisfactory Account of the Manner in which such Meat came into the Possession or Premises of such Person, and that the same was provided by and possessed by him for some proper and lawful Purpose, it shall be lawful for such Justices (if they shall think fit) to adjudge that such Person shall pay any Sum not exceeding Five Pounds.

Council empowered to purchase existing Markets.

LXXVIII. And be it enacted, That it shall be lawful for the Council to purchase or take on Lease, with the Consent of the Owner or Owners thereof, any Land and Premises within the Limits of this Act which at the Time of the taking and leasing thereof shall be used as a Market or Markets, together with all Stalls, Standings, and other Conveniences and Approaches thereto, and all Rights now enjoyed by any Person for levying Tolls therein, and all Privileges and Franchises connected therewith, and also any Privileges or Rights of having and maintaining a Weighing Machine and of weighing Commodities, and taking Tolls therefor, to which any Person is or may be entitled within the Limits of this Act, and from Time to Time to continue to appropriate and use, in as beneficial a Manner as the Person selling or demising the same could have done at the Time of the Sale or Demise thereof, the said Lands and Premises or so much thereof as they may think expedient, as a Market or Markets for the Purposes and subject as herein-after mentioned, and to appropriate and use the Residue of the said Land and Premises for any other of the Purposes of this Act, as to them may seem fit, and also to enjoy and use the same Privileges and Rights of having such Weighing Machine or Weighing Machines, and of weighing and taking Tolls, in as beneficial a Manner as the Person selling or leasing such Privileges and Rights could have done at the Time of the Sale or Demise thereof: Provided always, that nothing herein contained shall interfere with or prevent any Person or Persons from enjoying or erecting any Weighing Machine or Machines or weighing for Hire at any Place within the said Borough, save in the Markets purchased by or belonging to the said Council.

Land for new Markets may be provided.

LXXIX. And be it enacted, That it shall be lawful for the Council, at any Time and from Time to Time, as they may think fit, to purchase, rent, and provide other Lands within the Limits of this Act to be appropriated and used as a Market or Markets, as herein-after mentioned.

Council empowered to provide Market Places.

LXXX. And be it enacted, That it shall be lawful for the Council to build and provide upon the Land to be purchased, rented, or provided by them as herein mentioned, and for ever afterwards to maintain and improve, One or more Market Place or Market Places for the Sale of Cattle, Animals, and Provisions, and all other marketable Commodities, within the Limits of this Act, together with all Stalls, Standings, and other Conveniences, and suitable Approaches for all Persons resorting thereto, as the Council shall think fit.

Smithfield a free Market.

LXXXI. Provided always, and be it enacted, That the Market of *Smithfield* in the said Borough shall at all Times be and remain a free Cattle and Hay and Straw Market, and it shall not be lawful for the said Lord Mayor or Council to demand or take any Toll for the standing of any Beast or Animal, or Cart of Hay or Straw, exposed for Sale in the said Market.

Office of Weighmaster, created by Act of 4 Anne (I.), abolished.

LXXXII. 'And whereas an Act was passed in the Parliament of *Ireland* in the Fourth Year of the 'Reign of Her Majesty Queen *Anne*, intituled *An Act for regulating the Weights used in this Kingdom, 'and that Salt and Meal should be sold by Weight:* And whereas it is expedient that the said Act, so 'far as the same relates to the City of *Dublin*, should be repealed:' Be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-one the said Act, so far as the same relates to the City of *Dublin*, shall be and the same is hereby repealed, and the Office of Weighmaster created under the said Act shall be and the same is hereby abolished: Provided always, that nothing herein contained shall affect or alter any Rights and Privileges now enjoyed by any Person or Persons under the Provisions of the said recited Act.

Nothing to affect existing Rights.

For Settlement of Claims of Weighmasters.

LXXXIII. 'And whereas certain Persons have heretofore claimed and still claim certain special 'Rights and Privileges to exercise the Office of Weighmasters of Hay and Straw in *Smithfield* or 'Borough Weighmaster: And whereas Disputes in reference to such Claims have led to frequent and 'expensive Litigation, and Breaches of the Peace: And whereas, with a view to prevent a Continuance

'of

'of the same, the Council may deem it advisable to purchase all such Rights and Privileges, and all 'Weigh-houses and Weighing Machines in possession or occupation of such Persons:' Be it therefore enacted, That it shall be lawful for the Council, subject to the Approval of the Lord Lieutenant, to purchase such Rights or Privileges, and to pay for the same by a Sum of Money in gross, or by way of Annuity, at the Option of and to be assessed by the said Council, and to be paid out of the Improvement Fund by this Act authorized.

Council may appoint Weighmasters in Smithfield.

LXXXIV. And be it enacted, That it shall be lawful for the Lord Mayor to appoint so many Persons as he may think necessary for the Purpose of weighing all such Hay and Straw in *Smithfield* as shall be brought to them for such Purpose; and that such Persons shall hold their Appointment during the Pleasure of the said Lord Mayor; and such Persons may charge such Fees as are authorized by this Act to be taken for weighing the same, and specified in Schedule (E.) to this Act annexed.

Weighmasters and other Officers to be paid annual Salaries.

LXXXV. And be it enacted, That such Persons shall receive such yearly Salaries or Wages, to be fixed by the Council, as the said Council shall think fit; and such Persons shall not be entitled to retain any Fees received by them, but shall pay over the same to the Treasurer of the said Borough, to form Part of the Improvement Fund: Provided always, that the aggregate Amount of such Salaries or Wages shall not in any Case exceed the aggregate Amount of such Fees.

Power to provide Slaughter-houses.

LXXXVI. And be it enacted, That it shall be lawful for the said Lord Mayor, Aldermen, and Burgesses to provide such Slaughter-houses as shall from Time to Time be sufficient for the slaughtering of Cattle for the Supply of the said Borough and the Neighbourhood thereof.

Stallages or Rents to be taken for the Markets belonging to Corporation.

LXXXVII. And be it enacted, That it shall be lawful for the Lord Mayor, Aldermen, and Burgesses from Time to Time to demand, from any Persons occupying or using any Stand, Stall, Shed, Pen, or Place in any Markets belonging to them, or Buildings or Ground connected therewith, or bringing into such Markets or Buildings or Ground any marketable Commodities specified in the Schedule (D.) to this Act annexed, such Stallages, Rents, and Fees as the Lord Mayor, Aldermen, and Burgesses shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Fees specified in the said Schedule (D.)

Power to demand Rents for Use of the Cattle Market.

LXXXVIII. And be it enacted, That it shall be lawful for the Lord Mayor, Aldermen, and Burgesses from Time to Time to demand, in any Cattle Market belonging to them from any Person bringing therein any Cattle or other live Stock specified in Schedule (D.) to this Act annexed, such Stallages, Rents, and Fees as the Lord Mayor, Aldermen, and Burgesses shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Fees specified in the said Schedule.

Charges for Use of Slaughter-houses.

LXXXIX. And be it enacted, That it shall be lawful for the Lord Mayor, Aldermen, and Burgesses to demand, from any Person slaughtering Cattle in any Slaughter-house belonging to them, such Charges as are in Schedule (D.) to this Act annexed.

Fees for weighing and measuring.

XC. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing-houses or Places for weighing or measuring any Article sold in the Markets belonging to the Lord Mayor, Aldermen, and Burgesses, by Weight or Measure, from Time to Time to demand such Fees as the Lord Mayor, Aldermen, and Burgesses shall appoint, not exceeding in any Case the Amount set forth in the Schedule (D.) to this Act annexed.

Fees for weighing Carts.

XCI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Carts in the Markets belonging to the Lord Mayor, Aldermen, and Burgesses, to demand, from the Person requiring the same to be weighed, such Fees as the Lord Mayor, Aldermen, and Burgesses may appoint, not exceeding in any Case the Amount set forth in the Schedule (D.) to this Act annexed, and such Fees shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Fees, &c. to form Part of the Improvement Fund.

XCII. And be it enacted, That all Fees received for or in respect of the weighing of Goods at any Weigh-house provided by the Council shall be duly accounted for by the Party who shall receive the same to the Treasurer of the Borough; and such Fees, together with all other Fees, Charges, Stallages, or Rents which may be paid for or on account of any new Markets or Slaughter-houses to be built or provided by the Council under the Provisions of this Act, shall be paid to the Treasurer of the Borough, and form Part of the "Improvement Fund."

Copies of Standard Weights and Measures, 5 G. 4. c. 74., to vest in Corporation.

XCIII. 'And whereas Doubts are entertained as to whom the Copies of the Standard Weights and 'Measures purchased by the Magistrates of the City of *Dublin* under the Powers of an Act passed in 'the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for ascertaining and esta-* '*blishing Uniformity of Weights and Measures*, now belong:' Be it enacted, That the same shall vest in and belong to the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, anything in the said Act, or any Act amending the same, to the contrary notwithstanding.

Lord Mayor, &c. empowered to examine Weights and Measures.

XCIV. And be it enacted, That it shall be lawful for the Lord Mayor, or his Assistant or Deputy, to enter, at all seasonable Hours, any Shop, Yard, or Store, and any Ship or other Vessel, or any Place within his Jurisdiction, where Goods, Provisions, or Merchandize shall be kept for Sale, weighed, or measured, or shall be kept for Conveyance or Carriage, and there to examine all Weights and Measures, and to compare the same with Copies of the Imperial Standard Weights and Measures in the Custody of the Lord Mayor; and if upon such Examination it shall appear that any of the said Weights and Measures are incorrect or unjust, the same shall be seized, and, on being condemned by the Lord Mayor, forfeited and broken up, and on Sale thereof the Proceeds thereof shall be placed to the Credit of the Borough Fund, and the Owner thereof shall be liable to a Penalty not exceeding Five Pounds.

XCV. And

Penalty on Persons refusing to submit Weights, &c. to Examination.

XCV. And be it enacted, That if any Persons shall neglect or refuse to submit for Examination or Adjustment, upon being so required by the Lord Mayor or his Assistant, or his Deputy, any Weights and Measures, or shall offer any Hindrance or Obstruction to such Examination, such Person or Persons shall be liable to a Penalty not exceeding Five Pounds: Provided always, that in case such Weights or Measures shall be found correct and already duly stamped, it shall not be lawful for the said Lord Mayor or his Assistant, or his Deputy, to exact any Fee for such Examination.

Fees taken for regulating Weights and Measures to be same as authorized by Act of 5 & 6 W. 4. c. 63.

XCVI. And be it enacted, That the Fees to be taken for examining and comparing Weights and Measures, and for stamping such as may be correct, and which have not been already duly stamped, shall be the same as are authorized in the Schedule of Fees annexed to the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-three, intituled *An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.*

Penalties on Hawkers of Coals not having Weighing Machines, or refusing to weigh, or selling under Weight.

XCVII. 'And whereas the Trade of hawking Coals for Sale by the Bag or in some other Mode of 'Retail is now extensively carried on in the City of *Dublin:* And whereas it is desirable to protect the 'Buyers of such Coals from Fraud:' Be it enacted, That every such Hawker of Coals shall be bound to carry with him such Weighing Machine and Weights as the Lord Mayor shall direct, and such Hawker shall weigh such Coals, whenever required so to do by any Buyer thereof, or by any Justice of the Peace or Constable; and if any such Hawker shall not carry with him such Weighing Machine and Weights, or shall refuse to weigh such Coals, when required so to do as aforesaid, such Hawker, on being convicted thereof before Two Justices of the Peace, shall be subject to a Penalty not exceeding Forty Shillings for each such Offence.

Act not to affect Coal, Corn, or Butter Trades.

XCVIII. And be it enacted, That the Sale of Coals at the Quays within the said Borough shall not be deemed a Market within the Meaning of this Act, nor shall anything herein contained extend to give the Lord Mayor or Council any Power to control, interfere with, or regulate the Coal Trade, or the Corn Exchange and Corn Trade, or the Butter Trade, within the said Borough, or to alter, repeal, or annul any of the Acts or Provisions of the Acts in force with respect to the said Trades.

Public Conveniences to be erected.

XCIX. And be it enacted, That the Council may, if they think fit, provide and maintain, in proper and convenient Situations, Urinals, Water-closets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the Improvement Rate to be levied under this Act.

Certain Water-closets to be constructed in Factories.

C. And be it enacted, That if at any Time it appear to the Council, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Council may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time within the Space of One Month after he shall have received such Notice, to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Humane Apparatus and Assistants may be provided.

CI. And be it enacted, That it shall be lawful for the Council to purchase, provide, and maintain all such Apparatus, Matters, and Things as may appear to them to be necessary to assist in searching for drowned Persons, and restoring Animation to Persons apparently drowned, and to employ and reward Assistants therein in such Manner as the Council shall deem expedient.

Power to erect public Clocks and maintain and illuminate them.

CII. And be it enacted, That it shall be lawful for the Council to erect, maintain, and repair any new public Clocks within the said Limits, in such convenient Places as to them may appear expedient, and to light and illuminate in the Night Season all such Clocks, and to restore, renew, keep, and regulate all or any such Clocks, and to do all or any such Matters and Things aforesaid, to such Extent and in such Manner and Form as the Council may from Time to Time deem expedient and conducive to the public Advantage.

From 1st January 1851 Dealers in Marine Stores to be licensed.

CIII. And be it enacted, That from and after the First Day of *January* next after the Commencement of this Act no Person shall carry on within the Limits of this Act the Business of a Dealer in Marine Stores, unless such Person shall have obtained a Licence from the Council authorizing such Person to carry on such Business, and which Licence the Council shall have a discretionary Power of granting or refusing.

Names of Dealers in Marine Stores to be written in front of Houses where Business is carried on.

CIV. And be it enacted, That every Person who shall be licensed under the Authority of this Act to carry on the Business of a Dealer in Marine Stores shall cause to be painted in Roman Capital Letters, Six Inches at least in Height and of a proportionate and proper Breadth, on the Outside of the Front of the House in which such Business shall in such Licence be stated to be carried on, and so that the same shall be at all Times plainly and distinctly visible and legible, the Christian Name and Surname of such licensed Person at full Length, together with the Words "Licensed Dealer in Marine Stores," and such Person shall continue such Name and Words so painted as aforesaid during all the Time that he shall continue to carry on the said Business upon the same Premises.

Persons applying for Licences to sign a Requisition for the same.

CV. And be it enacted, That before any such Licence shall be granted under the Provisions of this Act a Requisition for the same, in such Form as the Council shall from Time to Time provide for that Purpose, shall be made and signed by the Person carrying on or about to carry on the Business in respect of which such Licence shall be applied for, and in every such Requisition there shall be truly specified and

set

set forth the Christian Name and the Surname and Place of Abode of the Person applying for such Licence, and the Place where the Business of such Person is proposed to be carried on.

Licences to be in force for One Year.

CVI. And be it enacted, That every Licence so to be granted shall be signed by the Town Clerk, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next general licensing Day, in case any such licensing Day shall be appointed by the Council, as they are hereby authorized to do.

What shall be specified in the Licences.

CVII. And be it enacted, That there shall be specified in every such Licence the true Christian Name and Surname and Place of Abode of the Person who shall carry on or be about to carry on the Business in respect of which such Licence shall be granted, and also the Name of the Street and the Number of the House in which such Business is or is intended to be carried on, and the particular Rooms or other Parts of such House used or intended to be used for the Purposes of such Business.

Fee to be paid for Licence. Licences to be entered in a Book.

CVIII. And be it enacted, That for every such Licence, and for every Renewal thereof, there shall be paid to the Town Clerk such Sum, not exceeding Twenty Shillings, as the Council shall direct; and the Town Clerk shall enter such Licences in a Book, to be provided and kept by the Council for that Purpose; and such Sums so received shall be paid over to the Treasurer of the Borough, and form Part of the Borough Fund.

Licensed Person to give Notice of Change of Abode and of Place of Business.

CIX. And be it enacted, That so often as any Person named in any Licence as carrying on the Business of a Dealer in Marine Stores shall change his Place of Abode, or the Place of carrying on his said Business, or shall carry on the same in any other Part of the House than that mentioned in the Licence as used for the Purposes thereof, he shall, within Twenty-four Hours next after such Change, give Notice thereof in Writing, signed by him, to the Town Clerk, specifying in such Notice his new Place of Abode, or his new House of Business, or the additional or any other Part of the House used for the Purposes of the said Business, as the Case may be; and such Person shall at the same Time produce his Licence at the Office of the Town Clerk, who shall endorse thereon a Memorandum specifying the Particulars of such Change.

Penalty on Persons carrying on Business without Licence, or changing his Residence or Place of Business without giving Notice.

CX. And be it enacted, That if any Person shall, after the First Day of *January* next after the Commencement of this Act, carry on within the Limits of this Act the Business of a Dealer in Marine Stores without having obtained a Licence for such Purpose, or if any Person, having obtained such Licence, shall neglect or omit to cause his Christian and Surname, together with the Words "Licensed Dealer in Marine Stores," to be so painted, or shall neglect or omit to continue the same so painted as aforesaid, according to the Directions of this Act, or shall change his Place of Abode, or the Place of carrying on his said Business, or shall carry on the same in any other Part of the House than that mentioned in the Licence as used for the Purposes thereof, and shall neglect or omit to give Notice of any such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, he shall forfeit any Sum not exceeding Twenty Pounds, and also any Sum not exceeding Five Pounds, for every Day during which such Business shall be carried on contrary to the Provisions of this Act.

Licences may be suspended or revoked.

CXI. And be it enacted, That any such Licence may be suspended or revoked by the Council, if the Person named in such Licence shall have been convicted of any Offence which in the Opinion of the Council shall render it expedient that such Licence shall be revoked or suspended.

Act not to extend to Shipchandlers or Ropemakers.

CXII. And be it enacted, That nothing in this Act contained with respect to Dealers in Marine Stores shall relate to or affect Persons who, carrying on the Business of a general Shipchandler, or that Business and the Business of a Ropemaker, shall only occasionally deal in second-hand Marine Stores.

District Sewer Rates.

CXIII. And be it enacted, That for the Purpose of building and repairing Sewers within each District into which the District comprised within the Limits of this Act may be divided for the Purposes of Sewers, and for securing and paying off any Monies which may be borrowed for such Purposes, and the Interest thereof, it shall be lawful for the Council to make, assess, and levy for each such District such equal separate Rate, to be called the "District Sewer Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Four-pence in the Pound of the full net annual Value of the Property included in such Rate.

Application of District Sewer Rate.

CXIV. And be it enacted, That all Monies which shall come to the Hands of the Council from the said Rate, or which shall be raised by any Mortgage or Security thereof granted by the Council, shall be applied and disposed of as follows:

Firstly, in paying the Interest of all Monies borrowed and which shall be from Time to Time due and owing on the Credit of the said Rate;

Secondly, in setting apart and appropriating One Twentieth Part thereof in Payment off of the Principal Monies which shall have been borrowed or secured on the said Sewer Rate;

Thirdly, in building and repairing Sewers within the Limits of this Act;

And lastly, in paying off the Principal of all Monies due on the Credit of the said Rate.

Improvement Rate.

CXV. And be it enacted, That for the Purposes of defraying the Costs and Expenses of carrying this Act and the Powers and Provisions thereof into execution (except the Purposes to which any District Sewer Rates are hereby directed to be applied), and including the Costs and Expenses of making, maintaining, and providing such new Markets, and purchasing Markets, as are herein mentioned, and of defraying the Expenses of and incident to the obtaining of this Act, and also of paying the Amount of Compensation awarded to any Officer or Person under the Provisions of this Act, it shall be lawful for the Council from Time to Time to make, assess, and levy (in lieu and stead of the Rates which might have been assessed and levied under the Provisions of the said recited Acts hereby repealed) such equal

Rate, to be called the "Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Two Shillings in the Pound of the full net annual Value of the Property included in such Rate.

Application of Improvement Rate or Improvement Fund.

CXVI. And be it enacted, That all Monies which shall come to the Hands of the Council from the said Rate called the "Improvement Rate," or which shall be raised by any Mortgage or Security thereof granted by the Council, and all other Monies to be received by the Council under this Act, (except the Monies to be raised and levied under the said Rate to be named "District Sewer Rate,") shall form a Fund to be called the "Improvement Fund," and shall be applied to the following Purposes:

Firstly, in defraying the Charges and Expenses which shall have been incurred or incident to the obtaining and passing of this Act;

Secondly, in paying the Interest of all Monies borrowed or Expenses which shall have been incurred or shall be incident to the obtaining and passing this Act;

Thirdly, in paying the Amount of Compensation awarded to any Officer or Person under the Provisions of this Act;

Fourthly, in setting apart the Sum required to pay the Debts herein-before mentioned due by the Wide Street Commissioners to the Lords Commissioners of Her Majesty's Treasury and to the *National* Insurance Company of *Ireland*;

Fifthly, in setting apart and appropriating One Twentieth Part thereof in Payment off of the Principal Monies which shall have been borrowed or secured on the said "Improvement Rate;"

Sixthly, in carrying all the Purposes of this Act into execution, except the building and repairing Sewers;

And lastly, in paying off the Principal of all Monies due on the Credit of said "Improvement Rate."

Power to rate and assess public Buildings;

CXVII. 'And whereas certain public Buildings within the City of *Dublin* have been heretofore rated 'and assessed towards paving, lighting, and cleansing the Streets of the said City, and it is expedient 'that they should continue to be rated for such Purposes under the Provisions of this Act:' Be it therefore enacted, That it shall be lawful for the Council and they are hereby required, when and at such Times as the before-mentioned Rates and Assessments shall be made, to rate and assess for the Purposes aforesaid all Colleges, Halls, Theatres, Docks, Courts of Law, and all other public Buildings whatsoever, or Buildings occupied for public Purposes, save as herein-after excepted, situate in or fronting to or along the Side or Sides of any Street, Square, Lane, or other public Place or Passage within the Jurisdiction of the Council, in manner following; (that is to say,) to rate and assess all Colleges, Halls, Theatres, Docks, Courts of Law, and other public Building or Buildings used for public Purposes at a Rate not exceeding One Shilling by the Year for every Square Yard of the Ground fronting to or on the Side of such Colleges or other Buildings aforesaid, and contained between every such College or Ground, or the Ground belonging to such College or Building, and the Centre of any Street, Lane, or Passage to which it adjoins or fronts; and in case any such College or Building as aforesaid, or the Ground thereto belonging, shall be situated at any of the Quays, Docks, Squares, or Streets built upon one Side only, that then such College or Building shall be rated and assessed as aforesaid according to the Number of Square Yards of the Ground lying between such College or Building and the Wall, Railing, or other Inclosure of such Quay, Dock, Square, or Streets

and dead Walls and void Spaces of Ground, &c.

built upon one Side only; and to rate and assess all dead Walls and void Spaces of Ground adjoining to or on the Side or Sides of any Street, Lane, Quay, Court, Square, Alley, or other public Passage within the said Limits (save as aforesaid), although such dead Wall should enclose a Yard or Garden belonging or adjoining to any House or Tenement, for every Yard Running or Lineal Measure of such dead or void Space of Ground adjoining to or along the Side of such Street or Passage as aforesaid, at such respective Rate or Rates, Assessment or Assessments, as to the Council in their Discretion shall seem proper; provided that no Rate or Assessment so to be made in any such Case or Cases as last aforesaid shall exceed in the Year the Rate of Three Shillings for every such Yard Running Measure of such dead Wall or void Space (save as aforesaid) within the aforesaid Limits.

Nothing to extend to impose Rates, &c. on unprofitable Ground, &c.

CXVIII. Provided always, and be it enacted, That nothing in this Act contained for any of the Purposes therein or herein mentioned, either which have been or shall hereafter be performed, shall extend or be construed to extend to authorize the imposing or levying any Tax, Rate, or Assessment whatever on any sufficiently fenced or enclosed Lot or Plot of Ground, being laid out for the Purpose of building Houses thereon, in front to any Street or public Passage, and which Lot or Plot has not any Building erected thereon, but is actually in waste, and out of Use or Profit.

Exemption from Rates.

CXIX. Provided also, and be it enacted, That no Person shall be rated to any Rate made in pursuance of this Act in respect of Minister's Money, or of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of gratuitous Education of the Poor or of public Charity, or any Lands, Houses, or Buildings, or Parts of Houses or Buildings, exempted from the Payment of any County, Borough, Parochial, or other local Rates or Cesses, under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her

6 & 7 Vict. c. 36.

present Majesty, intituled *An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.*

Composition for Recovery of Rates upon

CXX. And be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Eight Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable

payable or are collected at any shorter Period than quarterly, the Council may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the Council shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition or any Rate to which an Owner is last assessed be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act or any Act incorporated therewith: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid; provided also, that the Owner or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises, and he or they may deduct any Amount paid by him or them for the Rent due or from Time to Time becoming due from him or them, unless there be an Agreement to the contrary, and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

Tenements under the annual Value of 8*l.*, &c.

CXXI. And be it enacted, That every salaried Commissioner, and every Officer of the said Commissioners for widening and improving the Streets of *Dublin*, and for paving, cleansing, and lighting the Streets of *Dublin*, and of the Grand Jury of the County of the City of *Dublin*, and any Secretary or other Officer employed by the Directors or Trustees of the *Circular Road* Turnpike Trust within the Borough of *Dublin*, and that every Officer of the Lord Mayor or Town Council of *Dublin*, provided he be such Officer of the said Lord Mayor or Town Council at the Period at which this Act shall come into operation respectively, whose Office shall be abolished, or cease or become unnecessary, by reason of this Act, or who shall be removed from his Office under the Provisions of this Act, or of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or of a Bill now pending in Parliament, intituled *An Act to amend the Act for the Regulation of Municipal Corporations in* Ireland *so far as relates to the Borough of* Dublin, in case the same should pass into a Law, or be deprived of Fees or Emoluments to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, or who shall not be employed or retained by the Council in an Office of equal Value under this Act, shall be entitled to have an adequate Compensation, by way of a Sum of Money in gross or Annuity, at the Option of and to be assessed by the said Council, and paid out of the Improvement Fund by this Act authorized, for the Salary and for any Fees or Emoluments which he may enjoy or be entitled to receive on account of the Office which he shall cease to hold, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, Length of Service, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall, within Three Months after the Day when he shall have so become entitled, deliver to the Town Clerk a Statement under his Hand, setting forth how long he shall have held his said Office, and the Amount received by him or his Predecessor in Office every Year during the Period of Five Years, or such lesser Period as he shall have held his said Office next before the passing of this Act, on account of the Salary, Fees, Emoluments, and Profits in respect of which he shall claim Compensation, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council, who shall take the same into consideration, and determine thereon; and if the Council shall not determine on such Claim within Six Months after the aforesaid Statement shall have been delivered to the Town Clerk, such Claim shall be considered as admitted; and, if the Council shall so require, the Person preferring such Claim, upon receiving Notice in Writing signed by the Town Clerk, shall attend at any Meeting or adjourned Meeting of the said Council, or any Committee thereof to which the Investigation of such Claim may be referred by such Council, and then and there shall answer all such Questions as shall be asked by any Member of the said Council or Committee touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Vouchers, Books, Papers, and Writings in his Possession, Custody, or Power relating thereto; and immediately upon a Determination being made by the said Council or Committee touching the Matter in the said Statement, the Person preferring such Claim shall be informed of the Particulars of such Determination, by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, it shall be lawful for him to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just, and such Order, signed by Three or more of such Lords Commissioners, shall be binding upon all Parties; and the said Council shall from Time to Time pay to every such Person awarded Compensation as aforesaid the Money or Annuity so granted or determined as and for Compensation, when and as the same

Officers to receive Compensation, and Mode of ascertaining Compensation.

3&4 Vict. c. 108.

12 & 13 Vict. c. 85.

same shall respectively become due and payable; and in case such Compensation shall be by way of Annuity, the same shall be payable by half-yearly Payments: Provided always, that every such Person who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall subsequently be removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office: Provided also, that no Officer who shall have received Compensation under the Provisions of a Bill now pending in Parliament, intituled *An Act to provide for the Collection of Rates in the City of* Dublin, in case the same shall pass into a Law, shall be entitled to receive Compensation under this Act for the Loss of any Salary, Fees, or Emoluments in respect of which he shall have so received Compensation.

12 & 13 Vict. c. 91.

If Compensation by way of Annuity, the same to be secured by Bond.

CXXII. And be it enacted, That the Compensation payable to any such Person aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the said Lord Mayor, Aldermen, and Burgesses of *Dublin*, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of such Compensation, with all Arrears thereof (if any) which shall have accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the Fund by this Act made chargeable with such Compensation, and delivered to the Person entitled to such Compensation, as soon as conveniently may be after the Amount thereof shall have been admitted as aforesaid by the Council of the Borough, or shall have been determined, in the event of such Appeal as aforesaid, by Order of the said Commissioners of Her Majesty's Treasury.

Debts due on Turnpikes abolished by this Act to be paid by Council.

CXXIII. 'And whereas under the said recited Acts relating to the Turnpike Roads in the City of '*Dublin* some Debts may be due and owing, and some Claims may arise for which it is just and proper 'that due Compensation should be made to all Persons having such Rights and Claims, according to the 'real Value of the same at the Time of the Commencement of this Act:' Be it therefore enacted, That it shall be lawful for the Council under this Act, and they are hereby required, in the event of any Claims being made under or in pursuance of the said recited Acts within Twelve Months from the Commencement hereof, to pay or compound for the same, if they shall so think fit; and in case of Dispute as to the Amount thereof the same shall be settled by Arbitration in the Manner provided by the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement: Provided always, that with a view to an equitable Arrangement of such Claims the Arbitrators, in estimating such Compensation, are hereby required to take into consideration the Nature and Value of the Security at the Time of the passing of this Act, as well as the Amount of the Claim: Provided also, that the said Council shall not collect any Toll on any such Road within the Limits of the said Borough.

Costs of Proceedings for Recovery of Rates to be included in the Warrant of Distress.

CXXIV. And be it enacted, That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay the same, and such Costs shall be ascertained by such Justice, and levied by Distress; and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Application of Monies arising from Sale of superfluous Lands.

CXXV. And be it enacted, That all Monies which shall come to the Hands of the Council in consequence of the Sale of any superfluous Lands under the Provisions of this and the said "Lands Clauses Consolidation Act" shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the said Improvement Fund.

Estimates of Sums required by the Council to be transmitted to the Collector General for Collection, according to 12 & 13 Vict. c. 91.

CXXVI. 'And whereas a Bill is pending in Parliament, intituled *An Act to provide for the Collection* '*of Rates in the City of* Dublin, by which Bill it is, amongst other Things, provided, that all Rates to be 'made under the Provisions of this Act shall be applotted, levied, and collected by the Collector General 'therein mentioned:' Be it enacted, That in case the said Bill shall pass into a Law the Mayor, Aldermen, and Burgesses of *Dublin* shall and they are hereby required to transmit to the Collector General therein mentioned the several Estimates under their Common Seal required by the said intended Act to be transmitted to him at the respective Dates therein mentioned; and the Amount of such Estimates shall be collected by the said Collector General as in the said intended Act directed, anything in this Act contained to the contrary notwithstanding.

Repeal of "Wide Street Acts" not to invalidate Titles.

CXXVII. And be it enacted, and it is hereby expressly declared, That the Repeal of the said Acts herein-before recited, commonly called the "Wide Street Acts," shall not invalidate the Title to any Property purchased or acquired under the Authority of the said Acts or any of them.

Acts relating to Squares not to be affected.

CXXVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to interfere with the several Acts which have been passed for regulating *Stephen's Green*, *Merrion Square*, *Fitzwilliam Square*, *Mountjoy Square*, and *Rutland Square*, in the City of *Dublin*, but all such Acts passed for such Purposes shall be and continue in full Force and Effect as if this Act had not been passed.

Saving Rights of Commissioners of Rathmines.

CXXIX. And be it enacted, That nothing in this Act contained shall prejudice or affect the Rights of the Commissioners of *Rathmines*, if any, which they may have acquired under "The *Rathmines* Improvement Act, 1847."

Saving Rights of Ballast Board.

CXXX. And be it enacted, That nothing in this Act contained shall in anywise extend or be construed to extend to repeal, transfer, or interfere with the Rights, Powers, Privileges, Authorities, or Duties of the Corporation for preserving and improving the Port of *Dublin*, under or by virtue of the Act of Parliament passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for promoting the Trade of* Dublin, *by rendering its Port and Harbour more commodious,*

modious, or under or by virtue of any other Act of Parliament whatsoever, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Expenses of Act.

CXXXI. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the applying for and obtaining this Act shall be paid by the Treasurer of the said Borough out of the first Money which shall come to his Hands under the Provisions of this Act.

Providing for Payment of Costs of former Applications to Parliament.

CXXXII. 'And whereas in the Years One thousand eight hundred and forty-seven, One thousand 'eight hundred and forty-eight, and One thousand eight hundred and forty-nine certain Bills were pro- 'moted for the Improvement of the Borough of *Dublin* and the continuous Supply of Water therein, also 'for the Consolidation of several of the public Boards of said Borough, and for providing for the better 'paving, cleansing, and Sewerage of said Borough, also for the Abolition of several of the public Boards 'and Trusts in the Borough of *Dublin*, by or on behalf of the Right Honourable the Lord Mayor, 'Aldermen, and Burgesses of *Dublin*, at the Solicitation of *William Ford*, Town Clerk, and *George* '*Lewis Smyth*, Parliamentary Agent for the said Corporation in the Matter of said Bills and the Pro- 'ceedings herein referred to, and also by or on behalf of certain Rate-payers of said Borough of *Dublin*, 'at the Solicitation of *Frederick Jackson*, of *Dublin*, Solicitor, and *Thomas Baker* of *Spring Gardens*, '*Westminster*, Parliamentary Agent of and for said Rate-payers in the Matter of said Bills and the Pro- 'ceedings herein referred to respectively: And whereas certain Costs, Charges, and Expenses were 'incurred by or on the Part of the Promoters of the said Bills respectively, as well before the Surveying 'Officers appointed under an Act of Parliament passed in the Ninth and Tenth Years of the Reign of 'Her present Majesty, intituled *An Act for making preliminary Inquiries in certain Cases of Applications* 9 & 10 Vict. 'for Local Acts, as well as for and on account of the necessary Proceedings before Parliament in the c. 106. 'said Years in relation to the said Bills, and connected therewith or incident thereto; and also in relation 'to the passing of this Act: And whereas the Costs, Charges, and Expenses incurred as aforesaid still 'remain due and unpaid to the said respective Parties, and it is expedient to provide for the Payment of 'the same, as Costs, Charges, and Expenses attending or incident to the applying for and obtaining this 'Act:' Be it therefore enacted, That within Six Calendar Months after the Commencement of this Act the said *William Ford* and *George Lewis Smyth* and the said *Frederick Jackson* and *Thomas Baker* respectively shall furnish their aforesaid Costs, Charges, and Expenses to the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, who shall, within Six Calendar Months after the State- ment of said Costs shall respectively have been furnished to them, either make an Order for the Payment of the same upon the Treasurer of the said Borough, or for the Payment of any lesser Sum in discharge thereof, as they shall deem just and reasonable, when Funds applicable to the Payment of said Costs shall have reached the Hands of the said Treasurer, so that in either Case such Costs shall not exceed in the whole the Sum of Six thousand Pounds; or in case the said Lord Mayor, Aldermen, and Burgesses shall not make such Order or Orders as aforesaid within Six Calendar Months after the said Costs shall have been respectively furnished to them as aforesaid, or shall omit to send the Statement of said Costs and Expenses respectively for Taxation to the Taxing Officer within such last-mentioned Period, in the Manner herein-after mentioned, then the said Costs and Expenses shall respectively be held to be ascertained at the Amount furnished, but such Sum not to exceed the Sum of Six thousand Pounds in the whole: Provided always, that in case either of the said Parties shall be dissatisfied with the Sum so ordered, then and in such Case the said Lord Mayor, Aldermen, and Burgesses shall, within Six Calendar Months after the Statement of the said Costs and Expenses shall have been so furnished, send the Statement of the said Costs and Expenses of the Party so dissatisfied to be ascertained and determined according to the Manner prescribed by "The House of Commons Costs Taxation Act, 1847;" and it shall be lawful for the Taxing Officer appointed under the said Act, and he is hereby authorized and required, to ascertain and determine all and singular the aforesaid Costs and Expenses, together with the Costs and Expenses of ascertaining and determining the same, upon being requested by the said Corporation, under their Common Seal, so to do; and such Sum or Sums of Money as shall be ascertained and deter- mined, according to the Provisions of the said Act and the Authority of this Act, to be due and payable, provided that said Sum or Sums shall not exceed in the whole the Sum of Six thousand Pounds, for and on account of such Costs and Expenses, shall be and the same is and are hereby required to be paid by the Treasurer of the said Borough to the said *William Ford* and *George Lewis Smyth* and to the said *Frederick Jackson* and *Thomas Baker* respectively, out of the Rates by this Act authorized to be raised: Provided always, that all the Costs, Charges, and Expenses incurred by or on behalf of the Lords of the Admiralty and the Commissioners of Her Majesty's Woods and Forests respectively, in relation to any Inquiries had or made under the Authority of the said last-recited Act of the Ninth and Tenth Year of Her present Majesty, shall be paid by the Treasurer of the said Borough in priority to any other Payment by this Act authorized to be made in relation to the said Bills, and the Amount of such Costs, Charges, and Expenses shall be deducted from the Sum herein-before authorized to be paid.

Interpretation of Terms in this Act.

CXXXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Female:

The Word "Month" shall include Calendar Month:

The Word "Person" shall include Corporation, whether aggregate or sole:

The

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*:
The Words "General or Quarter Sessions of the Peace" shall mean General or Quarter Sessions for the Borough of *Dublin*:
The Word "Justice" shall mean the Lord Mayor of *Dublin* for the Time being, and any Justice of the Peace acting in or for the Borough of *Dublin*:
The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath;
The Words "City of *Dublin* or Borough" shall mean the Borough of *Dublin* as enlarged and extended by the Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or any Act or Acts amending the same:
The Words "Council and Town Council" shall mean the Corporation of the City or Borough of *Dublin* as established and defined by the said Act for the Regulation of Municipal Corporations in *Ireland*, or any Act or Acts amending the same:
The Words "Improvement Fund" shall mean and include all Monies which shall be received from or on account of the "Improvement Rate," and all other Monies which may be received as Stallages, Rents, and Fees of Markets belonging to the Council under the Provisions of this Act:
The Word "Street" shall include any Square, Street, Court, Alley, Footpath, Footway, Highway, Lane, Road, Thoroughfare, public Passage, or other Place within the Borough of *Dublin*:
The Word "Court" shall mean any Street, not being a Carriageway, and having the principal or only Entrance of any Dwelling House therein:
The Word "Passage" shall mean any Alley, Way, or other Place, not being a Carriageway, not having the principal or only Entrance of any Dwelling House therein:
The Word "Officer" shall mean a Person in the Receipt of a Salary, or of any Fees or Emoluments arising from an Office or Employment.

Public Act. CXXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)—Sect. 29.

Form of Mortgage Deed.

By virtue of an Act passed, *&c.*, intituled "An Act," *&c.*, we, the Lord Mayor, Aldermen, and Burgesses of the Borough of Dublin, in consideration of the Sum of paid by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof, *in case any Period be agreed upon for that Purpose*]. In witness whereof we have hereunto set the Common Seal of the said Borough, this Day of 184

SCHEDULE (B.)—Sect. 32.

Form of Grant of Annuity.

By virtue of an Act passed, intituled "An Act," *&c.*, we, the Lord Mayor, Aldermen, and Burgesses of the Borough of Dublin, in consideration of the Sum of paid by do grant unto the said *A.B.* an Annuity or yearly Sum of to be issuing out of the Rates arising by virtue of the said Act, to be paid to the said *A.B.* during the Term of his natural Life [*or, as the Case may be,* to the said his Executors, Administrators, or Assigns, during the natural Life of *or* during the natural Lives of and and the Life of the Survivor], upon the Day of in every Year during his natural Life [*or, as the Case may be,* during the natural Life of the said *or* of the said and the Survivor of them], the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set the Common Seal of the said Borough, the Day of 184 ,

SCHEDULE (C.)—Sect. 37.

Form of Transfer of Mortgage or Grant of Annuity.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or*, a certain Grant of Annuity, Number *as the Case may be*], made by the Lord Mayor, Aldermen, and Burgesses of the Borough of Dublin to bearing Date the Day of for securing the Sum of and Interest, [*or*, for granting an Annuity of *as the Case may be, or, if such Transfer be by Endorsement,* the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or*, the Annuity thereby granted], and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of 184 .

SCHE-

SCHEDULE (D.)—SECT. 87 ET SEQ.

Stallages or Rents payable.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Rents per Day shall be taken:

Not exceeding Three Feet by Three Feet, Sixpence;
Not exceeding Six Feet by Five Feet, One Shilling;
Not exceeding Nine Feet by Five Feet, One Shilling and Sixpence;
Not exceeding Twelve Feet by Five Feet, Two Shillings;

And in the same Proportion for any larger Space.

From any Person exposing for Sale any Article, Matter, or Thing, and not occupying any Shed, Stall, Bulk, Block, Trestle, or Station, nor any defined Compartment or Space on the Surface of the Ground;

If the Spot on which such Person shall stand be within the covered Market,

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day, the Sum of One Penny Halfpenny:

If the Spot be not situate within the covered Market,

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day, the Sum of One Penny.

Carts.

For the Space occupied by every Cart or other Vehicle used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Rents per Day:

If drawn by One Horse, Nine-pence; by Two Horses, One Shilling:
If drawn by any One other Animal, Sixpence; or, if by Two other Animals, Nine-pence.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs, as follows; (that is to say,)

For every Horse, Mare, or Gelding, Four-pence:
For every Mule, Ass, Colt, Filley, or Foal, Two-pence:
For every Bull, Ox, Cow, Heifer, or Steer, Three-pence:
For every Stallion exposed or shown on a Market Day, One Shilling:
For every Calf, One Penny:
For every Score of Sheep or Lambs, Ten-pence:
For every Score of Pigs, Ten-pence:
For every Score of Sucking Pigs, Five-pence:

And so on in proportion for any greater Number, and One or more not exceeding Five to be paid for as a Quarter of a Score.

Weighing and Measuring.

For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny:

For weighing every Piece of Meat or other Article or Thing weighing more than Twenty Pounds and not exceeding One hundred Pounds, One Penny, and so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight:

For measuring any Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny:

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny:
And for every Bushel beyond Two Bushels, One Halfpenny.

Weighing Machines.

For weighing any Cart or other Carriage, laden or unladen, the Sum of One Halfpenny per Hundred Weight.

Slaughter-houses.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling:
For every Calf, Sixpence:
For every Sheep, Lamb, or Goat, Three-pence:
For every Hog, or Pig, Four-pence:
For any other Beast, One Shilling.

The above-mentioned Stallages and Rents in the said Markets to be paid and payable in respect to the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

SCHEDULE (E.)

Fees for weighing Hay or Straw in Smithfield Market.

For weighing any Cart or other Carriage laden with Hay or Straw, or unladen, not exceeding the Sum of One Halfpenny per Hundred Weight.

CAP. XCVIII.

An Act to appply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-nine; and to appropriate the Supplies granted in this Session of Parliament. [1st *August* 1849.]

§ I. There shall be applied, for the Service of the Year 1849, £10,423,227 12*s.* 7*d.* out of the Consolidated Fund.

II. The Treasury may cause £10,423,227 12*s.* 7*d.* of Exchequer Bills to be made out in manner prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict. c.* 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of *England* may advance £10,423,227 12*s.* 7*d.* on the Credit of this Act, notwithstanding 5 & 6 *W.* & *M. c.* 20.

VI. Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. Treasury may issue £122,518 6*s.* Surplus of Ways and Means, and £500,000 in the Exchequer, for Service of the Year 1849.

X. Monies coming into the Exchequer, by 12 & 13 *Vict. c.* 3.—£17,786,700 by Exchequer Bills, 12 & 13 *Vict. c.* 20.—Monies coming in by 12 & 13 *Vict. c.* 44.—and £10,423,227 12*s.* 7*d.*; £122,518 6*s.*, and £500,000 to be applied as hereafter expressed.

XI. There shall be issued,

	£323,787	6	10	For Naval Excess.
XII.	7,021,724	0	0	For Naval Services, for the Year ending 31st *March* 1850, *viz.*
	1,355,420	0	0	For Wages to 40,000 Seamen, Marines, &c.
	538,642	0	0	For Victuals, &c. in the Navy.
	764,763	0	0	For Wages of Artificers, &c. at home.
	1,168,869	0	0	For Naval Stores, &c.
	732,252	0	0	For Naval Half Pay.
	500,561	0	0	For Military Pensions.
	161,357	0	0	For Civil Pensions.
	138,214	0	0	For Salaries, &c. of the Admiralty Office.
	9,772	0	0	For Registry Office of Seamen, &c.
	52,847	0	0	For the Navy Scientific Departments.
	137,287	0	0	For Naval Establishments at home.
	24,873	0	0	For Naval Establishments abroad.
	40,744	0	0	For Wages of Artificers, &c. abroad.
	391,934	0	0	For new Works in Naval Establishments.
	27,605	0	0	For Medicines, &c.
	68,400	0	0	For Naval Miscellaneous Services.
	147,200	0	0	For Freight of Ships, &c. for Army and Ordnance Services.
	748,296	0	0	For Packet Service.
	12,688	0	0	For Expedition to the Arctic Regions.
XIII.	119,950	0	1	For Army Excess.
	65,525	0	1	For Commissariat Excess.
XIV.	6,786,883	0	0	For Army Services from 1st *April* 1849 to 31st *March* 1850, *viz.*
	3,655,588	0	0	For Forces in United Kingdom and Stations abroad (except the *East Indies*).
	173,376	0	0	For General Staff Officers, &c.
	94,199	0	0	For Allowances to Officers, &c. of public Military Departments.
	17,408	0	0	For Royal Military College.
	19,298	0	0	For Royal Military Asylum, &c.
	66,286	0	0	For Volunteer Corps.
	15,120	0	0	For Rewards for distinguished Military Services.
	78,908	0	0	For Pay of General Officers.
	56,000	0	0	For Full Pay for Retired Officers.
	400,000	0	0	For Half Pay for Retired Officers.
	44,156	0	0	For Half Pay for Officers of disbanded Foreign Corps, &c.
	128,778	0	0	For Pensions to Widows.
	95,500	0	0	For Compassionate List, &c.
	35,541	0	0	For In-Pensioners of *Chelsea* and *Kilmainham* Hospitals.
	1,224,053	0	0	For Out-Pensioners of *Chelsea* Hospital, &c.
	38,000	0	0	For Superannuations in Military Public Departments.
	488,000	0	0	For Commissariat Department.
	43,872	0	0	For Half Pay of Commissariat Department.
	112,800	0	0	For Disembodied Militia.

	£ 97,984	13	1	For Ordnance Excess of 1846.	
	35,386	15	7	For Ordnance Excess of 1848.	
§XVI.	2,632,601	0	0	For Ordnance Services to 31st *March* 1850, *viz.*	
	711,895	0	0	For Pay of Ordnance Military Corps.	
	301,650	0	0	For Commissariat and Barrack Supplies, &c.	
	85,881	0	0	For Expense of Ordnance Office.	
	315,373	0	0	For Establishments in United Kingdom and Colonies.	
	141,330	0	0	For Wages of Artificers, &c.	
	323,418	0	0	For Ordnance Stores for Land and Sea Service.	
	486,536	0	0	For Works and Repairs.	
	94,859	0	0	For Scientific Branch.	
	171,659	0	0	For Non-effective Services.	
XVII.	17,786,700	0	0	To pay off Exchequer Bills of 1849.	
	500,000	0	0	For Transfer of Aids.	
XVIII.	52,173	2	11	To replace escheated Property of *John Turner*.	
XIX.	109,900	0	0	For New Houses of Parliament	To 31st *March* 1850.
	100,000	0	0	For Civil Contingencies	
	103,467	0	0	For Repair of Royal Palaces, &c.	
	14,200	0	0	For enlarging *Buckingham Palace* in 1849.	
	3,284	0	0	For temporary Accommodation for Houses of Parliament, &c.	To 31st *March* 1850.
	45,771	0	0	For *Holyhead* Harbour	
	141,500	0	0	For Harbours of Refuge in 1849.	
	10,000	0	0	For *Caledonian* Canal in 1849.	
	24,233	0	0	For Public Buildings in Departments of Public Works in *Ireland*	To 31st *March* 1850.
	9,550	0	0	For *Kingstown* Harbour	
XX.	93,200	0	0	For Salaries, &c. of Houses of Parliament	
	57,200	0	0	For the Treasury	
	25,400	0	0	For the Home Department	
	76,000	0	0	For the Foreign Department	
	36,900	0	0	For the Colonial Department	
	43,000	0	0	For the Privy Council and Privy Council for Trade	
	2,000	0	0	For Lord Privy Seal	
	23,900	0	0	For Office of Paymaster General	
	6,626	0	0	For Department of Comptroller General of Exchequer	
	2,700	0	0	For State Paper Office	
	3,540	0	0	Part Expenses of Ecclesiastical Commissioners for *England*	
	240,000	0	0	For Administration of Poor Laws	
	45,694	0	0	For the Mint	
	7,996	0	0	For Commissioners of Railways	To 31st *March* 1850.
	12,822	0	0	For Public Records, &c.	
	11,879	0	0	For Salaries, &c. of Inspectors of Factories, &c.	
	1,755	0	0	Civil Charges, *Scotland*, &c.	
	6,464	0	0	For Officers, &c. of Lord Lieutenant of *Ireland*	
	24,235	0	0	For Salaries of Chief Secretary, &c., *Ireland*	
	5,596	0	0	For Paymaster of Civil Services, *Ireland*	
	39,562	0	0	For Board of Public Works, *Ireland*	
	39,000	0	0	For Foreign and Secret Services	
	277,762	0	0	For Stationery, &c. for Public Departments	
XXI.	26,000	0	0	For Office of Solicitor to the Treasury	
	9,000	0	0	For Prosecutions under Laws relating to Coin	
	17,700	0	0	For Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c.	
	10,370	0	0	For Insolvent Debtors Court	
	73,730	0	0	For Law Expenses, *Scotland*	
	63,991	0	0	For Criminal Prosecutions and Law Charges, *Ireland*	
	35,500	0	0	For Metropolitan Police, *Dublin*	
	258,000	0	0	For Charges formerly paid out of County Rates	
	702,523	0	0	For General Superintendence of Prisons, &c.	
XXII.	125,000	0	0	For Public Education in *Great Britain* in 1849.	
	120,000	0	0	For Education, *Ireland*	To 31st *March* 1850.
	10,000	0	0	For School of Design, &c.	
	2,006	0	0	For certain Professors at *Oxford* and *Cambridge*	

	£4,000	0	0	For *London* University - - - -	To 31st *March* 1850.
	7,480	0	0	For Grants to *Scottish* Universities - - -	
	300	0	0	For Royal *Irish* Academy - - - -	
	300	0	0	For Royal *Hibernian* Academy - - -	
	6,000	0	0	For Royal *Dublin* Society - - - -	
	3,100	0	0	For Royal *Belfast* Academical Institution to 30th *September* 1849, and for Salaries to Theological Professors at *Belfast* to 31st *March* 1850.	
	36,288	0	0	For New Buildings, &c. at *British Museum* to 31st *March* 1850.	
	1,500	0	0	For Antiquities for ditto in 1849.	
	1,500	0	0	For National Gallery in 1849.	
	18,000	0	0	For Geological Survey, &c. - - - -	To 31st *March* 1850.
	5,000	0	0	For Observatories at *Toronto*, &c. - - -	
	2,800	0	0	For completing Monument to Lord *Nelson* in 1849-50.	
	42,915	0	0	For *British Museum* to 25th *March* 1850.	
	12,000	0	0	For Colleges, *Ireland*, in 1849.	
§ XXIII.	148,690	0	0	For the Consular Establishment abroad - -	To 31st *March* 1850.
	4,049	0	0	For Civil Establishment of the *Bermudas* - -	
	2,000	0	0	For ditto of *Prince Edward's Island* - - -	
	11,578	0	0	For Ecclesiastical Establishment of *British North American* Provinces - - - -	
	14,102	0	0	For *Indian* Department in *Canada* - - -	
	290	0	0	For Civil Establishment of *Bahama Islands* -	
	18,028	0	0	For Salaries of Governors, &c. of *West India* Colonies	
	41,150	0	0	For Salaries, &c. of Stipendiary Justices in *West India* Colonies and the *Mauritius* - -	
	13,680	0	0	For Civil Establishments on the Western Coast of *Africa* - - - - -	
	16,940	0	0	For *St. Helena* - - - - - -	
	7,379	0	0	For Western *Australia* - - -	
	1,763	0	0	For *Port Essington* - - - - -	
	20,000	0	0	For *New Zealand* - - - - -	
	1,023	0	0	For Civil Establishment of *Heligoland* - -	
	5,700	0	0	For *Falkland Islands* - - - -	
	25,000	0	0	For *British* Settlement at *Hong Kong* - -	
	9,827	0	0	For *Labuan* - - - - -	
	13,654	0	0	For Colonial Land and Emigration Board, &c. -	
	30,000	0	0	For support of captured Negroes, &c. - -	
	16,850	0	0	For Commissions for suppressing the Slave Trade -	
	20,000	0	0	For Missions abroad - - - -	
XXIV.	110,117	0	0	For Superannuations, &c. to Public Officers -	
	4,100	0	0	For *Toulonese* and *Corsican* Emigrants, &c. -	
	2,000	0	0	For National Vaccine Institution in 1849.	
	2,000	0	0	For Refuge for Destitute in 1849.	
	8,990	0	0	For Polish Refugees, &c. - - - -	To 31st *March* 1850.
	6,423	0	0	To pay Miscellaneous Allowances - - -	
	1,000	0	0	For Foundling Hospital, *Dublin* - - -	
	12,093	0	0	For House of Industry, *Dublin* - - -	
	800	0	0	For Female Orphan House, *Dublin* - - -	
	2,250	0	0	For *Westmoreland* Lock Hospital, *Dublin* - -	
	800	0	0	For Lying-in Hospital, *Dublin* - - -	
	1,500	0	0	For Dr. *Stevens'* Hospital, *Dublin* - -	
	3,800	0	0	For House of Recovery, &c., *Dublin* - -	
	500	0	0	For Hospital for Incurables, *Dublin* - -	
	37,183	0	0	For Protestant Dissenting Ministers, *Ireland* -	
	7,096	0	0	For Charitable Allowances, *Ireland* - - -	
XXV.	14,652	0	0	For General Board of Health - - -	
	2,447	0	0	For Central Board of Health in *Dublin* - -	
	18,000	0	0	For Drainage, *Ireland* - - - -	
	838	0	0	For *British* Ambassador's House at *Paris* in 1849–50.	
	12,000	0	0	For *British* Ambassador's House at *Constantinople* in 1849.	
	16,000	0	0	For Militia, *Canada*, in 1849-50.	
	7,300	0	0	For Lighthouses abroad, and Establishment at *Sable* Island for shipwrecked Persons.	
	3,000	0	0	For repairing Harbour at *Lybster* on East Coast of *Scotland* in 1849.	

§ XXVI. Supplies to be applied only for the Purposes aforesaid.
XXVII. Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted. Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.
XXVIII. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.
XXIX. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.
XXX. Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified.
XXXI. Half Pay allowed to Officers of the *Manx* Fencibles.
XXXII. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.
XXXIII. Surplus of Sum by 11 & 12 *Vict.* c. 126. appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.
XXXIV. Widows, &c. claiming Pensions to make required Declaration.
XXXV. Declarations to be made as specified in 5 & 6 *W.* 4. c. 62.

CAP. XCIX.

An Act to encourage Endowment of Chapels of Ease, and facilitate Assignment of Pastoral Districts thereto; and to amend an Act of the Eighth Year of Her present Majesty for Marriages in *Ireland*, and for registering such Marriages. [1st *August* 1849.]

'WHEREAS divers Churches, Chapels of Ease, and other Episcopal Chapels have been and hereafter may be built in *Ireland*, for the Support and Maintenance of which, and the Performance of Divine Worship therein according to the Discipline and Doctrine of the United Church of *England* and *Ireland*, no adequate Provision has or shall have been made: And whereas many pious and well-disposed Persons might be found willing to provide an adequate Endowment for the Minister or Curate of such Church or Chapel, and it is expedient to afford greater Facilities than now exist for the Endowment of the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Person or Persons, Bodies Politic or Corporate, either on their own Behalf or in pursuance of any Trust theretofore created by Will or otherwise, but with the Consent in Writing of the Ordinary of the Diocese and of the Incumbent of the Parish in which respectively such Church or Chapel as herein-after mentioned may be situate, and also of the Majority of the Trustees for the Time being (if any) of such Church or Chapel, by a formal Deed of Endowment thereof, executed under their Hands and Seals respectively, and deposited in the Registry of such Diocese, to settle Lands, Tenements, or Hereditaments in Fee Simple, or any Term with Covenant for perpetual Renewal thereof, or for any Terms of Years of which Sixty Years at least shall be then subsisting and unexpired, of the yearly Value of Fifty Pounds, clear of all Outgoings and Incumbrances, or Money in any of the Government Funds or other Public Securities amounting at the least to Twelve hundred and fifty Pounds, as a Provision or Maintenance for a Minister to officiate in any such Church or Chapel, other than the Parochial Church of the Parish in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are to be used and observed, and his Successors for ever, and as a perpetual Endowment of such Church or Chapel, together with a Fund to provide for the Repairs of such Church or Chapel, namely, One Sum equal in Amount to Three Pounds in every One hundred Pounds of the original Cost of erecting such Church or Chapel, to be secured as aforesaid, and also a further Sum, to be reserved annually out of the Pew Rents of the said Church or Chapel, after the Rate of Three Pounds for every One hundred Pounds of the Sum to be provided as last aforesaid, and such further annual Sum as may be needed for the Payment of any Rent or necessary Outgoing chargeable upon or payable out of the Premises on which such Church or Chapel may be situate, and which said last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid not less in Amount than Twenty Years Purchase of such Rent or Outgoing: Provided always, that by the Deed of Endowment of the said Church or Chapel One Third at least of the Sittings thereof shall be appropriated as public and free Sittings for ever: Provided also, that no such Deed of Endowment shall be valid or effectual in Law unless enrolled within Six Months from the Execution thereof in Her Majesty's High Court of Chancery in *Ireland*, together with any Deed of Grant or Demise of the Premises on which the said Church or Chapel has been or shall be erected.

Power to Persons to endow Churches, &c. with Consent of Bishops and Incumbents of Parishes.

No Deed valid unless enrolled in Chancery within Six Months.

II. And be it enacted, That from and after the Enrolment of such Deed of Endowment of any such Church or Chapel of Ease, with such Consents of the Ordinary, Incumbent, and Trustees as aforesaid, the Provisions of an Act passed in a Session of Parliament holden in the Sixth and Seventh Years of the

Endowed Church or Chapel to be subject to

Provisions of 6 & 7 W. 4. c. 31.

the Reign of King *William* the Fourth, and intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the Encouragement of building of Chapels of Ease in* Ireland, shall extend and be deemed and taken to apply to the Case of such Church or Chapel so endowed as aforesaid, in the same Manner as if the said Church or Chapel had been erected or appropriated and endowed under the Provisions of the said recited Act.

Deed to exempt Incumbent from Liability.

III. And be it enacted, That such Deed of Endowment, when duly executed and enrolled with such Consents as aforesaid, shall (unless thereby otherwise provided) be deemed and taken completely to exonerate and exempt the Incumbent of the said Parish and his Successors for ever thenceforth from all Liability to provide for the Maintenance of the Minister of such Church or Chapel.

District formed of adjacent Parishes may be assigned by Bishop.

IV. And be it enacted, That where any Church or Chapel in which the said Liturgy and Rites are to be used and observed has been or shall be erected or appropriated and endowed under the Provisions of the last-recited Act, or has been or shall be built or appropriated under the Provisions of any other Statute, or under or by virtue of any Ecclesiastical Authority, or shall be endowed under the Provisions of this Act, and such Church or Chapel, being other than the Parochial Church of any Parish, shall be contiguous to Two or more Parishes, whether in the same Diocese or in Two or more contiguous Dioceses, provided such contiguous Dioceses shall be within the same Province, it shall be lawful for the Archbishop, Bishop, or Ordinary of the Diocese, or of each and every of Two or more contiguous Dioceses respectively, and conjointly with the Consent of the Incumbents of the said Parishes respectively, to assign a particular District to such Church or Chapel, to be formed from contiguous Portions of the said Two or more adjoining Parishes, whether situate in different Dioceses contiguous to each other or in the same Diocese; and such District shall be under the immediate Care of the Minister who shall be duly licensed to serve such Church or Chapel so far as regards the Visitation of all sick Persons and other pastoral Duties; and it shall be lawful for the said Archbishop, Bishop, Ordinary, or Ordinaries also to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Church or Chapel, or not; and the said Archbishop, Bishop, Ordinary, or Ordinaries shall cause a Description of the Boundaries of the District assigned by him or them to such Church or Chapel to be registered in the Registry or Registries of the said Diocese or Dioceses, and shall also cause his or their Order and Directions in Writing as to all Offices to be performed in any such Church or Chapel to be registered in the Registry or Registries of his or their Diocese or Dioceses: Provided always, that the entire of such District, and the Incumbent and Incumbents thereof, shall be exclusively under the Ecclesiastical and Spiritual Jurisdiction of the Diocesan in whose Diocese the Church or Chapel of such District shall be locally situate: Provided also, that nothing herein contained shall subject the Incumbent of any Parish a Portion whereof shall be included in such District to the Jurisdiction of any Diocesan of any other Diocese than that in which his Benefice shall be situate.

Portion of Glebe Lands, with the Assent of Bishop of the Diocese and of the Archbishop of the Province, may be granted as a Site for such Church or Chapel.

V. And be it enacted, That it shall and may be lawful for any Incumbent or other Ecclesiastical Owner for the Time being of any Glebe Lands by him held in right of his Benefice or other Ecclesiastical Title, by and with the Consent of the Patron of the Benefice and the Bishop of the Diocese in which the same may be situate, and with the Approval of the Archbishop of the Province, to be testified under their Hands and Seals respectively, to appropriate and set apart such Portion of the said Glebe Lands as may be convenient and suitable for the Erection of a Church or Chapel thereon to be endowed as aforesaid; and such Appropriation and Endowment when so made and approved as aforesaid, and the Deed of Endowment thereof executed and enrolled as herein-before provided in the Case of a Church or Chapel endowed under this Act, shall be good and valid to all Intents and Purposes, and as if the said Portion of the said Glebe Lands had been granted by a Person capable of absolutely disposing of the same: Provided always, that in any such Case wherein the Consent of Her Majesty the Queen, Her Heirs or Successors, may be required as aforesaid, the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, testified under his or their Hand and Seal, shall be of the same Force and Effect as if the Consent of Her said Majesty, Her Heirs and Successors, had been duly signified as by Law required.

Appointment of Chapelwardens.

VI. And be it enacted, That Two fit and proper Persons may be appointed to act as Churchwardens for every Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act for the Encouragement of the building of Churches or Chapels in *Ireland* as aforesaid at the usual Period in every Year for the Appointment of Parish Officers, one of such Churchwardens to be named by the Incumbent or Minister of such Church or Chapel, and the other by the Proprietors or Holders of Pews in such Church or Chapel; and such Churchwardens when so elected, admitted, and sworn as in other Cases of Churchwardens of Parochial Churches shall have Authority within the said Church or Chapel, and any District legally assigned thereto or connected therewith, as in the Case of a Parish and Parochial Church is lawful and usual for the Churchwardens thereof; and such Church or Chapel Wardens shall and may, unless otherwise may be provided by the Deed of Endowment, take care of the Repairs of the said Church or Chapel and the Management of the Funds thereof, and be competent to recover, by all proper Means and Proceedings, the Pew Rents and other Dues belonging to such Church or Chapel, and so that no such Proceeding shall abate by reason of the Death, Removal, or going out of Office of any such Church or Chapel Warden, but may be commenced, prosecuted, and continued in the official Name of the Church or Chapel Wardens of the said Church or Chapel, describing the same by its usual Name or by its local Situation: Provided always, that the Office, Powers, and Duties of such Church or Chapel Wardens, when so elected, admitted, and sworn, shall be continued until Successors shall be chosen, admitted, and sworn to fill the said Office as aforesaid.

VII. And

VII. 'And whereas by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for Marriages in* Ireland, *and for registering such Marriages*, it was amongst other things enacted, that with the Consent of the Patron and Incumbent respectively of the Church of the Parish or District in which might be situated any public Chapel with or without a Chapelry thereunto annexed, or any Chapel duly licensed for the Celebration of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, or any Chapel the Minister whereof was licensed to officiate therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, the Bishop of the Diocese, if he should think it necessary for the due Accommodation and Convenience of the Inhabitants, might authorize by a Licence under his Hand and Seal the Publication of Banns and Solemnization of Marriages in any such Chapel for Persons residing within a District the Limits whereof should be specified in the Bishop's Licence, and under such Provisions as to the said Bishop might seem fit, and as might be specified in the said Licence: And whereas it is expedient to amend the said Act as to such Cases in *Ireland* in which the Consent of the Crown as Patron shall be required:' Be it enacted, That in every Case in which the Consent of the Queen's Majesty, Her Heirs or Successors, is to be given to any such Licence, the Consent in that Behalf of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under his or their Hand and Seal or Hands and Seals, shall, to all Intents and Purposes, be as good and valid in Law as if the Consent of Her Majesty, Her Heirs or Successors, had been thereunto signified by Letters Patent under the Great Seal of *Ireland*.

Consent of the Crown as Patron may be given by the Lord Lieutenant in certain Cases. 7 & 8 Vict. c. 81.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. C.

An Act to promote the Advance of private Money for Drainage of Lands in *Great Britain* and *Ireland*. [1st *August* 1849.]

'WHEREAS an Act was passed in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to authorize the Advance of public Money to a limited Amount to promote the Improvement of Land in* Great Britain *and* Ireland *by Works of Drainage*: And whereas an Act was passed in the Tenth Year of Her present Majesty, intituled *An Act to explain and amend the Act authorizing the Advance of Money for the Improvement of Land by Drainage in* Great Britain: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in* Great Britain: And whereas it is desirable that Works of Drainage should continue to be encouraged, in order to promote the increased Productiveness of the Land and Healthiness of the Districts where it is required, and to supply the Demand for Agricultural Labour, especially at that Season of the Year when other Sources are suspended: And whereas the whole Sum mentioned in the first-recited Act, namely, Two Millions Sterling for *Great Britain* and One Million Sterling for *Ireland*, has been already applied for and appropriated, and additional Sums have been granted under subsequent Acts for *Ireland*, and Applications have been made for a further Sum of Half a Million and upwards for *Great Britain*, and for further Sums for *Ireland*, and it is expedient that the same should be advanced by private Individuals, and that Owners of Land should be enabled or authorized (with the Sanction of the Inclosure Commissioners for *England* and *Wales*) to borrow or advance Money to be expended with the like Sanction in draining such Lands:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Inclosure Commissioners for *England* and *Wales* shall be the Commissioners for the Execution of this Act in *Great Britain*, and it shall be lawful for the said Inclosure Commissioners to employ in the Execution of this Act the Assistant Commissioners, Secretary, Surveyors, Clerks, Messengers, and Officers who have been or may be appointed by the said Commissioners under an Act passed in the Eighth and Ninth Years of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, and the said first-recited Act, respectively; and the said Inclosure Commissioners may, with such Consent as provided by the said Act of the Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty in respect of Appointments under such Act, from Time to Time appoint a sufficient Number of Persons to be Assistant Commissioners and Surveyors respectively for the Purposes of this Act, and may from Time to Time remove any such Assistant Commissioners and Surveyors; and the Allowances and travelling and other Expenses of such Assistant Commissioners and Surveyors shall be regulated as to the Amount thereof in like Manner as provided by the said last-mentioned Act in respect of Allowances and Expenses to Assistant Commissioners under the same Act, and such Allowances shall not exceed the Allowances payable to the last-mentioned Assistant Commissioners; and the Commissioners for the Execution of this Act in *Ireland* shall be the Commissioners of Public Works in *Ireland* under an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and of an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote Drainage of Lands and Improvement*

Inclosure Commissioners to be the Commissioners for the Execution of this Act. 8 & 9 Vict. c. 118.

Allowances and Expenses to be regulated as provided by 8 & 9 Vict. c. 118.

Commissioners of Public Works to be Commissioners, and have Power

to employ their Officers for the Execution of this Act, in Ireland.

Improvement of Navigation and Water Power in connexion with Drainage in Ireland, and of the several Acts amending the same respectively, and such Commissioners shall have full Power and Authority, with the Approbation of the Commissioners of Her Majesty's Treasury, to employ such Civil Engineers, Surveyors, Clerks, and other Officers appointed under the said last-mentioned Acts respectively as may be necessary for carrying this Act into execution.

Owner of Land may borrow or advance Money.

II. And be it enacted, That it shall be lawful for the Owner of any Land in *Great Britain* or *Ireland*, who shall be desirous of borrowing or advancing Money for the Improvement of such Lands by Works of Drainage under the Provisions of this Act, to borrow or advance Money for such Purpose, and to have the Money expended in such Improvement, and in defraying the Expenses incident thereto, charged on the Inheritance of such Land, in manner and with the Priority herein mentioned.

Application to be made to Commissioners.

III. And be it enacted, That when any Owner of Land shall be desirous of borrowing or advancing Money under this Act he shall make an Application to the Commissioners to authorize such Loan, and such Application shall be made in such Manner and Form and contain such Particulars as the Commissioners shall from Time to Time direct; and until a Certificate of the Allowance thereof shall have been issued by the Commissioners such Application may be withdrawn or altered, or consolidated with any other Application, at the Pleasure of the Applicant, but without Prejudice to his Liability as herein-after mentioned for the Expenses incurred in consequence thereof by the Commissioners or their Officers.

Inspection of Land to be made by Officers of Commissioners.

IV. And be it enacted, That it shall be lawful for the Commissioners on such Application to cause the Land specified in such Application to be inspected, and the Application to be reported upon, by an Assistant Commissioner, Surveyor, or Engineer, or otherwise; and the Commissioners shall upon such Report determine and certify under their Seal whether any and what Amount of Money shall be authorized to be borrowed or advanced under this Act in respect of the Land specified in such Application, and they shall by the same or by some subsequent Certificate fix the Rate of Interest, not exceeding Five *per Cent. per Annum*, to be paid in respect of any Money to be so borrowed or advanced; and such Report as aforesaid shall contain such Particulars of the Land proposed to be drained, and of the Manner of effecting the Drainage thereof, and of the estimated Expense of such Drainage, and of the Improvement to be thereby effected in the annual Value of the Land, as in the Opinion of the Party making such Report will be sufficient to enable the Commissioners to judge of the Expediency of allowing the Application; and the Commissioners shall after the Issue of their Certificate of Allowance be at liberty from Time to Time to authorize an Abandonment of any Part of the proposed Works of Drainage, or any Variation therein which they may think expedient, on such Terms and Conditions as they shall think reasonable.

Certain Provisions in first-recited Act as to Notices of Applications incorporated.

V. And be it enacted, That the Provisions of the said first-recited Act relating to Notice by Advertisement of Application for Advances for Drainage Purposes, and to the Proceedings to be had in consequence of any Dissent to such Application, or relating to the Consent of the Bishop of the Diocese and Patron of the Benefice to any such Application in relation to Land held in right of any Church, Chapel, or other Ecclesiastical Benefice, shall (save so far as the same are inconsistent with or repugnant or inapplicable to the Provisions of this Act) be deemed to be incorporated herein.

Recovery of Expenses where Application refused or no Money can be raised.

VI. And be it enacted, That in the Case of an Application for Authority to borrow Money where the Commissioners shall determine that no Money shall be borrowed in pursuance of such Application, or where the Money authorized to be borrowed, or a competent Part thereof (as to which the Decision of the Commissioners shall be conclusive), shall not be raised, and paid into the Bank as herein-after mentioned, within Six Months from the Allowance of such Application, and in the Case of an Application for Authority to advance Money by the Owner of Land himself, whether the Commissioners shall determine that any Money shall or shall not be advanced in pursuance of such Application, the Expenses which the Commissioners or their Officers shall have incurred by or in consequence of such Application (the Amount whereof shall be conclusively certified by the Commissioners) shall be a Debt due by the Party making such Application to the Commissioners, and shall be recoverable by them as in the Nature of a Crown Debt.

When Application allowed, Money to be paid into the Bank.

VII. And be it enacted, That in Cases where any Sum of Money shall be authorized by the Commissioners to be raised in pursuance of any such Application, the Party or Parties willing to advance the same or any Part thereof, other than the Owner of Land making the Application, shall pay the same into the Bank of *England* or into some Bank in *Scotland* established by Act of Parliament or Royal Charter, or in *Ireland* into the Bank of *Ireland*, as the Case may be, or into some convenient Branch Bank thereof respectively, to be specified by the Commissioners in their Certificate of Allowance of the Application; and such Payment or Payments shall be to the Credit of the Commissioners to an Account the Title whereof shall be named in said last-mentioned Certificate, and such Monies shall, until duly applied under this Act, be the Property of the Commissioners; but nevertheless the Commissioners, observing the Rules and Regulations of this Act, shall not, either collectively or individually, be answerable for any Monies which shall have been paid into the said Banks or any of them, or any Branch thereof.

As to Payment of Contribution to Loan, and Banker's Certificates for the same.

VIII. And be it enacted, That in any Case where more than One Party shall be willing to contribute towards such Advance, the Applicant, if willing to contribute thereto, shall have the Preference as a Lender, or shall be entitled to name the Party or Parties who shall have such Preference; and the Commissioners shall be entitled to name the minimum Amount to be paid into the Bank as One Contribution towards such Advance; and upon each Contribution being paid into the Bank a Banker's Certificate

for

for the same, in a Form to be from Time to Time approved of by the Commissioners, shall be delivered to the Parties paying in the same, and thenceforth such Parties shall not be concerned to see to the Application or suffer for the Misapplication of the Amount for which such Banker's Certificate shall have been taken.

Bankers Certificates for Contributions to be exchanged for Grants by Commissioners of Rent-charges for Twenty-two Years each.

IX. And be it enacted, That unless such Contribution shall have been paid into the Bank in contravention of the aforesaid Provisions as to Priority of Right to contribute (in which Case the Amount thereof shall be repaid), the Bankers Certificates for the same shall be transmitted to the Office of the Commissioners, who shall in exchange for the same issue a Grant, in such Form as they shall deem fit, in their Name and under their Seal to the Party or Parties named in each such Certificate (if more than One, as Joint Tenants), his or their Executors, Administrators, or Assigns, of a Rent-charge to be issuable out of the Land in respect whereof such Advance shall have been authorized, or out of such Part thereof to be specified in such Grant as the Commissioners shall think proper and sufficient, such Rent-charge to be Personal Estate, and to commence on the Day of the Date of such Banker's Certificate, and to be payable by half-yearly Payments for and during the Term of Twenty-two Years.

Commissioners to issue a Grant of Rent-charge to Owner of Lands.

X. And be it enacted, That in Cases where the Owner of Land himself shall advance the Money or Part of the Money for the Purposes of this Act, the Commissioners, on being satisfied by a Report of an Assistant Commissioner, Surveyor, or otherwise that the Money advanced by such Owner has been duly expended upon the Drainage Works sanctioned by the Commissioners to be executed, or upon any Part thereof which will, independently of the Part remaining unexecuted, be complete in itself, and upon the Expenses thereof, including the Expenses of the Commissioners and their Officers of and incident to the Application for an Advance, and that the Works will be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which can be made under this Act in respect of such Grant, shall issue a Grant, in such Form as they shall deem fit, in their Name and under their Seal, to such Owner of Land, or to some other Person or Persons to be nominated by him or by his Executors or Administrators, of a Rent-charge to be issuable out of the Lands in respect whereof such Advance shall have been made, or out of such Part thereof to be specified in such Grant as the Commissioners shall think proper and sufficient, such Rent-charge to be Personal Estate, and to commence on the Day on which such Money shall be reported to have been duly expended as aforesaid, and to be payable by half-yearly Payments for and during the Term of Twenty-two Years, and in all other respects to be on the same Footing as a Grant of a Rent-charge to any Third Person.

Rent-charges may be charged on several Portions of the Land included in Application for Loan.

XI. And be it enacted, That in any Case where the Amount to be raised shall be contributed in several Sums, and several Bankers Certificates shall have been taken for the same, it shall be lawful for the Commissioners to apportion the Land in respect whereof such Loan shall have been authorized, or so much thereof as the Commissioners shall think a sufficient Security for the Rent-charges to be granted, in such Manner as that One or more of the Rent-charges to be granted for such Bankers Certificates may issue exclusively out of any definite Portion or Portions of such Land in absolute Exoneration of the Remainder thereof.

Apportionment of Rent-charges.

XII. And be it enacted, That if it shall be represented to the Commissioners that the Land charged with any Rent-charge under this Act is occupied in separate Farms, or shall have become the Property of separate Owners, or that the Owner thereof is entitled thereto under separate Titles or for distinct and separate Interests, or is desirous to sell or dispose of a Part or Parts of such Land, or that for any other Reason it will be desirable that such Rent-charge shall be apportioned, it shall be lawful for the Commissioners, with the Consent of the Owner or Owners of the Land charged with such Rent-charge, by Order under the Seal of the Commissioners to apportion such Rent-charge so that a separate and distinct Rent-charge may become charged on such separate Farm, or on the Land of each Owner, or on the Land held under each separate Title or for each distinct and separate Interest, or on the Part or each Part which the Owner is desirous to sell or dispose of and the Part intended to be retained by him, or on other separate Parts of the said Lands, but so that no Rent-charge under such Apportionment shall be less than Twenty Shillings; provided that the Commissioners shall and they are hereby directed, before making any such Order of Apportionment, to see that due Notice of the intended Apportionment shall have been given to the Parties entitled to give a Receipt for the said Rent-charge, or some or one of them, in order that they or he may, if necessary, dispute such Apportionment.

Indefeasible Title and Priority of Rent-charges.

XIII. And be it enacted, That, subject to the Provisions herein-after contained as to the Registry of Grants of Rent-charges on Lands in *Scotland*, *Middlesex*, or *Yorkshire*, or in *Ireland*, every such Rent-charge shall, without reference to the Title of the Parties making such Application (as to which the Allowance of such Application by the said Commissioners shall be conclusive), be a valid and indefeasible Charge upon the Land comprised in the Grant thereof by the said Commissioners, subject only to Tithe Rent-charges, Land Tax, local Rates and Taxes, Quit or Chief Rents incidental to Tenure, and Charges created or to be created under any Act authorizing Advances of public Money for Drainage or the Improvement of Lands, and prior to all other Charges whatsoever.

Registry of Grants of Rent-charges on Lands in Middlesex, Yorkshire, Ireland, and Scotland.

XIV. And be it enacted, That as to Lands in *Middlesex* or *Yorkshire*, or in *Ireland*, all Grants of Rent-charges thereon to be made in pursuance of this Act shall be registered in the same Manner respectively as if such Grants were made by Deed by the absolute Owner of such Lands without the Aid of this Act, and shall be liable to be postponed in point of Priority to subsequent Deeds and Conveyances, in the same Manner and to the same Extent respectively as if such Grants were made by such absolute Owner, and without reference to this Act; and all Grants of Rent-charges on Lands in *Scotland* shall be registered in the General or Particular Register of Sasines.

XV. And

As to the Recovery of Rent-charges in England and Ireland. 6 & 7 W. 4. c. 71.

XV. And be it enacted, That as to Lands in *England* or *Wales* such Rent-charges shall be recoverable in the same Manner as a Rent-charge in lieu of Tithes under the Act of the Seventh Year of King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, is recoverable, but so nevertheless that as against Persons who at the Time of the taking of the Certificate for the Contribution in respect of which such Rent-charges shall have been granted, or in the Case of an Advance by an Owner of Land at the Time of the Grant of his Rent-charge, shall have been any such Tenant for Life or Lives or Years, as is excepted from the Definition of the Term Owner of Lands in the said Act of the Seventh of *William* the Fourth, and shall not have concurred in such Application for a Loan or Advance as aforesaid, the Party entitled to such Rent-charge shall not during the Subsistence of such Tenancy or Term be entitled to any further or other Remedy for the Recovery thereof than if he were entitled to the immediate legal Reversion expectant on the Determination of such Tenancy or Term; and any Rent-charge which shall become charged on Land in *Ireland* by virtue of this Act shall be recoverable by the same Means and in the same Manner, and with the like Remedies for the Recovery thereof, in all respects as a Rent-charge in lieu of Tithe charged on the same Lands is now recoverable under and by virtue of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rent-charges in lieu thereof*, and the several Acts passed for amending the same.

1 & 2 Vict. c. 109.

As to Recovery of Rent-charges in Scotland.

XVI. And be it enacted, That as to Lands in *Scotland* every Rent-charge which shall become charged on Land by virtue of this Act shall be recoverable by the same Means and in the like Manner in all respects as any Feu Duty, or Rent or annual Rent, or other Payment payable out of the same Lands, would be recoverable, but shall be subsequent in Order of Charge to any Feu Duty.

Tenant may deduct Rent-charge except where he has agreed to pay same.

XVII. And be it enacted, That if any Tenant or Occupier at a Rent join in the Application for an Improvement, or by Writing under his Hand signify to the Commissioners, or to any Assistant Commissioner, Surveyor, or Engineer, his Consent to become charged with the Charge or an apportioned Part thereof, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay the Charge, or an apportioned Part thereof, as herein-after mentioned; and in case the Application be made for a Charge in respect of the Improvement as well of other Land as of the Land included in such Tenancy or Occupation, the Commissioners may, upon such Concurrence or Consent of such Tenant or Occupier, by any Certificate to be made in pursuance of this Act, or by a separate Order of Apportionment, declare what Portion of the whole Rent-charges or Rent-charge payable in respect of the Improvement shall be payable by such Tenant or Occupier, during his Tenancy or Occupation, in respect of the probable Improvement of the Land included in his Tenancy or Occupation; but, except as aforesaid, every Tenant or Occupier who pays such Charge shall be entitled to deduct the Amount thereof from the Rent payable by him to the Reversioner, and shall be allowed the same in account with him.

Arrears not to be recoverable after 3 Years.

XVIII. And be it enacted, That no Arrears of any Rent-charge created under this Act shall be recoverable after the Expiration of Three Years from the Time when the same became payable, and no Interest shall be recoverable in respect of any Arrears of any such Rent-charge.

Advances under this Act not to be deemed a Contravention of Conditions of Entail of Lands in Scotland.

XIX. And be it enacted, That no Proprietor of an entailed Estate in *Scotland* shall be held to have contravened the Conditions of the Entail by reason of having availed himself of the Provisions of this Act, and no Rent-charge imposed or created on any entailed Lands in *Scotland* under the Authority of this Act shall be made use of as a Ground for adjudging, selling, or evicting such Lands or any Part thereof, contrary to the Provisions and Conditions of the Entail, but every such Rent-charge shall be a good and effectual Charge upon and against such entailed Lands to every other Effects, and upon and against the Rents and Profits thereof.

Rent-charge not to preclude Trustees from investing Money in the Purchase, &c. of Land charged.

XX. And be it enacted, That the Rent-charge by virtue of this Act to be charged on any Land shall not be deemed such an Incumbrance as shall preclude a Trustee of Money held in trust, and with a Power for the Investment thereof in the Purchase of Land or on Mortgage, from investing the same in a Purchase of or upon a Mortgage of such Land so charged, unless the Terms of such Trust or Power shall expressly provide that the Land to be so purchased or taken in Mortgage shall not be subject to any Rent-charge under the Provisions of this Act.

Rent-charges to be kept down by Tenants for Life, &c.

XXI. And be it enacted, That as between the several Parties interested in any Land charged with a Rent-charge under this Act such Parties shall respectively be bound to keep down and discharge the Payments thereof as if the same were Interest payable upon a Mortgage in Fee on such Lands.

Certain Expenses to be included in Drainage Works.

XXII. And be it enacted, That the Expenses in the secondly above-recited Act particularly mentioned as to be included among the Expenses of Works of Drainage shall, as well as to Lands in *Ireland* as to Lands in *Great Britain*, be deemed to be and may be included among the Expenses of Works of Drainage in respect of a Loan or Advance made under the Provisions of this Act.

As to Inspection of Works by Officers of Commissioners.

XXIII. And be it enacted, That the Commissioners shall as they see Occasion cause the said Works to be inspected by a Commissioner, Assistant Commissioner, Surveyor, or Engineer, or other Officer, to ascertain the due Execution of such Works, and such Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively may require the Production of such Vouchers, Bills of Account, or other Documents as may enable him to ascertain such due Execution, and the Amount of the Expense which shall have been actually incurred in the Execution of such Works.

Payment of Cost of Drainage Works and Expenses of

XXIV. And be it enacted, That, with the Exception of Cases where the Owner of Land shall himself advance Money, and the Expenses shall be paid thereout, for which Provision is herein-before made, all Monies which shall be payable on account of the Works to be executed under this Act, and all Expenses

to

to be incurred by the said Commissioners or their Officers of or incident to the Application in pursuance whereof such Monies shall have been authorized to be raised, or any Proceedings taken or Works done in consequence thereof, shall be paid by means of Cheques, to be from Time to Time drawn by the said Commissioners on the Bank wherein the Monies advanced on account of such Works shall have been deposited, and be paid out of such Monies: Provided always, that no such Payment shall be made unless the said Commissioners shall be satisfied that such Works, or any Part thereof which will, independently of the Part remaining unexecuted, be complete in itself, will be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which will be made under this Act in respect of such Payment.

Commissioners and their Officers.

XXV. And be it enacted, That where it shall appear to the Commissioners that, by reason of the Circumstances of the Land, or the Neglect of the Owner, or otherwise, any proposed Works in respect of which Money shall have been paid into any such Bank as aforesaid and a Rent-charge shall have been granted under this Act, cannot be executed, or that for any other Cause all or Part of such Money will not be applied under the Provisions herein-before contained, such Money, or such Part thereof as last aforesaid, shall be applied, by or under the Direction of the Commissioners, to indemnify against the Rent-charge granted in respect of such Money the Persons liable to pay the same, but so that no Part of such Money be paid to the Owner upon whose Application such Money shall have been advanced, or his Representatives, until all other Persons liable to pay such Rent-charge shall have been indemnified against the same or released therefrom; and for the Purposes of this Provision the Commissioners may invest all or any Part of the Money applicable to Indemnity as aforesaid in the Public Funds, and may invest and accumulate the Dividends arising from such Investment, and may out of such Monies, or the Investments thereof, purchase any Government Annuity or Annuities for any Term of Years, and may apply and dispose of such Money, and such Investments, Dividends, and Accumulations, in repurchasing all or any Part of the Rent-charge, or otherwise apply the same to such Indemnity as aforesaid as the Circumstances may require: Provided always, that where Part only of the Money paid into any such Bank as aforesaid has become applicable under the Provisions herein-before contained, but the Works in respect of which such Money was so paid have been fully executed, or Part only of such Works having been executed, the Commissioners are satisfied that such Part thereof will, independently of the Part remaining unexecuted, produce an Improvement in the yearly Value of the Land exceeding the whole Amount of the Rent-charge, and that it will not be expedient to execute the Remainder of such Works, the Part unapplied of such Money shall be applied rateably to indemnify as well the Owner upon whose Application such Money shall have been advanced as all the other Persons liable to pay the Rent-charge.

Application of Money paid into the Bank where the Works are not executed, or there is a Surplus not applicable to Works.

XXVI. And be it enacted, That the Provisions of the said first-recited Act as to upholding Drains, and keeping clean and open the Outfalls of Drains, shall be deemed to be incorporated in this Act, and shall apply to the Drains and Outfalls to be made under the Provisions herein contained.

As to upholding Drains and Outfalls.

XXVII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required to keep a Register of all Certificates of Allowances of Applications, or other Certificates which they shall issue under this Act, and of all Grants of and Orders for Apportionment of Rent-charges; and the said Register may be perused at all reasonable Times by any Person interested in the Land charged by any such Grant, or to which any such Certificate or Order of Apportionment shall relate.

Register of Certificates, Grants, &c. to be kept by Commissioners.

XXVIII. And be it enacted, That all Notices by the said recited Acts or this Act directed or authorized to be given by the Commissioners may be given by the Secretary of the Commissioners, or any Person authorized in that Behalf by the Commissioners.

Notices may be given by the Secretary.

XXIX. And be it enacted, That where a Description of Land by Reference to any former or other Document, whether issued in pursuance of this Act or not, shall be considered by the Commissioners to be otherwise sufficient for the Purposes of any Certificate, Grant, or Order to be issued under this Act, it shall not be necessary for the Purposes of Registration or for any other Purpose that the Land to be affected by any such Certificate, Grant, or Order shall be specified or described therein otherwise than by Reference to some such former or other Document as aforesaid.

Description of Land in any Certificate, Grant, or Order may be by Reference.

XXX. And for the Amendment of the said first-recited Act, be it enacted, That in every Case in which any Owner of Land charged with a Rent-charge under the Provisions thereof shall redeem such Rent-charge in manner therein provided, it shall be lawful for the Commissioners, by the Certificate of such Redemption, to declare that the annual Rent-charge shall continue a Charge upon such Land for the Remainder of the Term for which the same was created, and shall be payable to the said Owner of such Land, his Executors, Administrators, or Assigns, and the same shall thereupon so continue to be a Charge, and be transmissible as Personal Estate.

Rent-charge under 9 & 10 Vict. c. 101. may be redeemed by Owner as Personal Estate.

XXXI. 'And whereas Doubt having been entertained under the said recited Acts whether all the 'Lands specified or comprised in the Provisional Certificate issued under the said Acts must not be com- 'prised in the Certificate of Advance, or in each and every or some or One of the Certificates of Advance 'where more than One is issued under the same Acts in respect of the Works referred to in the same 'Provisional Certificate:' Now be it enacted and declared, That it shall be necessary to include in the Certificate or respective Certificates for Advance to be issued under the said Acts in respect of the Works referred to in any Provisional Certificate, such Part or Parts only of the Lands specified or comprised in such Provisional Certificate as the said Commissioners shall consider proper and sufficient to be comprised in such Certificates of Advance, or respective Certificates of Advance, and the Provisions of the said thirdly-recited Act as to Description by Reference shall, as far as Circumstances will admit, apply to the Land actually comprised in any such Certificate of Advance, as effectually as if the same had comprised the whole of the Lands specified or comprised in the Provisional Certificate.

Certificate of Advance under recited Acts may comprise only such Part of Lands in Provisional Certificate as Commissioners think sufficient.

Interpretation of Terms. 1 & 2 Vict. c. 109.

XXXII. And be it enacted, That in the Interpretation of this Act the Words "the Commissioners" or "the said Commissioners" shall, as regards Lands in *Great Britain*, mean the Inclosure Commissioners for *England* and *Wales*, and as regards Lands in *Ireland*, the said Commissioners of Public Works in *Ireland*; the Words "Owner of Land" shall, as to Land in *England* and *Wales*, have the same Meaning for the Purposes of this Act as is given to the Words "Owner of Lands" in the said Act of the Seventh Year of King *William* the Fourth for the Commutation of Tithes in *England* and *Wales*, for the Purposes of such Act; and the Words "Owner of Land" shall, as to Land in *Scotland*, mean or include every Fiar, Liferenter, Heir of Entail, Husband of a married Woman seised in her own Right, Tutor, Curator, and other Guardian for any Infant, Minor, Lunatic, or Idiot, fatuous or furious Person, and every Trustee who respectively shall be in the actual Possession of the Land or in Receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in the actual Possession thereof, and shall include any Corporation; and the Words "Owner of Land" shall, as to Lands in *Ireland*, mean and include such Person as under the said Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rent-charges in lieu thereof*, shall have the first Estate of Inheritance or other Estate or Interest equivalent to a perpetual Estate or Interest therein; and also any Tenant in Dower or by the Curtesy, or any Person having under the Limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise, any Estate for Life or other particular Estate thereby created or limited out of or in any Estate of Inheritance, or out of or in any such Estate or Interest as by or under the said last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest, and also a Husband of a married Woman seised in her own Right, and the Guardian of any Infant, or Committee of any Idiot or Lunatic, and any Trustee or Trustees in the actual Possession or in the Receipt of the Rents as to any such Estates or Interests as last aforesaid, and shall include a Corporation; and the Word "Person" shall mean and include any Body Corporate, Aggregate, or Sole, as well as an Individual; and any Word importing the Singular Number only shall also mean and include the Plural Number, and any Word importing the Masculine Gender shall also import the Feminine Gender.

Short Title.

XXXIII. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Private Money Drainage Act, 1849."

Act may be amended, &c.

XXXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CI.

An Act to amend the Act for the more easy Recovery of Small Debts and Demands in *England*, and to abolish certain Inferior Courts of Record. [1st *August* 1849.]

9 & 10 Vict. c. 95.

'WHEREAS by an Act passed in the Tenth Year of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, Power is given to the Judge in 'the Cases therein mentioned to order that a Party summoned in respect of an unsatisfied Judgment or 'Order, or a Defendant in any Suit, may be committed to the Common Gaol or House of Correction of 'the County, District, or Place in which such Party or Defendant is resident, or to any Prison which 'should be provided as the Prison of the Court, for any Period not exceeding Forty Days: And whereas 'it is inexpedient that Persons should be committed under the said Act to Houses of Correction:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-nine so much of the said Act as authorizes any Judge to order any such Party or Defendant to be committed as herein-before mentioned shall be repealed; and it shall be lawful for any Judge who would have been authorized under the said Act to order any Party or Defendant to be committed as aforesaid, for any such Period as aforesaid, to order such Party or Defendant to be committed for the like Period to the Common Gaol wherein the Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined for the County, City, Borough, or Place in which such Party or Defendant is resident, or to any other Gaol or Debtors Prison for the same County, City, Borough, or Place which shall by any Declaration of One of Her Majesty's Principal Secretaries of State be allowed as a Place of Imprisonment for Persons committed under the said Act, so long as such Declaration shall remain in force and unrevoked, or to any Prison which has been or shall be provided as in the said Act mentioned as the Prison of the Court by the Judge of which such Order may be made; and all the Provisions of the said Act applicable to and consequent upon the Order for Commitment under the Power herein-before repealed, and to the Prisons to which Persons might be committed under such Order, shall apply to and be construed with reference to any Order made under the Power herein-before contained, and the Prisons to which Persons may be committed under such Order.

To what Prisons Persons may be committed under recited Act for Frauds, &c.

To what Prisons Persons may be committed under the said Act, for Contempt.

II. 'And whereas by the said Act of the Tenth Year of Her Majesty it was enacted, that if any Person 'should wilfully insult the Judge, or any Juror, or any Bailiff, Clerk, or Officer of the Court for the Time 'being, during his Sitting or Attendance in Court, or in going to or returning from the Court, or should 'wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, the Judge should be 'empowered, if he should think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, 'to commit any such Offender to any Prison to which he had Power to commit Offenders under the said 'Act for any Time not exceeding Seven Days, or to impose upon any such Offender a Fine not exceeding

'Five

'Five Pounds for every such Offence, and in default of Payment thereof to commit the Offender to any 'such Prison as aforesaid for any Time not exceeding Seven Days, unless the said Fine were sooner 'paid:' Be it enacted, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-nine so much of the last-recited Enactment as authorizes the Judge to commit any such Offender to any such Prison as therein mentioned shall be repealed, and in any Case in which any Judge would under such Enactment have been authorized to commit any such Offender to any such Prison as therein mentioned for such Period as therein mentioned, such Judge shall be empowered, if he think fit, by Warrant, as therein mentioned, to commit such Offender for the like Period to any Common Gaol wherein the Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined, for any County, City, Borough, or Place wholly or in part within any District of such Judge, or to any other Gaol or Debtors Prison for any such County, City, Borough, or Place which shall by Declaration as aforesaid be allowed as a Place of Imprisonment for Persons committed under the said Act, so long as such Declaration shall remain in force and unrevoked, or to any Prison which has been or may be provided, as in the said Act mentioned, as the Prison of the Court by the Judge of which such Offender shall be committed.

Where Debtors Prison is situated at an inconvenient Distance or crowded, Secretary of State may authorize Commitment to House of Correction.

III. Provided always, and be it enacted, That where, by reason of any Common Gaol wherein Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined being situated at an inconvenient Distance, or of the crowded State of any such Gaol, or otherwise, it shall appear to One of Her Majesty's Principal Secretaries of State expedient so to do, it shall be lawful for such Secretary of State, by Order under his Hand, to authorize to be used for the Purposes of Commitments under the said Act of the Tenth Year of Her Majesty any House of Correction or Common Gaol in which such Debtors as aforesaid may not be confined (to be mentioned in such Order), and to make Orders for altering the Regulations of such House of Correction or Gaol as last aforesaid, so far as respects the Treatment of Persons to be committed under this Act, in order that such Persons may be treated as nearly as may be in like Manner as if they had been committed to a Gaol in which such Debtors as aforesaid may be confined, notwithstanding the Regulations in force in such House of Correction or Gaol to which such Persons may be committed; and every such Order may from Time to Time be revoked or varied by such Secretary of State as Occasion may require.

Gaols maintained by Lords of Liberties and private Persons not to be used without their Consent.

IV. Provided also, and be it enacted, That where, under the Provisions herein-before contained, Persons might be committed to any Gaol or Prison not now used for the Purposes of the said Act which by reason of the Tenure of any Liberty or Franchise, or otherwise, is maintained at the private Charges of the Lord of such Liberty or Franchise, or of any other private Person, such Gaol or Prison shall not be used for the Purposes of Commitments under the said Act until such Lord or Person as aforesaid shall have given his Consent in Writing to such Gaol or Prison being so used.

9 & 10 Vict. c. 95.

V. 'And whereas by the said Act of the Tenth Year of Her Majesty it was enacted, "that it should '"be lawful for any Court holden under that Act, with the Approval of One of Her Majesty's Principal '"Secretaries of State, to use as a Prison for the Purposes of that Act any Prison then belonging to '"any Court holden under any of the Acts cited in the Schedules (A.) and (B.) to that Act, in all Cases '"where it should appear to the said Secretary of State that the Common Gaol or House of Correction '"of the County, District, or Place in which the Court was established was inconveniently situated, or '"was not applicable for the Use of the said Courts; and whenever any such Prison should be so allowed '"to be used it should be deemed One of the Common Gaols of the County for which it should be used, '"as if it had been provided after Presentment of the Insufficiency of One Common Gaol for such '"County under the Provisions of an Act passed in the Sixth Year of the Reign of Her Majesty, '"intituled *An Act to amend the Laws concerning Prisons*:" And whereas a Prison used under the 'said recited Enactment for a Division of a County may be deemed a Gaol for the County at large:' Be it declared and enacted, That where a Prison allowed to be used with the Approval of such Secretary of State shall be so used for any Riding, Parts, or Division of a County having a distinct Commission of the Peace, or a distinct Rate in the Nature of a County Rate applicable to the Maintenance of a Prison for such Riding, Parts, or Division (and not for the County at large), such Prison shall be deemed One of the Common Gaols for the Riding, Parts, or Division for which it is so used (and not for the County at large), as if it had been provided after Presentment of the Insufficiency of One Common Gaol for such Riding, Parts, or Division under the said Act of the Sixth Year of Her Majesty.

5 & 6 Vict. c. 98. A Prison used under recited Enactment for any Riding, Parts, or Division of a County, to be deemed a Common Gaol for such Riding, &c.

Power to Secretary of State, with Consent of the Treasury, to alter Fees payable on Proceedings in County Courts.

VI. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to regulate or vary, lessen or increase, the Fees or Sums in the Name of Fees now payable, or which from Time to Time may be payable, on the several Proceedings in the Courts holden under the said Act of the Tenth Year of Her Majesty to the Judges, Clerks, and High Bailiffs of such Courts, and such Fees or Sums may be so regulated from Time to Time by way of Per-centage on the Amount of the Demand; and such Secretary of State, with such Consent as aforesaid, may from Time to Time appoint, instead of all or any of the Fees or Sums in the Name of Fees now payable or which may from Time to Time be payable as aforesaid, other Fees or Sums by way of Per-centage or otherwise, and to be payable on such Proceedings under such last-mentioned Act as such Secretary of State with such Consent as aforesaid may direct.

So much of 9 & 10 Vict. c. 95. as directs Clerk to pay Monies to Treasurer repealed.

VII. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as directs that the Clerk of every Court holden under the said Act shall pay over to the Treasurer of the Court, quarterly or oftener in every Year, by Order of the Court, the Monies remaining in his Hands over and above his own Fees, and such Balance as he shall be allowed by Order of the Court to retain for the current

Clerk to pay over his Balance as the Treasury may direct.

current Expenditure of the Court, shall be repealed; and the Clerk of every Court holden under the said Act shall pay over to the Treasurer of the Court, quarterly or oftener in every Year, as he may be directed by the Commissioners of Her Majesty's Treasury, the Monies remaining in his Hands over and above his own Fees, and such Balance as he shall be allowed by Order of the said Commissioners to retain for the current Expenditure of the Court.

So much of 9 & 10 Vict. c. 95. as enacts that Clerks shall make all necessary Contracts, &c., repealed.

VIII. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as enacts that the Clerk of every Court, under the Directions of the Commissioners of Her Majesty's Treasury, and subject to such Regulations as they may require to be enforced, shall make all necessary Contracts or otherwise provide for repairing and furnishing, and for cleaning, lighting, and warming, the Court House and Offices of such Court, and for supplying the said Court and Offices with Law and Office Books and Stationery, and for defraying all other necessary Expenses not otherwise provided for incident to the holding of the said Court, and as provides that no Payment for any Charge shall be allowed in the Clerk's Accounts until allowed under the Hand of the Judge, shall be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to provide for the several Purposes and for defraying the several Expenses aforesaid in such Manner, and by the Agency of such Officers of the Court, or otherwise, as to them shall seem fit.

Treasury to provide for, and defray the Expenses.

Providing for Payment of the Expenses incurred under 10 & 11 Vict. c. 102., and for applying the Surplus of General Fund of any Court to Expenses of any other Courts, &c.

IX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, to direct that the whole or Part of the Expenses incurred or to be incurred in the Performance of the Duties required by the Act passed in the Eleventh Year of Her Majesty's Reign, intituled *An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction in the Courts of Bankruptcy, and Court for Relief of Insolvent Debtors*, to be performed by the Officers of the Courts established by the said Act of the Tenth Year of Her Majesty, shall be paid out of "The General Fund" of such respective Courts, and that the Surplus for the Time being of the General Fund of each such Court, after defraying the Expenses of such respective Court, shall be applicable, under the Directions of the said Commissioners of the Treasury, to the Payment of the Expenses of any other of the said Courts of which the General Fund may be insufficient for that Purpose.

Judge may authorize Bailiffs to act as Brokers.

X. And be it enacted, That it shall be lawful for the Judge of any Court holden under the said Act of the Tenth Year of Her Majesty, by any Writing under his Hand, to authorize any of the Bailiffs appointed by the High Bailiff under the said Act to act as Brokers or Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under the said Act; and the Bailiffs so authorized by the Judge may, without other Licence in this Behalf, do and perform all the Duties and shall be entitled to the Poundage which Sworn Brokers or Appraisers may now do and perform and are entitled to under the said Act.

So much of 9 & 10 Vict. c. 95. as requires Notice of Order in Council repealed.

XI. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as requires that Notice of the Intention of Her Majesty to take into consideration the Propriety of making any Order in Council for the Purposes of the said Act shall be published in the *London Gazette* One Calendar Month at least before any such Order shall be made, shall be repealed.

Lord Chancellor may authorize Five Judges of County Courts to make General Rules, such Rules to be approved by Judges of the Superior Courts, and laid before Parliament.

XII. And be it enacted, That it shall be lawful for the Lord Chancellor to appoint and authorize Five of the Judges of the Courts holden under the said Act of the Tenth Year of Her Majesty to frame such General Rules and Orders as to them shall seem expedient for and concerning the Practice and Proceedings of the Courts holden under the said Act, and for the Execution of the Process of such Courts, and in relation to any of the Provisions of the said Act as to which there may have arisen Doubts or have been conflicting Decisions in the said Courts; and all such Rules and Orders as aforesaid as shall be certified to the Lord Chancellor, under the Hands of the Judges so appointed or authorized, or any Three of them, shall be submitted by the Lord Chancellor to Three or more of the Judges of the Superior Courts of Common Law at *Westminster*, of whom the Chief Justice of the Court of Queen's Bench or Common Pleas or the Chief Baron of the Court of Exchequer shall be one; and such Judges of the Superior Courts may approve or disallow, or alter or amend, such Rules and Orders, or any of them; and such of the Rules as shall be so approved by such Judges of the Superior Courts shall forthwith after the Approval thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule or Order shall have Effect until Six Weeks after the same shall have been so laid before both Houses of Parliament; and any Rule or Order so approved shall from and after the Expiration of such Time as last aforesaid be of the same Force and Effect as if the same had been enacted by Authority of Parliament.

No Action or Suit to be brought in the Marshalsea, &c. Court after passing of this Act.

XIII. 'And whereas it is expedient to abolish the Court of the Marshalsea of Household of the 'Kings of *England*, and the Court of our Lady the Queen of the Palace of the Queen at *Westminster*, 'and Her Majesty's Court of Record for the Honour of *Peveril* and additional Limits of the same:' Be it enacted, That from and after the passing of this Act no Action or Suit shall be commenced in any of the said Courts.

Powers of Marshalsea and Palace and Peveril Courts to cease on 31st Dec. 1849, and Actions and Suits then depending to be

XIV. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-nine all the Power, Authority, and Jurisdiction of the said Court of the Marshalsea, and of the said Court of the Palace of the Queen at *Westminster*, and of the said Court for the Honour of *Peveril* and additional Limits of the same, and of the Judges of the said Courts respectively, shall cease and determine, and that all Actions and Suits then depending in the said Courts respectively shall be transferred, with all the Proceedings thereon, to Her Majesty's Court of Common Pleas at *Westminster*, if the Debt or Damages sought to be recovered in such Actions or Suits respectively shall exceed the Sum of Twenty Pounds, and to the County Court for the District in which the respective

Defendants

Defendants shall then reside, if the Debt or Damages sought to be recovered in such Actions or Suits respectively shall not exceed the Sum of Twenty Pounds; and such Actions and Suits so transferred shall be dealt with and decided according to the Practice of those Courts respectively, or of the Court whence the same shall be transferred, according to the Discretion of the Court to which the same shall be transferred, which Court shall, for the Purpose of such Actions or Suits only, be deemed and taken to have all the Power and Jurisdiction to all Intents and Purposes possessed before the passing of this Act by the Court whence such Action or Suit shall be transferred. transferred to the Court of Common Pleas or the County Court, as the Case may require.

XV. Provided always, and be it enacted, That all Judgments obtained in any of the Courts hereby abolished on or before the Thirty-first Day of *December* One thousand eight hundred and forty-nine shall, notwithstanding the passing of this Act, be as valid and effectual, and as capable of being enforced by the Process of the Court in which such Judgments shall respectively have been obtained, as if this Act had not been passed. Judgments of abolished Courts on or before 31st Dec. 1849 valid.

XVI. And be it enacted, That the Records, Muniments, and Writings of the several Courts abolished by this Act shall, as soon as conveniently may be after the Thirty-first Day of *December* One thousand eight hundred and forty-nine, be placed under the Charge and Superintendence of the Master of the Rolls for the Time being, to be deposited and kept in such Place or Places as the said Master of the Rolls shall direct; and such Records, Muniments, and Writings shall thenceforth be deemed to be in the Custody of the Master of the Rolls under the Authority of an Act passed in the Second Year of Her Majesty, intituled *An Act for keeping safely the Public Records;* and, until such Records, Muniments, and Writings shall be so placed under the Charge and Superintendence of the said Master of the Rolls as aforesaid, the same shall be respectively kept by the same Persons and in the same Places as before the passing of this Act. Records of abolished Courts to be placed under the Charge of Master of the Rolls under 1 & 2 Vict. c. 94.

XVII. And be it enacted, That every Person who is legally entitled to any Franchise or Office in any of the Courts abolished by this Act shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act, and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; but any Increase of such Fees or Emoluments which shall have happened after the passing of the said Act of the Tenth Year of Her Majesty shall not be taken into account in estimating the Amount of such Compensation; and the Commissioners in each Case shall award such gross or yearly Sum, and for such Time as they shall think just, to be awarded, upon Consideration of the special Circumstances of each Case; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that if any Person holding any Office in any of the said Courts shall be appointed after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments. Compensation to Officers of abolished Courts.

XVIII. And be it enacted, That no Privilege shall be allowed to any Attorney, Solicitor, or other Person, to exempt him from the Provisions of this Act or the said Act for the more easy Recovery of Small Debts and Demands in *England.* Attornies, &c. not exempt from this Act.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. CII.

An Act to authorize the Sale of the Royal Pavilion at *Brighton*, and the Grounds thereof; and to apply the Money arising from such Sale. [1st *August* 1849.]

CAP. CIII.

An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor. [1st *August* 1849.]

'WHEREAS by an Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions,* Provisions were made whereby the Costs of the Relief and the Expenses of the Burial of certain poor Persons therein described are made chargeable upon the Common Fund of the Union until the Thirtieth Day of *September* in the present Year; and it is expedient that such Term should be extended, and that various Amendments should be made in the Laws relating to the Relief of the Poor:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions in the said Act regarding the Charge of such Costs and Expenses upon the Common Fund, which Provisions would unless continued by Parliament, expire on the Thirtieth Day of *September* next, shall be continued in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty and to the End of the then next Session of Parliament. 11 & 12 Vict. c. 110. Certain Provisions of 11 & 12 Vict. c. 110. continued for a limited Time.

II. And

Who may be deemed a destitute Foundling.

II. And be it enacted, That the Term "destitute Foundling" contained in the said Act shall extend to any destitute Child under the Age of Twelve Years who shall be deserted by both Parents or by its surviving Parent, and who shall not be in the Care or Custody of some Relative, Guardian, or Friend, and whose Settlement shall not be known.

Persons chargeable to Common Fund brought within the Provisions of 5 G. 4., &c.

III. And be it enacted, That the Chargeability of any Person to the Common Fund of a Union shall have the same Effect and shall be attended with the same Consequences as the Chargeability of any poor Person to a Parish in respect of Proceedings to be taken under the Act of the Fifth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for the Prevention of Vagrancy*, or under the Statutes for the Removal from *England* of poor Persons born in *Scotland* or *Ireland*, or in the *Isle of Man*, or *Scilly*, *Jersey*, or *Guernsey*, or under the Statutes for the Removal of Lunatic Paupers to Asylums, or under any Statute against unlawfully causing or procuring the Removal of any poor Person.

Removal of a Lunatic to an Asylum or of a Pauper to a Workhouse not to be deemed an Interruption of the Residence, but the Time to be excluded from Computation.

IV. And be it enacted, That the Removal of any Lunatic Pauper to an Asylum, licensed House, or registered Hospital, under the Authority of the Statutes in that Behalf, or of any Pauper, otherwise than under an Order of Removal from his Place of Abode in any Parish of a Union to the Workhouse of such Union, shall not be deemed to be an Interruption of the Residence of such Pauper within the Meaning of the Statute of the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, but the Time spent in such Lunatic Asylum, licensed House, or registered Hospital or Workhouse respectively, and the Time during which any Person shall be relieved at the Charge of the Common Fund of the Union, shall be wholly excluded from the Computation of the Time of Residence which, according to the Provisions of such Statute, will exempt a poor Person from being removed.

The Costs of Lunatic Poor being irremovable to be borne by the Common Fund.

V. And be it enacted, That all the Costs and Expenses incurred or hereafter to be incurred, since the Twenty-fifth Day of *March* last in and about the obtaining any Order of Justices for the Removal and Maintenance of a Lunatic Pauper who shall have been or shall be removed under any such Order to any Asylum, licensed House, or registered Hospital, and who, if not a Lunatic, would have been exempt from Removal by reason of some Provision in the said last-recited Act of the Tenth Year of the Reign of Her Majesty, shall, until the Time when the Provisions herein-before contained shall cease, be borne by the Common Fund of the Union comprising the Parish wherein such Pauper Lunatic was resident at the Time when such Lunatic Pauper was so removed to such Asylum, licensed House, or registered Hospital, notwithstanding the Order for the Payment thereof shall have been made upon the Overseers of such Parish, or the Parish of the Settlement, or upon the Treasurer or Guardians of the Union in which either Parish shall be comprised.

No Person to be appointed Overseer who is interested in certain Contracts.

VI. And be it enacted, That no Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish who at the Time of the proposed Appointment shall be engaged or directly or indirectly concerned in any Contract for the Supply of Goods, Wares, Materials, or Provisions for the Workhouse, or for the Relief of the Poor in such Parish or in the Union comprising such Parish: Provided always, that no Rate or Assessment made, nor any other Act or Thing done, by such Person as Overseer, nor the Service of any Notice, Demand, Order, or Process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such Disqualification.

Recovery of Contributions when Copy of the Order served upon One Overseer.

VII. And be it enacted, That where the Guardians of any Union or Parish shall make any Order for the Payment of Money upon Overseers or other Officers of any Parish upon whom they are empowered by Law to make it, and a Copy of such Order shall be served upon any one of such Overseers or other Officers, it shall be lawful for the said Guardians to enforce such Order against the Person so served as fully and as effectually as if a Copy thereof had been also served upon every one of such Overseers or other Officers.

On Vacancy in the Office of Auditor, Poor Law Board to appoint a temporary Auditor to audit Accounts incomplete.

VIII. And be it enacted, That when any Auditor shall die, resign, or be removed, or become incompetent to act, at any Time when the Audit of the Accounts of the Parishes or Unions within his District shall not be completed, the Poor Law Board may, by Order under their Seal, appoint temporarily some other Person to audit the Accounts of the several Parishes or Unions which may then be ready to be audited; and such temporary Auditor shall have the same Powers and Authorities, and shall be subject to the same Obligations and Duties, as the ordinary Auditor would have possessed or would have been subject to, and shall receive such Remuneration as the said Commissioners shall direct for the Performance of his Services herein.

Certain Limitation in 11 & 12 Vict. c. 43, not to apply to Proceedings by Auditors.

IX. 'And whereas in the Act of the last Session of Parliament, intituled *An Act to facilitate the 'Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with 'respect to summary Convictions and Orders*, it is enacted, that in all Cases where no Time had then 'been or should thereafter be specially limited for making the Complaints, or laying the Informations 'therein referred to, every such Complaint should be made and every such Information laid within Six 'Calendar Months from the Time when the Matter of such Complaint or Information respectively arose; 'and Doubts have been entertained whether the Provision aforesaid applies to Proceedings by Auditors 'to recover Sums certified by them to be due in the Accounts of Officers or other Persons, and it is 'desirable to remove such Doubts:' Be it therefore declared and enacted, That nothing in the Provision of the said Act herein recited shall be deemed to apply to any such Proceeding by any Auditor, but that no Auditor shall commence any such Proceeding after the Lapse of Nine Calendar Months from the Disallowance or Surcharge by such Auditor, or, in the event of an Application by way of Appeal against the same to the Court of Queen's Bench or to the Poor Law Board, after the Lapse of Nine Calendar Months from the Determination thereupon.

X. And

In Proceedings for Penalties and Forfeitures under Act 5 W. 4. or any subsequent Statute, full Costs to be allowed.

X. And be it enacted, That in the Case of the Prosecution of any Information, or the Proceeding for any Penalty or Forfeiture, or for enforcing any Order under the said Statute of the Fifth Year of the Reign of His late Majesty King *William* the Fourth, or of any subsequent Statute incorporated therewith, where Judgment shall be given against the Defendant, and the Justices shall order or direct such Defendant to pay the Costs, such Costs shall, in addition to other Costs lawfully chargeable, include all such Costs and Expenses incurred in respect of such Prosecution or the laying of such Information, or the preferring of the Complaint, or the making of the Application, and the Attendance of the Party, or his Counsel or Attorney, and the summoning and Attendance of the Witnesses required to prove the Case, as the Justices shall think fit to allow, and find to have been reasonably and properly incurred.

Auditors may recover Costs of Proceedings to enforce due Attendance at the Audit.

XI. And be it enacted, That where any Auditor shall lay any Information for a Penalty in consequence of the Default of any Officer or other Person to attend the Audit, or the Adjournment thereof, or to produce the proper Account or Vouchers, or to make or sign the proper Declaration before him, the Costs incurred by such Auditor, when not recovered from the Defendant in such Information, shall, if the Poor Law Board consent thereto, be payable to such Auditor, and be chargeable in like Manner as the Costs incurred by an Auditor in enforcing the Payment of Sums certified by him to be due.

Orders of the Poor Law Commissioners or Poor Law Board may be acted upon, if the Parties think fit, within the Fourteen Days after being sent.

XII. 'And whereas by the said Act of the Fifth Year of the Reign of His late Majesty King *William* 'the Fourth Provision is made for the sending of Copies of the Rules, Orders, and Regulations of the Poor 'Law Commissioners to certain Persons therein described; and it is also therein enacted, that no Rule, 'Order, or Regulation of the said Commissioners, except certain Orders therein specially excepted, shall 'be in force until the Expiration of Fourteen Days after the Copies thereof shall have been sent by the 'said Commissioners: And whereas Parties to whom such Orders have been addressed have often acted 'in conformity therewith within the Period of Fourteen Days, and it is often convenient that they 'should do so:' Be it therefore enacted, That nothing in the said Act contained shall be taken to invalidate any Act or Proceeding heretofore or hereafter to be done or taken in conformity with any Order of the said Commissioners or of the Poor Law Board by the Person or Persons to whom the same shall have been or shall be addressed, although the Period of Fourteen Days shall not have elapsed from the sending of the Copies of the said Order when any such Act shall have been done or Proceeding taken.

Limitation of Time on Issue of Certiorari to bring up Orders of Poor Law Commissioners, &c.

XIII. And be it enacted, That no Writ of Certiorari shall be granted, issued forth, or allowed to remove into the Court of Queen's Bench any Order, Rule, or Regulation of the Poor Law Commissioners, or of the Poor Law Board, heretofore made, unless such Certiorari be moved or applied for within Twelve Months next after the passing of this Act; and in respect of any Order, Rule, or Regulation to be hereafter made, within Twelve Months next after the Day when the Copy thereof shall be sent in the Manner required by the several Statutes in that Behalf.

Guardians of a Union or Parish may contract to receive in their Workhouses certain Poor belonging to some other Union or Parish within certain Limits.

XIV. And be it enacted, That where the Workhouse of any Union or Parish shall be governed and regulated by Rules, Orders, or Regulations of the Poor Law Commissioners or of the Poor Law Board, the Guardians of the Union or Parish to which such Workhouse belongs, in case of the Overcrowding of the Workhouse of any other Union or Parish, or the Prevalence or reasonable Apprehension of any epidemic or contagious Disease, or in and towards carrying out any legal Resolution for the Emigration of poor Persons, may, with the Consent of the Poor Law Board, receive, lodge, and maintain in the first-mentioned Workhouse, upon such Terms as shall be mutually agreed upon by the respective Boards of Guardians, any poor Person belonging to such other Parish or Union; and such poor Person so received into such first-mentioned Workhouse shall while therein be treated in all respects in like Manner, and be subject to the same Regulations and Liabilities, as the other poor Persons therein, and shall be deemed to be chargeable in the first instance to the Common Fund of the Union or to the Parish in the Workhouse whereof such poor Person shall be received: Provided always, that the abiding of any such poor Person in such Workhouse shall in all other respects be attended with the same legal Consequences as if such Workhouse had been situated within the Union or Parish from which such poor Person shall have been sent.

Mode of describing Collectors of Poor Rates in Indictments for Larceny and Embezzlement.

XV. 'And whereas the Guardians of certain Unions and Parishes under the Authority of the Orders 'of the Poor Law Commissioners and of the Poor Law Board are empowered to appoint Collectors of 'Poor Rates and Assistant Overseers for some One or more of the Parishes comprised within their Union 'or for their Parish, as the Case may be, who collect and receive the Money and other Property of the 'Parish or Parishes for which they are appointed; and in Cases of Embezzlement or Larceny of such 'Money or Property by such Collector or Assistant Overseer Difficulty has arisen as to the proper 'Description of his Office in the Indictment or other Proceeding:' Be it therefore enacted, That in respect of any Indictment or other Criminal Proceeding every Collector or Assistant Overseer appointed under the Authority of any Order of the Poor Law Commissioners or the Poor Law Board shall be deemed and taken to be the Servant of the Inhabitants of the Parish whose Money or other Property he shall be charged to have embezzled or stolen, and shall be so described; and it shall be sufficient to state any such Money or Property to belong to the Inhabitants of such Parish, without the Names of any such Inhabitants being specified.

Guardians may appropriate certain Property of Paupers.

XVI. And be it enacted, That where any Pauper shall have in his Possession or belonging to him any Money or valuable Security for Money, the Guardians of the Union or Parish within which such Pauper is chargeable may take and appropriate so much of such Money or the Produce of such Security, or recover the same as a Debt before any Local Court, as will reimburse the said Guardians for the Amount expended by them, whether on behalf of the Common Fund or of any Parish, in the Relief of such

such Pauper, during the Period of Twelve Months prior to such taking and Appropriation, or prior to such Proceeding for the Recovery thereof (as the Case may be); and in the event of the Death of any Pauper having in his Possession or belonging to him any Money or Property, the Guardians of the Union or Parish wherein such Pauper shall die may reimburse themselves the Expenses incurred by them in and about the Burial of such Pauper, and in and about the Maintenance of such Pauper at any Time during the Twelve Months previous to the Decease.

Expenses of Burials recoverable as Loans.

XVII. And be it enacted, That it shall be lawful for the Guardians of any Union or Parish to pay the Costs of the Burial of any poor Person dying out of the Limits of such Union or Parish who was at the Time of the Death in the Receipt of Relief from such Guardians, and that the Cost of burying any poor Person by or under the Direction of any Guardians or Overseers shall be recoverable in like Manner and from the same Parties as the Cost of any Relief (if given to such Person when living) would have been recoverable.

Guardians and Vestry in Parishes under Local Acts enabled to consent to Orders of the Poor Law Board.

XVIII. 'And whereas by the said recited Act of the Fifth Year of the Reign of His late Majesty the 'Poor Law Board are empowered, by and with the Consent in Writing of a Majority of the Guardians 'of any Union, or with the Consent of a Majority of the Rate-payers and Owners of Property entitled 'to vote in any Parish, by Writing under their Hand and Seal, to make certain Orders for the building, 'purchasing, hiring, enlarging, or altering of a Workhouse: And whereas in many Parishes, not com- 'prised in any Union, the Affairs relating to the Relief of the Poor are managed by a Select Vestry, 'or by Guardians appointed or elected under the Authority of some Local Act, and in such Parishes 'it is difficult to obtain the Opinion of the Rate-payers and Owners of Property upon any such Question:' Be it therefore enacted, That in any Parish where there shall be a Select Vestry lawfully appointed, or a Board of Guardians appointed under any Local Act, the Consent in Writing of the major Part of the Select Vestry, or of the Guardians, as the Case may be, shall be sufficient to enable the Poor Law Board to issue any Order, Rule, or Regulation in all such Cases as are herein-before referred to, where the Consent of the Rate-payers and Owners of Property would but for this Provision have been requisite; provided that where in any Parish there shall be a Select Vestry and also a Board of Guardians, the Consent in Writing of the major Part of the Vestry or Guardians shall be sufficient, according as such Vestry or Guardians respectively shall by Law be empowered to carry the Directions of the said Board into execution.

In case of Equality Chairman to have casting Vote.

XIX. And be it enacted, That in the Case of an Equality of Votes upon any Question at a Meeting of the Guardians of any Union or Parish the presiding Chairman at such Meeting shall have a second or casting Vote.

Guardians may expend limited Sum for Purposes of Emigration without a previous Vestry Meeting.

XX. And be it enacted, That the Guardians of any Union, or of any separate Parish for which a Board of Guardians is or shall be established, may expend, with the Order and subject to the Rules and Regulations of the Poor Law Board, but not otherwise, any Sum of Money not exceeding Ten Pounds for each Person, in and about the Emigration of poor Persons having Settlements in such Parish, or in any Parish in such Union respectively, without the Necessity of the Rate-payers and Owners of Property therein meeting and giving their Consent (as required by the said Act of the Fifth Year of King *William* the Fourth) to such Expenditure, and such Guardians shall charge the same to the Parish of the Settlement, in every Case where such poor Person resided therein or was removeable thereto at the Time of the Emigration: Provided always, that the Guardian or (if more than One) a Majority of the Guardians of such last-mentioned Parish shall express his or their Concurrence in Writing in the Resolution of the Board of Guardians for such Expenditure, and that such written Concurrence shall be transmitted by the Clerk of the Union in communicating that Resolution to the Poor Law Board: Provided also, that the aggregate Amount of the Monies expended in the Course of any One Year in and about the Emigration of such poor Persons shall not exceed One Half the average yearly Poor Rate raised in the said Parish for the Three preceding Years.

Interpretation Clause, and Incorporation of the Statutes.

XXI. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Act of the Fifth Year of the Reign of His late Majesty, and the Statutes explaining and extending it; and that the Commissioners for administering the Laws for Relief of the Poor in *England* may be described in all Instruments, Documents, and Proceedings in Courts of Law or otherwise, and may execute all Powers and Authorities from Time to Time vested in them, by the Name of "The Poor Law Board," and by such Name shall be understood in this Act; and that all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Extent of Act.

XXII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. CIV.

An Act to amend the Acts for the more effectual Relief of the destitute Poor in *Ireland*.

[1st *August* 1849.]

For charging Expense of Relief.

'WHEREAS it is expedient to amend the Laws in force for the more effectual Relief of the destitute 'Poor in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the Purpose of charging the Expense of Relief to any Electoral

Electoral Division every Person making Application for Relief shall, after the passing of this Act, be deemed to have been resident in such Electoral Division in which during the Period of Three Years next immediately before his Application for Relief he shall have been longest usually resident, whether by usually occupying any Tenement situate or by usually sleeping within such District: Provided always, that where any such Person shall not have occupied a Tenement or slept within any such Electoral Division for at least Twelve Months in the whole during the said Period of Three Years, the Expense of the Relief of such Person shall in such Case be borne by and charged against the whole Union in which he or she is relieved; provided also, that where any Person chargeable to any Electoral Division shall have received Relief, and shall cease to be relieved, and shall thereafter, within the Period of Twelve Months, again begin to receive Relief, such last-mentioned Relief shall be chargeable on the Electoral Division to which such Person was in the first instance chargeable; provided also, that the Cost for the Relief of destitute Poor who shall not have resided in the Union where such Relief is given for the last Three Years next previous to receiving such Relief shall be charged and chargeable according to the Provisions of an Act passed in the Tenth Year of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland. 10 & 11 Vict. c. 31.

II. And be it enacted, That so much of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, as authorizes and empowers the Commissioners therein mentioned, in case of a total or partial Dissolution of any Union, or other Alteration of the Limits thereof, to ascertain the proportionate Value of any Property to any Townland, and the proportionate Amount of the Liabilities chargeable to any Townland affected by such Alteration, and to fix the Amount payable to or from any Townland so affected, and to direct the Manner of paying, securing, and applying the Sums so payable, and the raising of the same, be repealed, except as to anything heretofore done or now pending under the said Act; and that from and after the passing of this Act it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, and they are hereby required, in all Cases wherein any Change shall be made under the Provisions of the said Act in the Boundaries of any Union or Electoral Division, to make such Order under their Seal as to them shall appear necessary for the Adjustment of the Liabilities of such Union or Electoral Division existing at the Time of Change, and the proportionate Share thereof to be borne by any Townland or Townlands affected by such Change, and likewise for indemnifying any Union, Electoral Division, or Townland for any Loss or Exchange of Property occasioned by such Alteration of Boundaries, and for charging on any such Union, Electoral Division, or Townland the Value of any Property or Share thereof acquired or taken in exchange by reason of such Alteration, and the Expense of such Indemnification as aforesaid; and the said Commissioners shall be empowered to direct, if they shall see fit, the levying of any Sum which it shall be necessary to raise for such Adjustment, Charge, or Indemnification as aforesaid by special Rate or otherwise on any Union, Electoral Division, or Townland, as in the said Order shall be expressed; and every such special Rate shall be made by the Parties and in the Manner to be specified in the said Order, and shall be levied by all the same Powers, Ways, and Means as are provided for the levying of Rates under the Provisions of the said Act, and of the several Acts amending the same, and of this Act.

Repeal of 1 & 2 Vict. c. 56. in part.

Adjustment of the Accounts on any Alteration of the Limits of a Union or Electoral Division taking place.

III. And be it enacted, That if upon the Formation of any new Union it shall appear to the said Commissioners expedient that until sufficient Workhouse Accommodation shall be provided for such Union, either by the Erection of a new Workhouse or by the Adaptation of any existing Buildings for such Purpose, a Portion of the Workhouse Accommodation existing in the Union or Unions of which any Portion of such new Union shall have previously formed a Part should, for a limited Time, be reserved for such Portion of the new Union, it shall be lawful for the said Commissioners to make such Order under their Seal as to them shall appear necessary for appropriating any Part of the Workhouse Accommodation of such Union or Unions for the Use of such Portion of the new Union as aforesaid, and to make such Regulations for the Government of such Workhouses, and for the Admission and Discharge of Paupers therefrom, for any Period not exceeding Three Years from the Formation of such new Union, as under the Circumstances they may think proper; and it shall be lawful for the Guardians of such new Union to make Order for the Admission of any Paupers chargeable to such new Union, or to any Electoral Division thereof, into any Workhouses to which such Order of the said Commissioners shall apply, and for their Discharge therefrom, in such Numbers and according to such Regulations as shall or may from Time to Time be prescribed by the said Commissioners, and to provide for the Conveyance of such Paupers to or from such Workhouses; and such Orders of Admission or Discharge, made by such Guardians according to the Regulations prescribed as aforesaid, shall be binding on the Guardians of the Unions in which the Workhouses are situate, and on their Officers; and it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to fix and determine the Sum which shall be paid by such new Union or any Part thereof for the Maintenance and Clothing of the Paupers chargeable to such new Union or any Part thereof, and the Proportion of the Establishment Charges which shall be paid for the Accommodation reserved in such Workhouse, and, subject to the Provisions herein-before in this Act mentioned, shall make Order for the Payment of such Sum on the Guardians of such new Union, specifying the Periods at which such Payments shall be made, either wholly or in part; and the said Commissioners may, at their Discretion, from Time to Time suspend, alter, or rescind such Orders and Regulations aforesaid or any of them: Provided always, that if any Pauper who shall have been sent to any Workhouse as aforesaid situate out of the Union to which or to any Electoral Division of which such Pauper is chargeable shall be discharged therefrom, either by Order of the

As to new Unions.

Guardians or at his own Request, and shall become destitute in the Union in which such Workhouse is situate, within Twelve Calendar Months from his Discharge, the Expense of his Maintenance in such Workhouse shall be chargeable against the Union or Electoral Division from whence he was originally sent.

Enforcing Payment of Expenses of Unions.

IV. And be it enacted, That if the Guardians of any such new Union shall refuse or neglect to make the Payments according to the Terms and at the Periods prescribed by the said Commissioners as aforesaid, it shall be lawful for the said Commissioners to make an Order under their Seal, requiring such Payments to be made by the Treasurer of such new Union, and thereupon the Treasurer of such new Union shall pay to the Treasurer of the Union in whose Behalf such Order shall have been made the Sums specified in the Order of the Commissioners, at such Times and in such Portions as shall be prescribed by such Order, and the Receipt of the Treasurer appointed in such Order to receive the Payments prescribed shall be sufficient Discharge to the Treasurer of such new Union for so much Money paid by him, and shall be allowed in auditing and passing his Accounts.

8 & 9 Vict. c. 18. incorporated with this Act for Purchase of Lands for Workhouses.

V. And be it enacted, That in order to enable the said Commissioners for administering the Laws for the Relief of the Poor in *Ireland* to purchase and hire such Lands, Tenements, and Hereditaments as they are by Law authorized to purchase and hire for the Purpose of providing Workhouses in Unions, the Lands Clauses Consolidation Act, 1845, shall be incorporated with the said recited Act of the Second Year of the Reign of Her present Majesty, and the Acts amending the same, and this Act; provided always, that all Things by the said first-mentioned Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the said Commissioners under their Hand and Seal.

Qualification of Guardians may be different in different Electoral Divisions.

VI. 'And whereas by the said recited Act the said Commissioners were empowered to fix the Value 'of the Qualification of Persons eligible to serve as Guardians of the Poor, but were not empowered to fix 'a different Qualification in Value for different Electoral Divisions in the same Union:' Be it enacted, That it shall be lawful for the said Commissioners, in fixing the Qualification of Guardians as aforesaid, to fix a different Value, if they shall see fit, for different Electoral Divisions of the same Union, anything in the said recited Act to the contrary notwithstanding.

Non-resident Justices may act as Guardians in certain Cases.

VII. And be it enacted, That from and after the passing of this Act, in any Union in which the Number of qualified Justices shall on the Twenty-ninth Day of *September* in any Year not be equal to the Number of elected Guardians, every Justice of the Peace acting for any County in *Ireland*, and otherwise qualified under the Laws now in force to be an *ex-officio* Guardian of any Union within such County, and who shall be seised, possessed, or entitled for his own Use and Benefit of or to any Lands, Tenements, or Hereditaments situate within such Union, or in the Rents and Profits thereof for any Life or Lives in being, or for any Term of Twenty-one Years at the least, such Estate being of the yearly Value of Fifty Pounds at the least, shall, for the Year next following such Twenty-ninth Day of *September* as aforesaid, be an *ex-officio* Guardian of such Union, notwithstanding that such Justice shall not be resident within the same; provided that when the Number of Justices so qualified as is hereinbefore provided shall make the entire Number of qualified Justices exceed the Number of elected Guardians, such only of the highest rated Justices, so qualified as aforesaid, shall be entitled to act as *ex-officio* Guardians for such Year as aforesaid as shall make the whole Number of *ex-officio* Guardians equal to the Number of elected Guardians; provided also, that any Justice becoming qualified to act as an *ex-officio* Guardian after the Twenty-ninth Day of *September* in any Year shall not be entitled so to act until the Twenty-ninth Day of *September* following, if by his so acting the Number of *ex-officio* be made to exceed the Number of elected Guardians in the Union, but otherwise he shall be at once entitled so to act.

Electoral Divisions may be united for the Purpose of electing a Guardian.

VIII. And be it enacted, That it shall be lawful for the Poor Law Commissioners, as and when they shall see fit, by Order under their Seal, to combine Two or more Electoral Divisions of a Union into One District, for the Purpose of electing One Guardian for such District, anything in the said recited Act passed in the Second Year of the Reign of Her present Majesty to the contrary notwithstanding; and all the Provisions of the said Act, and of the said Acts amending the same, which relate to the Election of Guardians, shall apply to the Election of a Guardian for such District of Electoral Divisions, in the same Manner as if such District were a single Electoral Division formed under the Provisions of the said recited Act for the Election of a Guardian or Guardians; provided always, that no such District shall be formed for the Election of more than One Guardian.

Appointment of Assistant Guardians.

IX. And be it enacted, That it shall and may be lawful for the Poor Law Commissioners, if they shall think fit, upon the Request of the Board of Guardians of any Union, to appoint One fitting and proper Person to act as Assistant Guardian for the Union so applying, in the Execution of the Duty of Guardian for the Union to which he may be appointed, in the same Manner in all respects as if such Assistant Guardian were an *ex-officio* or elected Guardian for such Union; and the Poor Law Commissioners shall be authorized to remove such Assistant Guardian, and to appoint another from Time to Time, and, if they shall think fit, to discontinue such Appointment altogether whensoever they may consider it to be expedient to do so.

Rents arising out of exempted Property to be rated.

X. 'And whereas Doubts have arisen whether, under the Provisions of the said recited Act, Persons 'in the Receipt of Rent in respect of Hereditaments used for charitable or public Purposes are rateable 'in respect of the Profits derived from such Hereditaments:' Be it enacted, That in every Rate which shall be made for the Relief of the Poor after the passing of this Act every Person receiving Rent in respect of any Hereditament exempt from rating under the Provisions of the said recited Act shall be liable to be rated in respect of such Rent to the Extent of One Half the Poundage of every Rate which

shall

shall be made in or for the Electoral Division in which such Hereditaments shall be situate, and the Amount thereof shall be recoverable from such Person by any of the Means by which the Rates in respect of Tenements rated under the yearly Value of Four Pounds may be recovered directly from the Lessors thereof under the Provisions of an Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in* Ireland, as amended by this Act. 6 & 7 Vict. c. 92.

XI. 'And whereas by the said recited Act it is provided, that where the Person occupying any Property 'rated to the Relief of the Poor shall be liable to pay a Rent in respect of the same he may deduct from 'such Rent, for each Pound of the Rent which he shall be so liable to pay, One Half of the Sum which 'he shall have paid as Rate in respect of each Pound of the net annual Value (whether such Rent shall 'be greater or less than such annual Value), and so in proportion for any less Sum than a Pound; and it 'is expedient to amend the said Provision:' Be it enacted, That in making a Deduction from such Rent on account of any Rate which shall be made after the passing of this Act it shall not be lawful for any Occupier of Property rated in or paying such Rate to deduct from the Rent payable in respect thereof a larger Sum than One Half the Amount of the Rate which he shall have paid in respect of such Property, anything in the said Act to the contrary notwithstanding. Occupier not to deduct from Rent more than One Half the Amount of the Rate paid.

XII. And be it enacted, That so much of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, as enacts "that any "Covenant or Agreement whereby any Person liable to pay Rent, and entitled under the Provisions of "this Act to deduct therefrom any Rate or Portion of Rate, shall have covenanted or agreed, or shall "hereafter covenant or agree, to forego such Deduction, shall, so far as such Rate is concerned, be of no "effect," be repealed, except as to any Covenant or Agreement entered into or made before the passing of this Act. Repeal of 1 & 2 Vict. c. 56. as to foregoing Deductions from Rent.

XIII. 'And whereas Doubts have arisen, under the Provisions of an Act passed in the Seventh Year 'of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act for the 'more effectual Relief of the destitute Poor in* Ireland, whether a Rate for the Relief of the Poor can 'legally be made in pursuance of a Valuation not signed and sealed by the Commissioners for adminis-'tering the Laws for Relief of the Poor in *Ireland;* and it is expedient to remove such Doubts:' Be it declared and enacted, That it is not and shall not be necessary for the said Commissioners to sign and seal any Valuation whatever unless they shall see fit so to do; and any Valuation duly made and revised in pursuance of the Acts herein-before recited, whether it be signed and sealed by the said Commissioners or not, shall be deemed to be the Valuation in force for the Time being, anything in the said last-recited Act to the contrary notwithstanding. Valuation for Poor Rates need not be signed and sealed by the Commissioners. 6 & 7 Vict. c. 92.

XIV. 'And whereas it is expedient to encourage the Employment of Labour in improving the Value 'of Landed Property in *Ireland:*' Be it enacted, That from and after the passing of this Act, in any Valuation or Revision of Valuation of rateable Property, it shall not be lawful for any Board of Guardians, Valuator or Revisor of Valuation, or for any Court of Quarter Sessions, to which Appeal in such Behalf may be made, to increase or to direct any Increase to be made in the Valuation of the net annual Value of any Land rateable to the Relief of the Poor by reason of any Increase of the Value thereof arising from any Drainage, Reclamation, or Embankment from the Sea or any Lake or River, or any Erection of Farm Buildings, or any permanent Agricultural Improvement as specified under the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, made or executed thereon within Seven Years next before the making of such Valuation or Revision. Valuation of Land not to be increased in respect of Improvements made under 10 & 11 Vict. c. 32. within Seven Years.

XV. And be it enacted, That when any Action or Suit shall be brought by the Guardians of the Poor of any Union for Poor Rates in any of the Superior Courts of Law in *Dublin*, such Action or Suit shall be an Action of Assumpsit or Debt, and it shall be a sufficient Statement of the Cause of Action in the Declaration to declare for the Amount of such Poor Rate as due by the Defendant to the Plaintiffs according to the Form, as near as may be, of the usual common Indebitatus Counts in Assumpsit, or the common Counts in an Action of Debt, or as near as may be to the like Effect, without further setting forth the Cause of Action; and if the Declaration in any such Action or Suit shall exceed the Length necessary for declaring in such Manner or Form as aforesaid, no Costs of the Excess shall be allowed to the Plaintiffs if they succeed in the Cause, and such Costs of the Excess as have been incurred by the Defendant or Defendants shall be taxed and allowed to the Defendant or Defendants, and be deducted from the Costs allowed to the Plaintiffs. Short Form of Declaration in an Action for Poor Rates.

XVI. And be it enacted, That it shall be lawful for the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer in *Ireland*, jointly, or any Nine or more of them, including the Chief of each such Court, to make General Rules and Orders for regulating the Practice and Proceedings of all the said Courts relating to the Pleadings and Costs in such Actions and Suits for Poor Rate as aforesaid, which said Rules and Orders so made shall be observed in all the said Courts: Provided always, that until the making of any such Rules or Orders, or so far as the same may not extend, the Declaration in any such Action for Poor Rates may be framed in manner herein-before provided, or to the like Effect. The Judges may make Rules and Orders relating thereto.

XVII. 'And whereas it is expedient to make a further and more secure Provision for the Recovery of 'Poor Rates in *Ireland:*' Be it therefore enacted, That all Civil Bill Decrees for the Recovery of Poor Rate pronounced or made by any Assistant Barrister in *Ireland*, or by the Chairman of the Sessions of the Peace of the County of *Dublin*, or by the Recorder of the City of *Dublin*, shall from and after the passing of this Act, be removable into any of Her Majesty's Superior Courts of Law in *Dublin*, without any Civil Bill Decree for Poor Rates may be filed as Judgment of Superior Court, and

have Force as such.

any Writ of Certiorari or other Writ or Process for that Purpose; and that upon the Production of such Civil Bill Decree to the Master of any such Superior Court of Law, and upon Production of an Affidavit made by an Attorney of such Superior Court, verifying the Signature of such Assistant Barrister, Chairman, or Recorder to such Civil Bill Decree, and upon Payment of a Fee of Two Shillings to such Master, he shall receive and file the said Decree upon a File to be kept for that Purpose, and shall enter the same in a Book to be kept for that Purpose, which shall be open to Inspection; and that immediately upon the filing of such Decree as aforesaid such Decree shall, with respect to all Lands of the Person against whom such Judgment or Civil Bill Decree shall have been obtained situate within the Union where such Poor Rate shall have accrued, be deemed a Record of such Superior Court, and shall be of the same Force and Effect as a Judgment recovered in such Superior Court, and Execution and all other Proceedings shall and may be had and taken thereupon, or by reason or in consequence thereof, as if such Decree had been originally a Judgment of such Superior Court; and such Decree may be registered in the Office of the Registrar of Judgments in like Manner as a Judgment of any such Superior Court.

Judgments for Poor Rates to have Priority, except in certain Cases.

XVIII. And be it enacted, That every Judgment obtained in any Action or Suit in any Superior Court of Law against any Person or Persons for Poor Rates, and every Civil Bill Decree for Poor Rates filed in a Superior Court as herein-before provided, shall when the same shall have been registered in the Office of the Registrar of Judgments, be a Charge, and take Priority as a Charge, on all the Estate and Interest in any Lands of the Person against whom such Judgment or Civil Bill Decree shall have been obtained situate within the Union wherein such Poor Rates shall have accrued, before all Charges and Incumbrances whatsoever, and wheresoever made, save and except Crown Rents and Quit Rents, Rent-charges in lieu of Tithes, and all Charges (if any) existing under and by virtue of an Act

5 & 6 Vict. c. 89.

passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in* Ireland, and Two other Acts since passed amending the same, and all Charges (if any) existing under and by

10 & 11 Vict. c. 32.

virtue of an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland.

Recovery of Arrears of Rates.

XIX. And be it enacted, That when any Rate for the Relief of the Poor shall be made after the passing of this Act, it shall not be lawful to commence any Proceeding for the Recovery of any Arrear thereof against any Person not primarily liable to pay the same, unless within the Period of Two Years next after the making and publishing of the said Rate.

Audit.

XX. And for the Purpose of giving better Effect to the Audit of the Accounts of the several Guardians of the Poor throughout *Ireland*, be it enacted, That to the annual Reports required to be laid before Parliament there shall be appended a Statement of the Date up to which the several Accounts of the Unions shall have been closed and audited, together with a Statement of all such Charges and Payments disallowed, struck out, reduced, or inserted by such Auditor, and of the Steps taken at Law for the Recovery of the same, or the Enforcement of any Disallowance, Surcharge, or other Demand founded on the Auditor's Report from any Guardian, Treasurer, or other Person having the Control of the Poor Rate, or any Part thereof, or being accountable for any Balances or any Sums applicable for the Relief of the Poor, and the Amount of such Disallowances, Surcharges, or Balances which have been recovered and paid into the Hands of the Treasurer of the Union.

Rate Books to be open for Inspection: whose Names to be inserted therein.

XXI. And be it enacted, That the Guardians of the Poor of the several Unions shall, before the making of every Rate, leave the Rate Books open for the Inspection of any Rate-payer between the Hours of Ten in the Forenoon and Four in the Afternoon during Fourteen Days at the least before the making of every such Rate, and that such Guardians shall give the same public Notice of the Deposit of such Rate Books for Inspection as they are now required to give in relation to the making of such Rates, and that in all Cases the Names of Occupiers for whom the immediate Lessor is primarily liable for the Payment of Rate shall be inserted in the Rate Book.

Appeal against Rates.

XXII. And be it enacted, That for the Purpose of giving due Facility of Appeal against the said Rates it shall and may be lawful for the known Agent of any Appellant, appointed in like Manner as a Proxy is appointed for voting in the Election of Guardians, to sign the Notices and enter into the Recognizances required by Law in Cases of Appeal, which Notices and Recognizances, so signed as aforesaid, shall be in all respects as good and effectual in Law as if signed by the Appellant in Person.

Recognizances to try Appeals under recited Act.

XXIII. 'And whereas by the said recited Act passed in the Second Year of the Reign of Her present 'Majesty it is, amongst other things, enacted, that within Five Days after Notice given of an Appeal to the 'Quarter Sessions the Person or Persons appealing shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next Sessions of the Peace to be held in the Presence of the Assistant Barrister, and to abide the Order of and pay such Costs as 'shall be awarded by the Justices and Assistant Barrister at such Sessions: And whereas it is expedient 'to repeal the said Provision, and to substitute another Provision in lieu thereof:' Be it therefore enacted, That within Five Days after Notice given of any such Appeal as in the said recited Act or any Act amending the same provided, the Person or Persons appealing shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities conditioned to try such Appeal at the Sessions of the Peace to which such Person or Persons shall have so appealed, and to abide the Order of and to pay such Costs as shall be awarded by the Court at such Sessions.

Account of Persons relieved to be kept.

XXIV. And be it enacted, That the Board of Guardians of each Union shall cause the Names of all Persons relieved out of the Poor Rates to be duly entered in Books to be kept, One for the Union at large and One for each Electoral Division, and under the Heads of the Townlands in which they are stated

stated to have last resided, and such Books shall be open to the Inspection of all Persons assessed to the Poor Rate within the Union from Ten o'Clock in the Forenoon until Four o'Clock in the Afternoon on One Day at least in each Week.

Numbers relieved to be published.

XXV. And be it enacted, That on each *Saturday* the Board of Guardians of every Union shall cause a Statement to be prepared and posted on the Door of the Poorhouse, showing the Number of Persons who shall have received Relief in such Union during the Seven Days then next preceding, and further showing the Number of Persons chargeable against the Union at large and against each separate Electoral Division.

Expenses of Emigration.

XXVI. And be it enacted, That for the Purposes of defraying or assisting to defray the Expenses of the Emigration of poor Persons resident within any Union or Electoral Division, it shall be lawful for the Guardians of such Union, with the Consent of the Commissioners, to be testified under their Seal, or for the Persons for the Time being appointed or authorized to act as Guardians of such Union, with such Consent and so testified as aforesaid, to apply any Monies in their Hands arising from any Rate or Rates on any Electoral Division or Divisions in defraying or assisting to defray the Expenses of the Emigration of poor Persons resident therein respectively, or to borrow and obtain from Time to Time any Sums or Sum of Money from any Person or Persons willing to advance the same, or from the Exchequer Bill Loan Commissioners, upon the Security of the Rates of such Union, or of any Electoral Division or Divisions thereof, on the Terms and subject to the Provisions herein-after mentioned: Provided always, that no such Sums or Sum of Money shall be advanced by the said Exchequer Bill Loan Commissioners unless with the Consent of the Commissioners of Her Majesty's Treasury: Provided also, that it shall not be lawful for any paid Officers appointed to act as Guardians by the said Commissioners to exercise the said Power of applying or borrowing Money for the Purpose of Emigration without the Consent of a Majority in Value of the Rate-payers of the Electoral Division or Divisions to be charged therewith, assembled in the Manner provided by the said recited Act of the Second Year of the Reign of Her present Majesty, for the Purpose of agreeing to and signing an Application to the said Commissioners for the raising of a Rate to assist Emigration.

Security for Repayment of Money borrowed for Emigration, and restricting Amount to be borrowed.

XXVII. And be it enacted, That the Repayment of all and every such Sums and Sum of Money so borrowed shall be from Time to Time secured by a Charge on the said Rates respectively by a Debenture made out in such Form as the Poor Law Commissioners shall direct, under the Seal of such Guardians or Persons, as the Case shall require, which shall carry Interest after such Rate or Rates as in every such Charge shall be specified; and that every Person having any Right or Interest to, in, or under any such Charge (save only and except the said Exchequer Bill Loan Commissioners) may from Time to Time, by Endorsement thereon or otherwise, assign his or her said Right or Interest therein to any other Person or Persons, upon first giving Notice in Writing of such Assignment to the Guardians or Persons appointed or authorized to act as Guardians of the said Union, and that thereupon such Assignee or Assignees, and his or their Representatives or Assigns, shall be entitled to stand in the Place of the Person assigning the same, and in respect of such Right or Interest: Provided always, that the Sums or Sum of Money so to be borrowed and charged upon any Electoral Division or Divisions as aforesaid, and remaining outstanding and unpaid in respect of the Emigration of poor Persons resident or relievable within any such Electoral Division or Electoral Divisions respectively, shall never exceed in the whole the Amount or Proportion of Eleven Shillings and Eight-pence in the Pound of the clear yearly Value of the rateable Property situate or arising within the Electoral Division or respective Divisions the Rates whereof shall have been so charged with the Repayment thereof, and that any Sum or Sums of Money so borrowed and charged upon the Union at large as aforesaid, and remaining outstanding and unpaid in respect of the Emigration of poor Persons resident in and relievable by the Union at large, shall never exceed in the whole the Amount or Proportion of Two Shillings and Four-pence in the Pound of the clear yearly Value of the rateable Property situate or arising within such Union; and the Sums or Sum of Money so to be borrowed shall be repaid by annual Instalments, each Instalment being not less than One Seventh Part of such Sums or Sum respectively, and the first of such Instalments to be so repaid at or before the End of One Twelvemonth next after the Day whereon such Sums or Sum shall have been first advanced, and that for the Purposes aforesaid it shall be lawful for the Guardians or Persons appointed or authorized to act as Guardians of such Union to provide for the Repayment of such annual Instalments out of the Rate or Rates levied in the said Union under the Authority of the Acts for the Relief of the Poor in *Ireland*.

Application of Money raised for Emigration.

XXVIII. And be it enacted, That all and every the Sums and Sum of Money so to be borrowed and charged as aforesaid shall be from Time to Time applied, under the Direction of the said Commissioners, by the Guardians or Persons appointed or authorized to act as Guardians of the Union borrowing the same, in defraying or assisting to defray the Expenses connected with the Emigration of poor Persons resident or relievable within the respective Electoral Divisions or Division on the Rates whereof the same respectively shall have been so charged, or resident in and relievable by the Union at large on the Rates whereof any such Charge on the Union at large shall have been so charged, to any of the Colonies or Possessions of this Realm, or to any Foreign State, and that it shall not be lawful for any Person acting in the Execution of this Act to apply or expend any such Sums or Sum, or any Part thereof, in any other Manner or for any other Purpose whatsoever.

In Proceedings at Quarter Sessions, Assistant Barrister may

XXIX. And be it enacted, That for the Purpose of facilitating and rendering more effectual all legal Proceedings of Quarter Sessions or before any Assistant Barrister in *Ireland*, or before the Chairman of the Sessions of the Peace of the County of *Dublin*, or before the Recorder of the City of *Dublin*, in anyways

correct Errors, &c.

anyways relating to the Collection or Recovery of Poor's Rate, or relating to Appeals or other Proceedings respecting rating, it shall and may be lawful for such Assistant Barrister, Chairman, or Recorder, if he shall so think fit, to correct or amend any Variance, clerical Error, or Irregularity not affecting the substantial Merits of the Question to be tried, and which may be found in the Notices, Recognizances, Processes, Decrees, or other Forms or Instruments of a like Kind brought before him in relation to this Act or the Acts herein-before recited.

Superior Courts.

XXX. And be it enacted, That in any Case in which it may be necessary to institute Proceedings by Civil Bill before any Assistant Barrister in *Ireland*, or before the Chairman of the Sessions of the Peace of the County of *Dublin*, or before the Recorder of the City of *Dublin*, against any immediate Lessor primarily liable to the Payment of Rates for Premises the Occupier of which is exempted from such Payment, it shall be lawful for the Guardians of the Poor to institute such Proceedings before the Assistant Barrister for the County wherein the rated Premises are situated, and in the Division thereof wherein the same are situate; and in case the said rated Premises are situated within the County of *Dublin*, or within the City of *Dublin*, then before the Chairman of the Sessions of the Peace of the County of *Dublin*, or the Recorder of the City of *Dublin*, (as the Case may be,) first giving to such immediate Lessor, or to his known Agent or Receiver of his Rents, Fourteen Days Notice of the Proceeding about to be taken against him as aforesaid by Service of Process; and the Service of Process in such Civil Bill on such immediate Lessor, his known Agent or Receiver, at any Place out of such Division and County, or at any Place out of the said County of *Dublin* or City of *Dublin*, shall be as effectual as a Service of the same upon such Lessor within such Division or within the said County of *Dublin* or City of *Dublin*.

1 & 2 Vict. c. 56. &c. and this Act to be One.

XXXI. And be it enacted, That the said recited Act of the Second Year of Her Majesty's Reign, and the Acts amending the same, and this Act, shall be construed as One Act.

Act may be amended, &c.

XXXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CV.

An Act for converting the renewable Leasehold Tenure of Lands in *Ireland* into a Tenure in Fee. [1st *August* 1849.]

'WHEREAS many Lands in *Ireland* are held under Leases and Under-leases respectively with 'Covenants for perpetual Renewal, and great Expense is constantly incurred in procuring 'Renewals under such Covenants, and much Litigation and Inconvenience arise from such Tenures; 'and it is expedient that such Tenures should be converted, in manner herein-after provided, into 'Tenures in Fee, and that, except as herein excepted, all Leases and Under-leases of Lands in *Ireland*, 'with Covenants for perpetual Renewal, granted or made after the passing of this Act should operate and 'take effect in manner herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where Lands in *Ireland* are held under any Lease in Perpetuity the Owner of such Lease in Perpetuity, at any Time after the passing of this Act, and whether the Time for Renewal has or has not arrived, may require the Owner of the Reversion to execute a Grant, according to the Provisions of this Act, of the Lands comprised in such Lease; and the Owner of the Reversion, upon being so required as aforesaid, shall execute a Grant to the Owner of such Lease of an Estate of Inheritance in Fee Simple in such Lands, subject to a perpetual yearly Fee-farm Rent, of such Amount as herein-after mentioned, to be charged upon such Lands, and to be payable on the same Days and Times as the yearly Rent made payable by such Lease, and subject to the like Covenants and Conditions for securing the Payment of such Fee-farm Rent as are contained in such Lease with respect to the Rent thereby reserved, and with and subject to such other Covenants, Conditions, Exceptions, and Reservations (save Covenants to grant or to accept and take a Renewal of such Lease, and such Covenants, Conditions, Exceptions, and Reservations as may be commuted as herein-after mentioned,) as are contained in such Lease, and then subsisting; and where Lands in *Ireland* are held under any Under-lease in Perpetuity of any Degree of Tenure, the Owner of such Under-lease, at any Time after the passing of this Act, and whether the Time for Renewal has or has not arrived, may require the Owner of the Lease or Under-lease in Perpetuity out of which such first-mentioned Under-lease is derived, or the Owner of the Estate of Inheritance which may have been granted in respect of the Lease or Under-lease out of which such first-mentioned Under-lease is derived, to execute a Grant, according to the Provisions of this Act, of the Lands comprised in such first-mentioned Under-lease; and the Owner so required shall thereupon execute a Grant to the Owner of such Under-lease of an Estate of Inheritance in Fee Simple in such Lands, subject to a perpetual yearly Fee-farm Rent, of such Amount as herein-after mentioned, to be charged upon such Lands, and to be payable on the same Days and Times as the yearly Rent made payable by such Under-lease, and subject to the like Covenants and Conditions for securing such Fee-farm Rent as are contained in such Under-lease with respect to the Rent thereby reserved, and subject to such other Covenants, Conditions, Exceptions, and Reservations (save Covenants to grant or to accept and take a Renewal of such Lease, and such Covenants, Conditions, Exceptions, and Reservations as may be commuted as herein-after mentioned,) as are contained in such Under-lease, and then subsisting; and upon the Delivery of every such Grant as aforesaid to the Owner requiring the same, he shall execute and deliver to the Owner executing such Grant a Counterpart

Reversioner, &c. to execute Grants in Fee-farm when required by Lessee or Under-lessee in Perpetuity.

Counterpart thereof; and the Expense of the Preparation and Execution of such Grant and Counterpart shall be paid by the Owner to whom the Grant is made: Provided always, that the Owner required to make any such Grant as aforesaid shall not be obliged to execute such Grant until, where the Time for Renewal of the Lease or Under-lease by the Owner of which the Grant is required has not arrived, all such Arrears or Sums, if any, of or in respect of Rent as, if the Time had arrived for Renewal of such Lease or Under-lease and a Bill had been filed for the Renewal thereof, would have been required by a Court of Equity to be paid on such Renewal, and where the Time for Renewal of such Lease or Under-lease has arrived, or where there has not been a Renewal of such Lease or Under-lease at or after the Time at which the same might have been last renewed according to the Covenant for Renewal, all such Arrears or Sums, if any, of or in respect of Rent, and also all such Fines and Fees, if any, and Interest as would have been required by a Court of Equity to be paid on Renewal of such Lease or Under-lease, are paid: Provided also, that no Owner required to execute any such Grant as aforesaid shall be obliged to execute such Grant where the Right of Renewal is lost both at Law and in Equity; and where any Owner required to execute any such Grant as aforesaid disputes the Right of the Party requiring such Grant to require the Execution of such Grant, such Owner shall, within One Calendar Month after he is so required as aforesaid, serve on the Person by whom such Grant has been required a Notice in Writing stating that the Right to require such Grant is disputed, and the Grounds on which such Right is so disputed.

Grant not to be required where Right of Renewal is lost.

Notice of the Dispute of the Right to be given.

II. And be it enacted, That the Fee-farm Rent to be made payable by every such Grant as aforesaid shall, where the Lease or Under-lease (as the Case may be) to the Owner of which the Grant is made is renewable without Fine, or upon Payment of a Peppercorn or other merely nominal Fine of like Nature, be of the like Amount as the yearly Rent made payable by such Lease or Under-lease, and shall, where such Lease or Under-lease is renewable upon Payment of a Fine or Fines not merely nominal, be of an Amount equal to the aggregate Amount of the yearly Rent made payable by such Lease or Under-lease, and the Value of the Renewal Fine or Fines and Fees (if any), such Value to be estimated or computed with regard to the probable Duration of the subsisting Term, the average Duration of Life, and the respective Periods for Renewal, but without regard to and exclusively of any penal Rents or Sums made payable upon Neglect, Delay, or Refusal to apply for or take Renewal, and to be ascertained as hereinafter mentioned if the Parties differ about the same.

Amount of Fee-farm Rent.

III. And be it enacted, That where any subsisting Exception or Reservation contained in the Lease or Under-lease in Perpetuity by the Owner of which a Grant is required as aforesaid, or any Right under Covenant or otherwise annexed or belonging to the Reversion or Estate from the Owner of which a Grant is required, interferes with the proper Cultivation of the Lands comprised in such Lease or Under-lease, the Owner of such Lease or Under-lease requiring such Grant as aforesaid may (if he think fit) require that such Exception, Reservation, or Right should cease, wholly or partially, and in such Case the Grant shall be modified accordingly, and the Fee-farm Rent to be made payable by such Grant shall be increased by such an Amount as is equivalent to the Value of such Exception, Reservation, or Right, in so far as it is made to cease as aforesaid, such Amount to be ascertained in manner herein-after mentioned, in case the Parties differ about the same.

Lessee or Under-lessee may require Exceptions, &c. interfering with Cultivation to be commuted.

IV. Provided always, and be it enacted, That where any Right to Timber, Timber Trees or other Trees, Woods, Underwood, or under-ground Woods, Bogs, Mosses, Turbaries, Mines, Minerals, Quarries, or Royalties, whether under express Exception or Reservation contained in the Lease or Under-lease in Perpetuity or otherwise, is annexed to or belongs to the Reversion or Estate from the Owner of which a Grant is required, it shall not be lawful for the Owner of the Lease or Under-lease in Perpetuity requiring the Grant to require that such Right should cease, either wholly or partially, but in every such Case the Owner of the Reversion or Estate from the Owner of which the Grant is required and the Owner of the Lease or Under-lease requiring the Grant may agree that such Right should cease or pass under the Grant, either wholly or partially, and in such Case the Grant shall be modified accordingly, and the yearly Fee-farm Rent to be made payable by such Grant shall be increased by such an Amount as is equivalent to the Value of such Right, so far as it is made to cease or pass as aforesaid.

Certain Rights not to be commuted but with Consent.

V. Provided also, and be it enacted, That where the Estate into which the Reversion from the Owner of which a Grant is required as aforesaid would be converted upon such Grant under the Provisions herein-before contained would not afford full Compensation for the Loss of such Reversion, or of any Power, Benefit, or Advantage incident thereto, or exercised or enjoyed by or on behalf of the Owner thereof under any local or personal Act of Parliament, Charter, Settlement, or otherwise, the Owner of such Reversion may require such Loss to be compensated by such an Addition in respect thereof to the Fee-farm Rent to be made payable under such Grant, or, at the Option of the Owner of such Reversion, by the Payment of such a gross Sum of Money, (the Amount in either Case to be ascertained as herein-after mentioned in case the Parties differ about the same,) as will afford a full Compensation for such Loss, to be estimated according to the Difference in Marketable Value; and where upon a Grant made or to be made under this Act to the Owner of a Lease in Perpetuity such Addition or Payment as aforesaid has been made or may be required to be made, the Owner of such Lease, or of the Estate into which the same has been converted under this Act, upon being required to make a Grant under this Act to the Owner of an Under-lease in Perpetuity derived out of such Lease, may require an Addition to be made to the Fee-farm Rent to be made payable under such last-mentioned Grant, or the Payment of a gross Sum of Money of the like or a proportionate Amount (as the Case may require); and in like Manner where upon a Grant made or to be made under this Act to the Owner of any Under-lease in Perpetuity an Addition to the Fee-farm Rent payable under such Grant, or the Payment of a gross Sum of Money, has

Compensation where there is a Loss on the Conversion of the Reversion into a Rent.

has been made or may be required to be made under this Provision, the Owner of such Under-lease, or of the Estate into which the same has been converted, may require an Addition to be made to the Fee-farm Rent to be made payable on any Grant which he may be required to execute to the Owner of any inferior Under-lease, or the Payment of a gross Sum of Money of the like or a proportionate Amount (as the Case may require).

By Consent a Portion of the Lands comprised in Lease, &c. may be allocated in lieu of Fee-farm Rent, or the Fee-farm Rent may be charged on Part only of such Lands.

VI. And be it enacted, That, where the Owner required to execute such Grant as aforesaid and the Owner requiring the same shall so agree, a Part of the Lands comprised in the Lease or Under-lease by the Owner of which such Grant is required, and not comprised in any inferior Under-lease in Perpetuity, may be allocated in Fee Simple in lieu of the Fee-farm Rent which would have been made payable by such Grant or of any Portion thereof, or such Fee-farm Rent or any Portion thereof in lieu of which Land is not allocated as aforesaid may be made payable out of any sufficient Part only, to be specified in the Grant, of the Lands comprised in such Lease or Under-lease, and the Residue of the Lands shall be discharged therefrom; and where Land is allocated as aforesaid the same shall by the same Grant be conveyed or surrendered by the Owner of the Lease or Under-lease to the Owner to whom the Fee-farm Rent in lieu of which or of a Portion of which the same is allocated would have been payable.

Grants valid against all Parties.

VII. And be it enacted, That from and after the Execution of such Grant to the Owner of a Lease in Perpetuity, or to the Owner of an Under-lease in Perpetuity as aforesaid, such Grant shall, where such Grant is made to the Owner of a Lease in Perpetuity, bind all Persons interested in the Reversion and in such Lease, and all Persons bound by such Lease, and such Reversion shall be converted into an Estate of Inheritance in Fee Simple in the Fee-farm Rent made payable by such Grant, and the Conditions, Exceptions, and Reservations therein contained, and all Rights annexed or belonging to such Reversion, saved by and not commuted under this Act; and such Grant shall, where such Grant is made to the Owner of an Under-lease in Perpetuity, bind all Persons interested in the Lease or superior Under-lease, or the Estate of Inheritance granted in respect thereof by the Owner of which the Grant is made, and in the Under-lease to the Owner of which the Grant is made, and all Persons bound by such Under-lease; and the Estate held under such Lease or superior Under-lease, or such Estate of Inheritance as aforesaid, shall be converted into an Estate of Inheritance in Fee Simple in the Fee-farm Rent made payable by such Grant, and the Conditions, Exceptions, and Reservations therein contained, and all Rights annexed or belonging to the Estate by the Owner of which such Grant is made, saved by and not commuted under this Act; and each such Estate of Inheritance in Fee Simple as aforesaid shall be transmissible and descendible in like Manner as if the same were an Estate of Inheritance in Fee Simple in reversion in the Lands, on which the Fee-farm Rent is charged by the Grant creating the same, having incident thereto the Conditions, Exceptions, and Reservations contained in the same Grant and such Rights respectively as aforesaid; and the Estate of Inheritance created under every such Grant as aforesaid in the Lands comprised therein, save any Part thereof allocated in lieu of a Fee-farm Rent or any Portion thereof under the Provision herein contained, and the Estate of Inheritance so created as aforesaid in the Fee-farm Rent made payable by such Grant, and in any Land so allocated as aforesaid, shall from and after the Execution of such Grant be respectively vested in the same Persons, for the same Estates and Interests, and be respectively subject to the same Uses, Trusts, Provisoes, Agreements, and Declarations, and be respectively charged with and subject to the same Charges, Liens, Judgments, Incumbrances, and Equities, as the Estate held under the Lease or Under-lease in Perpetuity to the Owner of which the Grant is made, and the Reversion or Estate by the Owner of which the Grant is made, were respectively vested in, subject to, and charged with immediately before their Conversion into such respective Estates of Inheritance as aforesaid was effected, or as near thereto as the different Natures of the Estates and the Circumstances of each Case will admit; but all Land allocated as aforesaid shall remain subject to all Demises and Tenancies inferior in Tenure to the Lease or Under-lease by the Owner of which such Land may have been so allocated.

Estates in Fee-farm Rent, &c. to be descendible, &c. as a Reversion.

Estates created under Grants in the Land and Fee-farm Rent to be subject to the old Uses, &c.

Conversion not to revoke testamentary Dispositions.

VIII. And be it enacted, That the Conversion of any Estate under this Act shall not prevent or prejudice the Operation of any Devise, Bequest, or testamentary Appointment, made before such Conversion, of such Estate, or any Interest therein, but such Devise, Bequest, or testamentary Appointment shall operate upon the Estate or Interest created or acquired under this Act as fully and effectually, to all Intents and Purposes whatever, as the same would have operated upon the respective Estate or Interest previously subsisting if no such Conversion had taken place.

Exception as to Dower and Curtesy.

Saving of Royalties, &c.

IX. And be it enacted, That no Conversion under this Act of any Estate shall operate to give Dower or Curtesy to the Widow or Husband of any Person becoming entitled under this Act to an Estate of Inheritance, in any Case where the Estate converted would not have been liable to Dower or Curtesy, and such Widow or Husband was married to such Person before such Conversion, or to defeat or affect any Rights of Lords of Manors or reputed Manors, or of Owners of Reversions in Fee Simple to Courts Leet or Courts Baron, and Services at the same, Escheats, Fairs, Markets, Franchises, Rights, Liberties, Privileges of Chase or Free Warren, Hunting, Hawking, Fowling, Piscaries, Fisheries and Rights of Fishing, or any Rights in any Mines or Minerals, Quarries, or Royalties within or under the Lands included in any Estate converted under this Act, save in so far as the same may be commuted under this Act.

Covenants running with the Lands.

X. And be it enacted, That all Covenants by Law implied on the Part of Landlord or Tenant upon any Lease or Under-lease in Perpetuity to the Owner of which a Grant is made under this Act shall be implied upon such Grant, and every Covenant for Payment of Rent, and every other Covenant contained in pursuance of this Act in any such Grant as aforesaid, in substitution for a like Covenant in the Lease or Under-lease to the Owner of which such Grant is made, where such last-mentioned Covenant

is of such a Nature as that the Burden thereof doth by Law run with the Land, and bind the Assignee of such Lease or Under-lease, and every Covenant implied under this Act upon any such Grant where the Burden of the implied Covenant for which the same is in substitution was upon the Owner of such Lease or Under-lease, shall run with the Estate in Fee Simple into which the Estate held under such Lease or Under-lease is converted under this Act, and the Owner or Assignee for the Time being of such Estate in Fee Simple shall be chargeable upon such Covenants in the same Manner and to the same Extent as if he were Owner or Assignee of the Term or Interest created by such Lease or Under-lease, and such Term or Interest, and the Estate out of which such Lease or Under-lease was derived, were still subsisting, and the Benefit of such Covenants shall run with the Estate into which such Estate is converted under this Act, and the Owner or Assignee for the Time being of the Estate created by such Conversion shall have the full Benefit of such Covenants, and be entitled to maintain Actions thereon; and every Covenant contained in pursuance of this Act in any such Grant as aforesaid, in substitution for a like Covenant in such Lease or Under-lease as aforesaid, where such last-mentioned Covenant is of such a Nature as that the Burden thereof doth by Law run with the Estate out of which such Lease or Under-lease was derived, or bind the Assignee of such Estate, and every Covenant implied under this Act upon any such Grant where the Burden of the implied Covenant for which the same is in substitution was upon the Owner of the Estate out of which such Lease or Under-lease was derived, shall run with the Estate into which such Estate is converted under this Act; and the Owner or Assignee for the Time being of the Estate created by such Conversion shall be chargeable upon such Covenants in the same Manner and to the same Extent as if he were Owner or Assignee of such Estate so converted, and such Estate and Lease or Under-lease were still subsisting, and the Benefit of such Covenants shall run with the Estate in Fee Simple into which the Estate held under such Lease or Under-lease is converted under this Act, and the Owner or Assignee for the Time being of such Estate in Fee Simple shall have the full Benefit of such Covenants, and be entitled to maintain Actions thereon.

As to Covenants contained in Leases granted by the Governor, &c. of the Irish Society.

XI. 'And whereas in Leases in Perpetuity granted by the Governor and Assistants of the new Plant-'ation in *Ulster*, within the Realm of *Ireland*, commonly called the *Irish* Society, are contained Cove-'nants for the Decision by the Award and Order of the said Society of Questions, Disputes, or Controver-'sies arising between their Tenants or Under-tenants, and for the Protection of certain Fisheries:' Be it enacted, That where there is contained in any Grant under this Act made to the Owner of any Lease or Under-lease in Perpetuity a Covenant in substitution for a like Covenant in such Lease or Under-lease, for or concerning the Decision by the said Society of any Question, Dispute, or Controversy, or for or concerning the Protection of any Fishing, or conferring any other Power, Benefit, or Advantage on the said Society, which Covenant did not by Law run with the Land, such Covenant in such Grant shall run with the Land, and the Provisions of this Act shall be applicable thereto in like Manner as if the Covenant for which the same is in substitution did by Law run with the Land.

Conversion of Lessee's or Under-lessee's Interest not to affect Demises made by him.

XII. And be it enacted, That where the Estate held under any Lease or Under-lease in Perpetuity is converted under this Act into an Estate of Inheritance in Fee Simple, and such Estate was immediately before such Conversion subject to any subsisting Under-lease or Demise at Will, or for any greater Interest, the Fee Simple into which such Estate is so converted shall be the Reversion immediately expectant upon such Under-lease or Demise, and the Rents and Services reserved and made payable upon such Under-lease or Demise shall be incident and annexed to such Reversion, and the Covenants and Agreements, whether express or implied, on the Part both of the Landlord and the Tenant, shall run with the Land and with the Reversion respectively, in the same Manner in all respects and to the same Extent as if such Under-lease or Demise had been made by a Person seised in Fee Simple in Possession, and the Estate in Fee Simple created by such Conversion as aforesaid had been the Reversion expectant upon such Under-lease or Demise; and such Conversion shall not prejudice or affect any Right of Distress, Entry, or Action which has accrued in respect of such Under-lease or Demise before such Conversion.

Rights of superior Owner and Right to Indemnification against superior Rents preserved.

XIII. Provided always, and be it enacted, That no Grant made by the Owner of any Lease or Under-lease in Perpetuity under this Act shall prejudice or affect the Rights of the Owner of the Reversion, or of any Lease or Under-lease superior in Tenure, or of the Estates into which they may be respectively converted under this Act, but all Owners, Lessees, Under-lessees, and Occupiers for the Time being of any Land shall have the like Rights and Equities to be discharged of and indemnified against Fee-farm Rents created under this Act as such Owners, Lessees, Under-lessees, and Occupiers respectively would have had in respect of the Rents incident to the several Reversions or Estates converted into such respective Fee-farm Rents; and the Owners for the Time being of all Fee-farm Rents created under this Act shall be subject to and charged with the like Liabilities, and shall have the like Rights and Equities to indemnify and to be indemnified in respect of such Fee-farm Rents respectively, as they would have been subject to and would have had in respect of the Reversions or Estates which have been converted into such respective Fee-farm Rents in case this Act had not been passed.

Under-lessee entitled to require his Lessor to obtain Renewal may require him to obtain a Grant.

XIV. And be it enacted, That where the Owner of any Under-lease in Perpetuity is entitled to require the Owner of the Lease or superior Under-lease out of which such first-mentioned Under-lease is derived to procure a Renewal of such Lease or superior Under-lease, the Owner of such first-mentioned Under-lease may, at the Time of requiring the Owner of such Lease or superior Under-lease to execute to him a Grant under this Act, and whether the Time for the Renewal of such Lease or superior Under-lease has or has not arrived, also require the Owner thereof to procure a like Grant to be made to such Owner by the Owner from whom he is entitled under this Act to require such Grant; and where a Grant has been made under this Act to the Owner of an Under-lease in Perpetuity entitled to require

the Owner of the Lease or superior Under-lease in Perpetuity out of which such first-mentioned Under-lease was derived, to procure a Renewal of such Lease or superior Under-lease, and the Owner to whom such Grant has been made has not at the Time of requiring such Grants required the Owner of such Lease or superior Under-lease to procure a like Grant to be made to such Owner, and such Grant has not in fact been made to such Owner, the Owner of the Estate into which the Estate under such first-mentioned Under-lease has been converted shall, at the Time when he might if such last-mentioned Estate had not been converted have required the Owner of such Lease or superior Under-lease to procure a Renewal thereof, be in like Manner entitled to require such Owner to procure a Grant to be made to him under this Act.

Subsequent Grant to Owner of Lease, &c. to feed Grant previously made by him.

XV. And be it enacted, That where any Lands comprised in a Lease or Under-lease to the Owner of which a Grant is made under this Act of an Estate of Inheritance are comprised in an Under-lease in Perpetuity to the Owner of which the Owner of such Lease or first-mentioned Under-lease has previously made a like Grant in such Lands, such first-mentioned Grant shall operate to supply or feed the Grant so previously made and each like Grant (if any) previously made by the Owner of each inferior Under-lease in Perpetuity in the same Lands, or any Part thereof, between which and the secondly before-mentioned Under-lease there is no intermediate Under-lease in Perpetuity subsisting.

Acquisition of Land charged with Fee-farm Rent to operate as Apportionment of Rent.

XVI. And be it enacted, That where any Fee-farm Rent shall be charged upon any Lands by any Grant made under this Act, the Acquisition of a Part of such Lands by the Person entitled to such Fee-farm Rent, whether such Acquisition shall be by Descent, by Purchase, or by Escheat, shall operate so as to extinguish only a proportionate Part of the Rent to which such Person shall be entitled, and the remaining Part of such Rent shall be recoverable out of the Residue of such Lands in the same Manner as the whole Rent would have been recoverable if such Acquisition had not been made; and in such Case such Fee-farm Rent shall be apportioned by the Agreement of the Persons interested, and, in default thereof, according to the relative Amounts of the Value of the Land so acquired and the Value of the Residue of such Lands, in the same Manner as Rent-service is now by Law apportionable upon an Alienation of the Reversion in part of the Lands.

Provision in case Owner is under Disability or abroad.

XVII. And be it enacted, That where the Owner of any Reversion, Lease, Under-lease, or Estate is a Minor, Idiot, Lunatic, Feme Covert, or is not within the United Kingdom, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively of such Owner shall for the Purposes of this Act be substituted in the Place of such Owner, and shall and may execute such Grants and Counterparts, make such Agreements, and do all such other Acts which such Owner, if not under Disability or out of the United Kingdom, should and might have executed, made, and done under this Act.

Portion added under this Act to former Rent to be liable to Deduction for Poor Rate.

XVIII. And be it enacted, That where any Fee-farm Rent made payable by any Grant under this Act is greater in Amount than the Rent reserved by the Lease or Under-lease in Perpetuity to the Owner of which such Grant is made, the Party paying such Rent shall not be entitled to deduct from the Party receiving the same any Poundage in respect of Poor's Rate from the Portion of such Rent which by virtue of this Act is added to the Amount of Rent previously payable.

Act not to alter Liability to Tithe Rent-charge.

XIX. And be it enacted, That nothing in this Act contained shall be deemed to affect or alter the existing Liability of any Party or Parties or of any Estate or Interest in respect of the Payment or Deduction of Rent-charge in lieu of Tithe.

Fee-farm Rent recoverable by like Remedies as Rent-service, &c.

XX. And be it enacted, That the Fee-farm Rent made payable by any Grant under this Act, or by any Grant made after the passing of this Act, shall be recoverable by Distress, Ejectment for Nonpayment of Rent, Action of Debt, Covenant, and all other Ways, Means, Remedies, Actions, Suits, or otherwise, by which Rent-service reserved on any Common Lease or Demise for a Life or Lives is or may be by Law recoverable; and all the Enactments relating to Ejectment for Nonpayment of Rent, Distress, or other Remedies for Recovery thereof, shall apply to every such Fee-farm Rent as aforesaid, as fully and effectually as if the same were Rent-service reserved on a Lease for a Life or Lives; and in Proceedings by Ejectment for Nonpayment of such Fee-farm Rent under the Statutes for the Time being in force in *Ireland* in relation to Ejectment for Nonpayment of Rent made applicable under this Act to such Fee-farm Rent as aforesaid, the Receipt of such Fee-farm Rent for Three Years by the Lessor of the Plaintiff, or any Person or Persons through whom he claims, shall have the same Force and Effect as a similar Receipt of Rent-service reserved on any Lease for Life or Lives would have in Proceedings by Ejectment for Nonpayment of such Rent under such Statutes; and in avowing or making Cognizance for any such Fee-farm Rent in any Action of Replevin in respect of a Distress for such Rent it shall be sufficient for the Person avowing or making Cognizance to avow or make Cognizance generally, that the Lands or Place on which such Distress was made, or from which such Distress was fraudulently removed, (as the Case may be,) were or was at the Time the Rent distrained for accrued and still are or is held under a Grant made under or after the passing of this Act, and that a certain Sum or Portion of the said Rent was in arrear and unpaid, and that the Person avowing, or in whose Right Cognizance is made in respect of the said Rent, is the Person entitled thereto, without further setting forth such Grant, or the Title of such Avowant or Person in whose Right such Cognizance is made to such Fee-farm Rent; and in proceeding by Action of Debt or Covenant for Nonpayment of the Fee-farm Rent made payable by any such Grant as aforesaid, or Nonperformance of any of the Covenants contained in such Grant, or in any other Action or Proceeding in relation thereto, it shall be sufficient for the Plaintiff or Person entitled to such Fee-farm Rent to set forth in the Declaration or other Pleading the Grant, and, where the Case shall require, the Covenants the Nonperformance of which he complains of, and aver that the said Plaintiff or other Person is the Person entitled to the Fee-farm Rent reserved or made payable

payable by such Grant, and, where the Case may require, interested in the Performance of such Covenants without setting forth or deducing his Title thereto; and in such Actions of Replevin, Debt, or Covenant, or other Proceeding founded on such Grant as aforesaid, Proof that the said Plaintiff or other Person, or any Person or Persons through whom he claims, has or have been in possession or in the Receipt of such Fee-farm Rent for Three Years shall be sufficient Evidence of the Title of the Plaintiff or other Person thereto, as in Cases of Ejectment for Nonpayment of Rent under the Statutes in force in relation thereto; and if in any such Action of Ejectment as aforesaid Judgment be given for the Plaintiff, and Execution executed, or if any Entry be made in respect of such Fee-farm Rent as aforesaid, or by virtue of any Condition for Re-entry contained in any such Grant as aforesaid, then the Estate in the Lands acquired under such Judgment and Execution or by such Entry shall be of the like Nature, and shall be subject to the same or the like Uses, Trusts, Charges, Liens, Equities, Rights, and Incumbrances, as if such Judgment and Execution or such Entry had been in respect of an Estate in Reversion, and of a Rent or of a Condition, as the Case may be, incident thereto, and such Estate in Reversion had stood limited to the same Uses and Trusts, and subject to the same Charges, Liens, Equities, Rights, and Incumbrances, to which such Fee-farm Rent stood limited or subject.

In Ejectment for Nonpayment of Fee-farm Rent, Power to redeem given to certain Persons.

XXI. And be it enacted, That if in any Action of Ejectment brought on account of the Nonpayment of any Fee-farm Rent made payable by any such Grant as aforesaid, pursuant to the Statutes for the Time being in force in *Ireland* as to Actions of Ejectment for Nonpayment of Rent, Judgment be given for the Plaintiff, and Execution executed, and the Person who has made default in Payment of the Rent, or the Person who but for such Ejectment would for the Time being have been the Party to make the Payment from Time to Time thereafter becoming due, do not, within Six Calendar Months from the Time of such Execution executed, do such Acts or take such Proceedings as are or may be by Law necessary for the Redemption of the Lands from the said Judgment and Execution (all which Acts and Proceedings he is hereby authorized to do and take in the same Manner and with the same Effect to all Intents and Purposes as if he were the Tenant or Lessee of the Person causing such Ejectment to be brought), then and in every such Case it shall be lawful for the Owner of or any Person having an Estate or Interest in any Fee-farm Rent made payable by any such Grant as aforesaid out of the whole or any Part of such Lands, or for the Owner of or any Person having an Estate or Interest in the Lands out of which such Fee-farm Rent is payable, or any Part thereof, within Nine Calendar Months after such Execution executed, to do such Acts and take such Proceedings for the Redemption of the said Lands from the said Judgment and Execution, and for obtaining Relief in respect of the same, as under the Statutes last aforesaid any Mortgagee of a Lease might do or take for the Redemption of such Lease, or his Estate or Interest therein, from any Judgment and Execution in any Action of Ejectment for Nonpayment of Rent pursuant to such Statutes, and for obtaining Relief in respect of the same; and any Redemption made pursuant to such Statutes shall operate so as to restore all Estates and Interests in Rents or in Lands which shall have been defeated by the Entry or Ejectment; and when such Redemption as last aforesaid has been made, or when any such Redemption has been made under the Statutes aforesaid by any Mortgagee or any other Person, which Redemption he is hereby authorized to make, all Sums of Money paid or advanced on account thereof, and the Costs thereof, shall be and be deemed a Lien and Charge in favour of the Person paying the same, his Executors or Administrators, not only upon the Estate or Interest of the Person making such Default as aforesaid, but upon all the Inheritance in which such Estate or Interest is subsisting, in priority to all other Interests or Charges whatever upon such Inheritance, save and except any Charges created under the Acts relating to the Drainage of Lands or to the Improvement of Lands in *Ireland*; and such Sums of Money and Costs shall also be recoverable by the Person paying the same from the Person who has made such Default, or his Representatives, in and by an Action of Debt; and all Sums of Money paid and Costs incurred in respect of such Lien or Charge by any Person damnified thereby shall also be recoverable by such Person from the Person who has made default, or his Representatives, in manner aforesaid; and it shall be lawful for any Person having the Benefit of such Lien or Charge, or damnified thereby as aforesaid, to apply by Petition in a summary Way to the Court of Chancery or the Court of Exchequer at the Equity Side thereof for the Appointment of a Receiver over such Estate, Interest, or Inheritance, and which Receiver it shall be lawful for the said Courts respectively to appoint and to continue until all such Sums of Money and Costs, with Interest, and the Costs of such Petition and of the Proceedings thereunder, are fully paid and discharged, and to make such Order in reference to such Petition as to such Courts respectively may seem fit.

Owner of Lease or Under-lease may petition in case of disputed Right, &c.

XXII. And be it enacted, That where the Owner of any Lease or Under-lease in Perpetuity, of any Degree of Tenure, of Lands in *Ireland*, has required a Grant under this Act, and the Owner of the Reversion, Lease or superior Under-lease, or Estate, from whom such Grant has been required, disputes the Right to such Grant, or in case such Owners shall differ as to what Covenants, Conditions, Exceptions, or Reservations shall be contained in such Grant, or what Exceptions, Reservations, or Rights should be commuted, or otherwise, as to the Terms or Conditions of such Grant or the Amount of Fee-farm Rent to be made payable thereunder, or in case the Owner of the Reversion, superior Lease, Under-lease, or Estate who might be required to execute a Grant under this Act be a Minor, Idiot, Lunatic, Feme Covert, or not within the United Kingdom, and there be no Guardian, Committee of the Estate, Husband, or Attorney respectively of such Owner competent to act under the Provision herein-before contained, or where the Owner who might be required to execute a Grant under this Act is not known, or there is or are any Arrear of Rent, Fine or Fines, or Fees, which under this Act might

might be required to be paid before the Execution of a Grant under this Act, and the Owner required to execute such Grant has refused to accept Payment thereof, or there is no Person to whom the same can properly be paid, or it is not known to whom the same ought to be paid, it shall be lawful for the Owner of the Lease or Under-lease in Perpetuity who has required such Grant or would be entitled to require the same, as the Case may be, to apply to the Court of Chancery in *Ireland* or Court of Exchequer in *Ireland* on the Equity Side thereof in a summary Way by Petition praying that a Grant may be executed to him under this Act, or that it may be declared what Covenants, Conditions, Exceptions, and Reservations should be contained in such Grant, or that any such Exceptions, Reservations, or Rights as aforesaid may be commuted, or that the Terms or Conditions of such Grant may be settled, or that the Amount of the Fee-farm Rent may be determined, or such other Relief as shall be applicable to the Case; and every such Petition shall be intituled "In the Matter of the Renewable Leasehold "Conversion Act," *ex parte* the Person who presents such Petition, and shall state the Date and Names of the Parties to whom and the short Contents of the Lease or Under-lease in respect of which the same is presented, and of the last Renewal thereof, with the Name of the Lands, and the Parish, Barony, and County in which the same are situate, and the Nature and Extent of the Estate or Interest of the Petitioner in such Lease or Under-lease, and shall, where the Right of the Petitioner to a Renewal of such Lease or Under-lease is disputed, state that such Right is disputed, and shall state such other Matters as the Circumstances of the Case may require; and every such Petition shall be verified by the Affidavit of the Person by whom the same is presented, or of his Solicitor, Attorney, or Agent, or otherwise as the Court shall consider sufficient, and in all Cases under this Act the Reversion, Lease, and Under-lease respectively shall be sufficiently represented by the respective Owners thereof, and it shall not be necessary to bring before the Court any other Parties interested in such Reversion, Lease, and Under-lease respectively unless in special Cases the Court shall otherwise direct.

Proceedings upon Petition.

XXIII. And be it enacted, That where such Petition as aforesaid is presented in respect of a Lease or Under-lease the Right to a Renewal of which is disputed, such Petition shall be heard by the Court, and the Court may upon the Hearing determine the Right to such Renewal, or retain the Petition until such Right be established on a Bill filed or other proper Proceeding taken for such Purpose, or may refer the said Matter of such Petition to the Master or Remembrancer, or make such other Order in the Matter of such Petition as the Court may think fit; and such Petition shall, Fourteen Days before the Hearing thereof, be served by or on behalf of the Party presenting the same on the Owner of the Reversion, Lease, Under-lease, or Estate from the Owner whereof the Grant under this Act was required; and where such Petition is presented in respect of a Lease or Under-lease the Right to a Renewal of which is not disputed, it shall be in the Discretion of the Court either to make an Order for Hearing thereon, or else *ex parte* to make an Order referring the Matter of such Petition to the Master or Remembrancer.

Proceedings upon Reference to the Master or Remembrancer.

XXIV. And be it enacted, That where the Matter of any such Petition as aforesaid is referred to the Master or Remembrancer, either upon the Hearing or *ex parte*, such Master or Remembrancer shall thereupon proceed to inquire into the Matter of such Petition, and shall require Notice, in such Form as he may think fit, of such Petition and of the Rule or Order thereon, and of a Time and Place for the Parties to appear before him, to be served upon the Owner of the Reversion, Lease, Under-lease, or Estate from the Owner whereof the Grant under this Act was or might be required, or in case such Owner be under Disability or out of the United Kingdom, and there be no Guardian, Committee, Husband, or Attorney competent to act for such Owner under the Provision herein-before contained, then the Master or Remembrancer may require such substituted Service as he may think fit of such Notice as aforesaid; and at the Time and Place fixed by such Notice the Master or Remembrancer shall proceed to inquire and ascertain whether the Petition is presented by a Person entitled to require a Grant under the Provisions of this Act of an Estate of Inheritance in the Lands comprised in the Lease or Under-lease in Perpetuity in respect of which such Petition is presented, and in case he so find he shall proceed to ascertain the Amount of the Fee-farm Rent to be made payable by such Grant, and to settle the Terms and Conditions of such Grant, in case the Parties differ about the same or the Nature of the Petition shall so require, and when the Owner from whom a Grant might be required is under Disability, and there is no Guardian, Committee, Husband, or Attorney as aforesaid of such Owner, or where such Owner is not known, shall nominate a Person to be substituted for the Purposes of this Act in all Proceedings under such Petition as aforesaid in the Place of such Owner; and where there is any Arrear or Sum of or in respect of Rent, or any Fine or Fines, or Fees, which under this Act might be required to be paid before the Execution of a Grant under this Act, and the Owner required to execute such Grant has refused to accept Payment thereof, or there is no Person to whom the same can properly be paid, or it is not known to whom the same ought to be paid, the Master or Remembrancer shall require the full Amount of such Arrear or Sum of or in respect of Rent, and of such Fine or Fines, with Interest thereon, and of such Fees, to be lodged, under a special Direction of the Master or Remembrancer, in the Bank of *Ireland*, in the Matter of such Petition, with the Privity of the Accountant General of the Court, for the Use of the Party specified in such Direction; and the Fact of such Payment, and the Cause or Reason of the previous Nonpayment of the Amount so paid, and the Facts relating thereto, shall be stated by the Master or Remembrancer specially in his Report.

Master or Remembrancer to make a Report

XXV. And be it enacted, That the Master or Remembrancer shall make his Report in relation to the Matter of such Petition, and such Report shall state the Application to the Court, and the Result of his Inquiries and Proceedings under the Reference, and where the Petitioner is entitled to a Grant such

Report

Report shall refer to the Draft of the Grant as settled or approved by such Master or Remembrancer, and shall state by whom such Grant and the Counterpart thereof should be executed, or should have been executed if not under Disability or out of the United Kingdom, and shall state all such other Matters as to the Master or Remembrancer may seem expedient for carrying into due Execution the Provisions of this Act. in relation to Matter of Petition.

XXVI. And be it enacted, That after the Master or Remembrancer has made his Report Notice of the filing of such Report shall be served by or on behalf of the Petitioner on the Party on whom Notice of the Petition is required to be served; and at any Time before the Expiration of the next ensuing Term after such Service it shall be lawful for the Petitioner or the Party so served, or any other Person interested in the Matter of the Petition or Report (such other Person first obtaining, on an *ex-parte* Motion, the Leave of the Court so to apply), to apply to the Court by Motion on Notice to the opposite Party, or, where the Application is by any such other Person as aforesaid, on Notice to both Parties to the Proceedings under the Petition, and to such other Persons (if any) as the Court may, on such *ex-parte* Application as aforesaid, have directed, to set aside such Report, or to vary or amend the same in any Particulars specified in such Notice of Motion; and thereupon it shall be lawful for the Court to make such Order in relation to the Matters aforesaid as the Court may think fit; and the Court, if it so think fit, may, upon the Hearing of any such Motion, either wholly confirm such Report, or vary or amend the same in the Particulars mentioned in such Notice, or in any other Particulars, and confirm the same, with such Variations or Amendments; and in case no such Application be made to the Court within such Time as aforesaid such Report may and shall be confirmed according to the Course and Practice of the Court. Confirmation of Report.

XXVII. And be it enacted, That it shall be lawful for the Court, upon the Hearing of any such Motion made on Notice as aforesaid, or upon any Application made after the Confirmation of the Report, where it may see fit so to do, on account of the Disability, Absence, or Refusal of any Person by whom the Grant or Counterpart respectively should be executed, or on account of any such Person being unknown or unascertained, to order that such Grant or Counterpart, as the Case may be, be executed by the Master or Remembrancer; and every Grant and Counterpart respectively so executed shall have the same Force and Effect as if the same had been executed by the Owner of the Reversion, Lease, superior Under-lease, or Estate, or Lease, Under-lease, or inferior Under-lease, as the Case may be, on account of whom the same is so executed by the Master or Remembrancer. Master or Remembrancer may execute Grant or Counterpart in certain Cases.

XXVIII. And be it enacted, That it shall be lawful for the Owner of an Under-lease in Perpetuity immediately derived out of a Lease in Perpetuity, where such Owner is entitled to require the Owner of the Lease in Perpetuity to procure the Renewal thereof, and whether the Time for Renewal of such Lease or Under-lease has or has not arrived, to apply to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, by Petition, in manner herein-before mentioned, praying that a Grant may be executed to the Owner of such Under-lease under this Act, and also praying that a like Grant may be made by the Owner of the Reversion to and accepted by the Owner of such Lease in Perpetuity, and praying such other Relief as may be applicable to the Case; and it shall be lawful for the Owner of an inferior Under-lease in Perpetuity entitled to require the Owner of the immediately superior Under-lease in Perpetuity to procure a Renewal thereof, and whether the Time for the Renewal of such inferior Under-lease or of any Under-lease superior thereto or of the Lease in Perpetuity has or has not arrived, to apply by Petition as aforesaid, praying that a Grant may be executed to such first-mentioned Owner under this Act, and also praying that the like Grant or Grants (as the Case may require) may be made to and accepted by the Owner of the immediately superior Under-lease in Perpetuity, and to and by the Owner of each Under-lease in Perpetuity (if any) superior to such Under-lease, (where such Owner is under the like Obligation to the Owner of the immediately inferior Under-lease in Perpetuity to procure Renewal,) and to and by the Owner of the Lease in Perpetuity, (where such Owner is under the like Obligation to the Owner of the immediate Under-lease in Perpetuity to procure Renewal,) from the Owner or respective Owners from whom a Grant or Grants might be required under this Act by such respective Owners as aforesaid, and praying all such other Relief in relation to such Grant or Grants as may be applicable to the Case; and upon such Petition being presented it shall be in the Discretion of the Court to make an Order for Hearing thereon, or, *ex parte*, to make an Order referring the Matter of such Petition to the Master or Remembrancer; and all such Inquiries, Directions, Orders, and Proceedings shall and may be made, given, and taken in relation to the several Grants prayed for by such Petition as if such Grants had been prayed for by the Owners to whom such Grants are thereby prayed to be made; and all the Provisions herein contained in relation to the Proceedings by and before the Master or Remembrancer, his Report, and the Execution by him of a Grant or Counterpart upon or after a Reference to such Master or Remembrancer under a Petition presented under the Provision herein-before contained, shall extend and be applicable to a Reference to the Master or Remembrancer under a Petition presented under this Provision; and where there is any Arrear or Sum of or in respect of Rent, or any Fine or Fines, or Fees, which under this Act might be required to be paid before the Execution of a Grant under this Act, and the Owner to whom such Grant should be made neglects or refuses to pay the same within such Time as the Master or Remembrancer or the Court may appoint, it shall be lawful for any Person interested in the Lands to be comprised in the Grant or in any Fee-farm Rent to be made payable out of such Lands or any Part thereof, and who shall be in this Behalf authorized by the Master or Remembrancer or the Court to pay such Arrear or Sum of or in respect of Rent, and such Fine or Fines, with Interest thereon, and such Fees; and all Sums so paid, and the Costs (if any) incurred in relation Under-lessee entitled to require his immediate Lessor to procure Renewal may petition for Grants to such Lessor and the superior Owners.

relation to such Payment, shall be and be deemed a like Lien and Charge in favour of the Person paying the same, his Executors or Administrators, and with the like Priority as herein-before provided in the Case of Money paid on account of the Redemption of Lands from a Judgment and Execution in Ejectment, and the Costs of such Redemption, subject only to the Priority given to the Charge and Lien created in respect of such Money and Costs as last aforesaid, and all Sums of Money paid under this Provision and the Costs in relation to such Payment, shall also be recoverable by all the like Ways and Means, with the Costs of the Proceedings for Recovery thereof, as Money paid for such Redemption as aforesaid and the Costs thereof are under the Provision herein-before contained recoverable.

Persons becoming Parties to be subject to the Jurisdiction of the Court, &c.

XXIX. And be it enacted, That all Persons who shall become Parties to any Proceedings under this Act, by making any Application to the Court, or by submitting to the Jurisdiction thereof, or by attending before the Master or Remembrancer in the course of such Proceedings, or by otherwise taking part therein, and the Representatives of the Petitioner, and of all such Persons, and all Persons claiming under him or them by their Act or by Act of Law subsequent to their becoming subject, shall for the Purposes of this Act be subject to the Jurisdiction of the Court, and to all Orders of the Court and of the Master or Remembrancer in the course of any such Proceedings, in like Manner and as fully as Parties to a Cause pending in the Court are so subject in such Cause.

Master or Remembrancer may examine Parties, &c.

XXX. And be it enacted, That in order to enable the Master or Remembrancer to ascertain such Particulars as it may be necessary for him to ascertain upon any Reference to him under this Act, he shall be at liberty to examine upon Oath the Party who has presented any Petition, and to inquire by Affidavit and by Examination of Witnesses, and by other Evidence, respecting any of the Matters referred to him; and the Owner of any Lease or Under-lease respecting which any Inquiry is made as herein-before directed shall, when thereto required by the Master or Remembrancer, produce such Lease or Under-lease, and all other Deeds or Instruments under or by virtue of which such Owner holds the Lands respecting which such Inquiry is made, and shall produce and furnish such Proof or Information as the Master or Remembrancer requires as to the Rent, Fine or Fines, and Fees (if any) payable under such Lease or Under-lease, and as to the Existence and the Age of the Person or Persons upon whose Life or Lives (if any) such Lease or Under-lease depends, and as to the Rent, Fines, Interest, and Fees (if any) which have become due or payable.

Mode of giving Notices, &c.

XXXI. And be it enacted, That whenever any Notice required to be given by this Act, or which is required or necessary for carrying into effect any of the Provisions of this Act, cannot be given or delivered to the Person to or for whom such Notice is directed or intended, it shall be sufficient for the Person obliged to give such Notice to leave the same at the last known or most usual Place of Abode of the Person to or for whom such Notice is directed or intended, with an Inmate of such Place of Abode aged Sixteen Years or upwards, if such Place of Abode be within *Ireland*, and if the same be not within *Ireland*, then to serve such Notice on the Agent or Attorney of such Person, or the Receiver of the Rents of his Estate, and if such Agent, Attorney, or Receiver cannot be discovered, then it shall be sufficient Service of such Notice to publish the same at least once in each Week, in Two successive Weeks, by Advertisement in the *Dublin Gazette* and in Two Newspapers published in *Dublin*, and in One Newspaper circulating in the County in which the Lands to which the Notice relates or the greater Part thereof are situate, and also to give such Notice to any principal Occupier of any of such Lands, or, if the Master or Remembrancer so direct, to send such Notice by the Post to the last known Address of the Party on whom the same shall be required to be served, within such Period as to admit of its being delivered within the Period prescribed, if any, for such Notice to be given, or to serve such Notice on such Person and in such Manner as the Master or Remembrancer directs.

Proceedings not to abate.

XXXII. And be it enacted, That the Proceedings under this Act shall not abate or be suspended by any Death or Transmission of Interest, except so far as it shall be deemed necessary for the carrying on of such Proceedings that any Person not before the Court should have Notice of or be required to attend such Proceedings; and in case of Death or Transmission of Interest, and wherever, after the Presentation of a Petition under this Act, the Direction of the Court is requisite for carrying on the Proceedings under the same, or for effecting the Objects thereof, or otherwise relative thereto, it shall be lawful for any Person interested in such Proceedings to apply to the Court for an Order for any such Purpose, and it shall be lawful for the Court to make such Order on any such Application as it may see fit.

Costs of Proceedings.

XXXIII. And be it enacted, That the Costs of all Proceedings by and under any Petition presented under this Act shall be in the Discretion of the Court.

Provisions concerning Grants, &c. applicable to Proceedings under Petitions.

XXXIV. And be it enacted, That all the Provisions of this Act in relation to the Amount of the Fee-farm Rent to be made payable by a Grant under this Act, and the Covenants, Conditions, Exceptions, and Reservations to be contained in such Grant, the Commutation of Exceptions, Reservations, and Rights, the Allocation of Land, and all other Provisions of this Act concerning such Grant and the Effect and Consequences thereof, shall, so far as the same are consistent with the Provisions of this Act in relation to the Proceedings by and under and consequential upon a Petition presented under this Act, extend and be applicable to every such Grant for or in relation to which a Petition is presented.

Who shall be deemed "Owner" of the Reversion;

XXXV. And be it enacted, That for the Purposes of this Act every Person seised of or entitled at Law or in Equity to the Reversion expectant on any Lease in Perpetuity as Tenant in Fee Simple or in Fee Tail, General or Special, or as Tenant in Dower or by the Curtesy, or for Life or Lives, or for Years determinable on a Life or Lives, or for a Term of Years absolute of which Forty Years or more are unexpired at the Time of the Application for a Grant under this Act, and also every Feoffee or Trustee (for charitable or other Purposes whatsoever) of any such Reversion as aforesaid, for any such

Estate

Estate or Interest therein as aforesaid (whether such Estate or Interest be or not determinable upon the Execution or Fulfilment of any Trusts), who is in the actual Receipt of the Rent reserved by any Lease in Perpetuity, and every Executor or Administrator who in that Capacity, or as a special Occupant of an Estate *pour autre Vie*, or as being entitled to an Estate *pour autre Vie* under any Statute or otherwise, is in such Receipt as aforesaid, and also any Archbishop, Bishop, Parson, or other Ecclesiastical Person as to a Reversion held by him in his Corporate Capacity, shall be deemed to be the Owner of the Reversion; and every Person entitled at Law or in Equity to a Lease or Under-lease in Perpetuity for the whole Estate created or agreed to be created by such Lease or Under-lease, or for any derivative Estate (created by any Instrument other than an Under-lease at a Rent) in Tail, or *quasi* in Tail, for Life or Lives, or for a Term of Years absolute, of which not less than Twenty Years or more are unexpired at the Time of the Application under this Act for a Grant to or by the Owner of such Lease or Under-lease, and also every Feoffee or Trustee (for charitable or other Purposes whatsoever) of any such Lease or Under-lease in Perpetuity as aforesaid, for such Estate therein as aforesaid (whether such Estate be or not determinable upon the Execution or Fulfilment of any Trusts), who is in the actual Possession of the Land or in Receipt of the Rents payable by the Tenants thereof, and every Executor or Administrator who in that Capacity, or as a special Occupant of an Estate *pour autre Vie*, or as being entitled to an Estate *pour autre Vie* under any Statute or otherwise, is in such Possession or Receipt as aforesaid, shall be deemed the Owner of such Lease or Under-lease in Perpetuity; and where a Feme Covert is entitled to Rents and Profits for her separate Use (whether or not she be restrained from Anticipation) she shall, for the Purposes of this Act, be considered a Feme Sole: Provided always, that no Person shall be deemed an Owner for the Purposes of this Act of the Reversion, or of any Lease or Under-lease in Perpetuity, by reason of any Estate vested in him which has been created by way of Mortgage, or for securing the Payment of any Sum of Money, unless he be in the Receipt of the Rent incident to the Reversion, or in Possession of the Land comprised in such Lease or Under-lease, or in Receipt of the Rents payable by the Tenants thereof, (as the Case may be,) but the Person who would be deemed the Owner for the Purposes of this Act of such Reversion, or Lease or Under-lease in Perpetuity, if such Estate by way of Mortgage or for securing Payment had not been created, shall, notwithstanding such Estate, be deemed such Owner as aforesaid: Provided also, that where several Persons in Succession have in the Reversion or Lease or Under-lease in Perpetuity such Estates or Interests as would under this Enactment entitle each of them to be deemed the Owner, such of the said Persons shall be deemed the Owner for the Purposes of this Act as is in Receipt of the Rent incident to the Reversion, or in Possession of the Land comprised in such Lease or Under-lease, or in Receipt of the Rents payable by the Tenants thereof, as the Case may be; or in case the Person in such Receipt or Possession be not entitled to be deemed the Owner under this Enactment, then the Person who has the first such Estate or Interest as aforesaid in Reversion or Remainder to or above the Estate or Interest of the Person in such Receipt or Possession shall be deemed the Owner of such Reversion, or Lease or Under-lease in Perpetuity; provided also, that in every Case in which any Person, not being the Owner as herein-before defined, is in Possession or Receipt as herein-before mentioned under any Charge, or any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Decree or Order of a Court of Equity, the Person in Possession or in Receipt of the Rents by virtue of such Charge, Sequestration, Extent, Elegit, Writ, Decree, or Order shall, jointly with the Person who but for such Possession or Receipt would under this Enactment be deemed the Owner of the Reversion or Lease or Under-lease in Perpetuity, as the Case may be, be deemed to be the Owner for the Purposes of this Act of the Reversion or Lease or Under-lease in Perpetuity, as the Case may be.

and Lease or Under-lease in Perpetuity.

Owner of Reversion, &c. to be deemed Owner of Estate created on Conversion.

XXXVI. And be it enacted, That every Person who under the Provisions herein-before contained would for the Purposes of this Act be deemed the Owner of the Reversion or of a Lease or Under-lease in Perpetuity if the same were not converted under this Act, shall, where such Reversion, or the Estate held under such Lease or Under-lease, has been so converted, be deemed for the Purposes of this Act the Owner of the Estate created by such Conversion.

Future Leases in Perpetuity to operate as Grants in Fee-farm.

XXXVII. And be it enacted, That every Lease of Lands in *Ireland* for One or more Life or Lives, with or without a Term of Years, or for Years determinable upon One or more Life or Lives, or for Years absolute, with a Covenant or Agreement for perpetual Renewal, made after the passing of this Act by any Person competent to convey an Estate of Inheritance in Fee Simple (and not so made in pursuance of a Covenant or Agreement entered into before the passing of this Act), shall, notwithstanding anything therein contained to the contrary, be deemed to be and shall operate as a Conveyance of the Lands specified therein to the intended Lessee, his Heirs and Assigns for ever, at a Fee-farm Rent equal to the Rent expressed to be reserved in such Lease, and all Reservation of Fine or Fines upon or Fees for or in respect of such Renewal, and all and every Covenant, Contract, or Agreement for the Payment of such Fine or Fees, shall be altogether void; and every Contract for such a Lease entered into after the passing of this Act by any such Person as aforesaid (not being a Renewal of a Contract in pursuance of an Agreement in that Behalf made before the passing of this Act) shall, notwithstanding anything therein contained to the contrary, be deemed to be a Contract for a Conveyance of the Lands specified therein to the intended Lessee, his Heirs and Assigns, at a Fee-farm Rent equal to the Rent in such Contract proposed to be reserved; and any such Fee-farm Rent shall be recoverable by all the Means and Remedies provided for the Recovery of Fee-farm Rents made payable by a Grant under this Act, and the Provisions of this Act, so far as the same may be applicable, shall be applied to such Cases.

XXXVIII. And

Interpretation of Terms in this Act.

XXXVIII. And be it enacted, That the following Words and Expressions shall in this Act have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number; Words importing the Masculine Gender only shall include Females; the Word "Person" and the Word "Owner" shall extend to a Body Politic, Corporate, or Collegiate, Aggregate or Sole; the Word "Lands" shall extend to Messuages, Tenements, Tithes, Tithe Rent-charges, and Hereditaments; the Word "Lease" shall include a Grant or an Agreement or Contract for a Lease or Grant; and the Word "Under-lease" shall include a Grant or an Agreement or Contract for an Under-lease or Grant, and shall include an Under-lease carved out of an Under-lease in any Degree of Tenure; the Expression "Lease in Perpetuity" shall be taken to apply to all Cases where any Hereditaments have been or shall be, by a Lease or Contract derived immediately from the Freehold and Inheritance, demised, leased, or granted, or contracted to be demised, leased, or granted, for One or more Life or Lives, with or without a Term of Years, or for Years determinable upon One or more Life or Lives, or for Years absolute, with a Covenant or Agreement, by a Party competent thereto, in any of such Cases, whether contained in the Instrument by which such Lease or Contract is made or in a separate Instrument, for the perpetual Renewal of such Lease or Contract; the Expression "Under-lease in Perpetuity" shall be taken to apply to all Cases where any of the Land comprised in any such Lease in Perpetuity or Contract for a Lease in Perpetuity have been or shall be under-leased or granted, or contracted to be under-leased or granted, for One or more Life or Lives, with or without a Term of Years, or for Years determinable upon One or more Life or Lives, or for Years absolute, with a Covenant or Agreement, whether contained in the Instrument by which such Under-lease or Contract for an Under-lease is made or in a separate Instrument, for the perpetual Renewal of such Under-lease or Contract; and for the Purposes of this Act an Assignment reserving a yearly Rent, or a Contract of such Assignment, shall be deemed to be an Under-lease or Contract for an Under-lease respectively, although the Person making such Assignment or Contract may have parted with or agreed to part with his whole Estate in the Hereditaments therein comprised; and the Word "Covenant" shall be deemed to include an Agreement; and for the Purposes of this Act a Covenant or Agreement giving in respect of a Lease or Under-lease for a Term of not less than Ninety Years, determinable on a Life or Lives, a perpetual Right of Renewal on the dropping of a Life or Lives within the Term for which such Lease or Under-lease, or the renewed Lease or Under-lease for the Time being in force, may have been granted, shall, although such Covenant or Agreement may not give Right of Renewal in the event of the Termination of such Term by Effluxion of Time, be deemed a Covenant or Agreement for perpetual Renewal of such Lease or Under-lease; and the Word "Fine" shall include not only a Sum of Money, but any Heriot, Matter, or Thing to be given or done upon or for or in consideration of the obtaining of any Renewal; and "the Court" shall mean the Court of Chancery or the Court of Exchequer, as the Case may be, to which a Petition shall be presented under this Act; and the Word "Master" shall mean any of the Masters in Ordinary of the Court of Chancery; and the Word "Remembrancer" shall mean the Chief or Second Remembrancer of the Court of Exchequer.

Short Title of Act, and of Fee-farm Rents thereunder.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, or in legal Instruments or Pleadings, it shall be sufficient to use the Expression "The Renewable Leasehold Conversion Act;" and in like Manner, in like Cases, in describing any Fee-farm Rent payable under the Provisions of this Act, it shall be sufficient to use the Expression "Fee-farm Rent under the Renewable Leasehold Conversion Act."

Act to extend only to Ireland.

XL. And be it enacted, That this Act shall extend only to Lands situate within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Act may be amended, &c.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

CAP. CVI.

An Act to amend and consolidate the Laws relating to Bankrupts. [1st *August* 1849.]

I. *General Provisions.*

'WHEREAS it is expedient to amend and consolidate the Laws relating to Bankrupts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Certain Acts and Parts of Acts repealed.

I. That from and after the Commencement of this Act the several Acts and Parts of Acts set forth in the Schedule A. to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, and such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting any Proceedings taken or to be taken under and after the Commencement of this Act upon any Trading, Act of Bankruptcy, Petitioning Creditor's Debt, Fiat, or other Proceeding in Bankruptcy before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

II. And

1. *General Provisions.*

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression, "The Bankrupt Law Consolidation Act, 1849."

Extent of Act.

III. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*, except where otherwise expressly provided.

Act to commence 11th Oct. 1849; Fiat abolished, and all Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act.

IV. And be it enacted, That this Act, unless where otherwise specially provided, shall commence and take effect from and after the Eleventh Day of *October* next; and that from and after the Commencement of this Act no Fiat in Bankruptcy shall be issued, but all Proceedings in Bankruptcy or to found an Act of Bankruptcy shall, and Proceedings for Arrangement between Debtors being Traders liable to become bankrupt and Creditors may be by virtue of and according to the Provisions of this Act; and that all Proceedings in Bankruptcy, and every Fiat in Bankruptcy, and Petition for such Arrangement, depending at the Commencement of this Act, shall be proceeded in and brought to a Conclusion under the Provisions of this Act: Provided that every Trading, Act of Bankruptcy, Petitioning Creditor's Debt, or other Matter or Thing, which before the Commencement of this Act would have authorized Proceedings in Bankruptcy, shall after the Commencement of this Act be sufficient to authorize Proceedings in Bankruptcy under this Act, and nothing in this Act contained shall render invalid any Proceedings in Bankruptcy, or any Fiat in Bankruptcy, or any Petition for Arrangement, depending at the Commencement of this Act, or any Proceedings which may have been instituted or taken under or by virtue of such Bankruptcy, Fiat, or Petition, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have under or by virtue thereof, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have upon or against any Bankrupt against whom any Fiat has or shall have been issued or against any such Trader who may or shall have presented such Petition, except as in this Act is hereafter specially provided: Provided always, that nothing in this Act contained shall affect the Provisions of the "Joint Stock Companies Winding-up Act, 1848," or any of the Acts therein recited, or of any Act amending such Act, except so far as regards the Abolition of the Fiat in Bankruptcy and the Substitution of a Petition for Adjudication of Bankruptcy.

Joint Stock Companies Winding-up Act, 1848, &c. not to be affected.

In construing former Acts, &c. Fiat, &c. to be deemed to have issued at filing of Petition.

V. And be it enacted, That where, in any Act of Parliament, Instrument, Document, or other Proceeding passed, executed, or made before the Commencement of this Act, Mention shall have been or shall be made of any Commission of Bankruptcy or Fiat in Bankruptcy, such Act, Instrument, Document, or Proceeding shall be construed with reference to the Proceedings under a Petition for Adjudication of Bankruptcy, as if such Commission or Fiat had been actually issued at the Time of filing such Petition.

2. *Constitution of the Court, &c.*

And with respect to the Court, and the Jurisdiction thereof, be it enacted,

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.

VI. That the Court of Bankruptcy shall continue to be a Court of Law and Equity for the Purposes of this Act, and shall continue to be a Court of Record; and the Records and Proceedings of every Kind at the Commencement of this Act in the said Court in *London*, and in the several Districts in the Country, shall be kept as such Records and Proceedings in like Manner in the Court so continued; and the said Court and every Commissioner thereof shall have and use all the Powers, Rights, Incidents, and Privileges of a Court of Record, and all other Rights, Incidents, and Privileges, as fully to all Intents and Purposes as the same are used and enjoyed by any of Her Majesty's Courts of Law or Judges at *Westminster;* and each and every of the Commissioners for the Time being acting in *London* and in the several Districts in the Country shall, singly and simultaneously, or otherwise as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided.

Number of Commissioners acting in London to be reduced to Four.

VII. That upon the next Two Occasions of a Vacancy in the Office of any Commissioner of the Court acting in *London* the Vacancies shall not be filled up, and the Commissioners acting in *London* shall in such Manner be reduced to Four; and the Lord Chancellor shall have Power to direct before which Commissioner or Commissioners those Matters shall be prosecuted which were theretofore prosecuted before the Commissioner whose Death, Resignation, Retirement, or Removal shall have occasioned the Vacancy.

Commissioners may make Rules, subject to Lord Chancellor's Approval.

VIII. That the Commissioners of the Court continued under this Act, or any Eight or more of them, of whom the Senior Commissioner shall be one, may from Time to Time make such Rules and Orders as they may think fit for the better carrying this Act into execution, and as regards the Duties to be performed by the Chief and other Registrars, the Accountant, Master, Clerk of Enrolments, Official Assignees, Registrar of Meetings, and Clerks, and by the Messengers, Ushers, and other under Officers of the Court, and generally for regulating the Practice of the Court, and the Forms of Proceedings where not provided for in this Act; provided always, that no such Rules or Orders shall be of any Force or Effect until they shall have been approved by the Lord Chancellor.

Limits of the Bankruptcy Districts.

IX. That the Limit and Extent of the District of the Court of Bankruptcy acting in *London* shall be and remain the Limit and Extent of such District at the Time of the passing of this Act, and the Limit and Extent of the Districts of the Courts acting in the Country respectively shall be the Limit and Extent of such Districts respectively as the same are settled and determined at the Time of the passing of this Act, unless and until such last-mentioned Districts shall be altered as herein-after provided: Provided always, that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter the Limit and Extent of such last-mentioned Districts, or any of them, or to increase the Number of the same, as to Her Majesty, with the Advice aforesaid, shall seem fit.

Country Districts may be altered or increased.

2. *Constitution of the Court, &c.*

Sittings of the Court.

X. That the Court shall sit for the Despatch of Business daily throughout the Year, (*Sunday, Christmas Day, Good Friday, Monday* and *Tuesday* in *Easter* Week, and Days appointed for Public Fast or Thanksgiving, excepted,) and in *London*, and in each District in the Country, the Commissioners of the Court, or such of them as Occasion may require, shall attend for that Purpose: Provided always, that in each District in the Country in which there is only One Commissioner of the Court, such Commissioner, or, in his Absence from Illness or other reasonable Cause, the Registrar of the Court in such District shall so attend: Provided also, that during the Time appointed by Order of the Lord Chancellor for Vacations in the several Offices of the High Court of Chancery, the Commissioners of the Court in *London* and in the several Districts in the Country respectively shall have full Power and Authority to regulate the Sittings of the Court, and appoint the Attendance of such of them as Vacation Commissioner or Commissioners for that Purpose as shall appear fit and necessary for the due Administration of Justice in the said Court.

Lord Chancellor may attach Country Commissioners, &c. to such Districts as he thinks fit.

XI. The Lord Chancellor may from Time to Time attach the Commissioners and Registrars acting in the Country to such Districts as he shall think fit, and, whenever it shall appear to him to be expedient, may order any Commissioner acting for any District, whether in Town or Country, to hold Sittings at such Places within his District as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf.

3. *Jurisdiction, Primary and Appellate.*

Primary Jurisdiction of the Court, with Appeal to Vice Chancellor.

XII. That the Court, in the Exercise of its primary Jurisdiction by virtue of this Act, shall have Superintendence and Control in all Matters of Bankruptcy, and shall hear, determine, and make Order in any Matter of Bankruptcy whatever, so far as the Assignees are concerned, relating to the Disposition of the Estate and Effects of the Bankrupt, or of any Estate or Effects taken under the Bankruptcy and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees by virtue or under colour of the Bankruptcy, and also in any Matter of Bankruptcy whatever as between the Assignees and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court; and also in any Application for a Certificate of Conformity, and in any other Matter (whether in Bankruptcy or not) where the Court by virtue of this Act has Jurisdiction over the Subject of the Petition or Application, save and except as may be by this Act otherwise specially provided, and subject in all Cases to an Appeal to such One of the Vice Chancellors of the High Court of Chancery as the Lord Chancellor shall from Time to Time be pleased to appoint to sit in Bankruptcy: Provided always, that if no such Appeal shall be entered within Twenty-one Days from the Date of any Decision or Order of the Court, and be thereafter duly prosecuted, every such Decision or Order shall be final; and that every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall by any General Rule or Order to be made in pursuance of this Act be directed.

Vice Chancellor sitting in Bankruptcy to be a Court of Record, &c.

XIII. That the Vice Chancellor appointed and sitting in Bankruptcy as aforesaid shall be and form a Court of Record, and shall have all the Powers of and incident thereto, and may adjourn any Sitting from Time to Time and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination and to any Order duly made, whether relating to any Examination or to any other Matter, and of requiring and compelling the Production of Books, Papers, Deeds, Writings, and other Documents, and shall have the like Power of Commitment, as is by this Act given to the Court of Bankruptcy.

Appeals to be brought on by Petition, &c.

XIV. That all Appeals from Decisions or Orders of the Commissioners shall be brought on by way of Petition, Motion, or Special Case, subject to any General Rule or Order to be made by the Vice Chancellor or by the Lord Chancellor relating to such Appeals.

Vice Chancellor may direct Question of Fact to be decided by a Jury. 8&9 Vict. c. 109.

New Trial may be moved for.

XV. That the Vice Chancellor may, if he think fit, direct any Question of Fact arising before him to be decided by a Jury in *London* or *Westminster*, or by a Jury before a Judge of Assize, in Manner and Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act to amend the Law concerning Games and Wagers*; and after any Question so authorized shall have been decided a new Trial thereof may be moved for in the Court out of which the Writ of Summons sued out under that Act shall have been issued.

Decisions, &c. of Vice Chancellor to be subject to Appeal to the Lord Chancellor in certain Cases.

XVI. That all Decisions and Orders of the Vice Chancellor shall be subject to an Appeal to the Lord Chancellor on Matters of Law and Equity, or on the Refusal or Admission of Evidence, and on such only; and in all Cases of Appeal to the Lord Chancellor such Appeal shall be on a Special Case, and in no other Mode whatsoever, except the Lord Chancellor shall in any Case otherwise direct; and such Special Case shall be approved and certified by the Vice Chancellor, and his Determination on the Settlement of such Case shall be final and conclusive: Provided always, that all Appeals to the Lord Chancellor by virtue of this Act shall be heard by the Lord Chancellor only, and not by any other Judge of the High Court of Chancery; and that if no Petition of Appeal be entered within Twenty-one Days from the Date of the Decision or Order of the Vice Chancellor, and thereafter duly prosecuted, every such Decision or Order shall be final.

Appeals, &c. to be entered in Office of Chief Registrar, &c.

XVII. That all Appeals to the Vice Chancellor or Lord Chancellor, and all Affidavits and Documents to be used on the Hearing of any such Appeal, shall be entered in the Office of the Chief Registrar; and the Vice Chancellor sitting in Bankruptcy shall on the Hearing of such Appeals be attended by some one of the Registrars of the Court of Bankruptcy.

Appeal to the House of Lords.

XVIII. That if the Lord Chancellor shall in any Case deem any Matter of Law or Equity brought before him by way of Appeal to be of sufficient Difficulty or Importance to require the Decision of the House

House of Lords, or in case both Parties in any Proceeding before the Vice Chancellor shall desire that any such Matter may be determined in the first instance by the House of Lords, and not by the Lord Chancellor, then and in such Case the whole Facts whereupon such Question of Law or Equity shall arise shall be stated in the Form of a Petition of Appeal to the House of Lords, and the Party appealing may carry an Appeal to the House of Lords, in like Manner as other Appeals are preferred to that House: Provided always, that the Cases to be lodged by the Parties in the House of Lords shall be confined in Matter of Fact, in Cases of Appeal from the Lord Chancellor, to setting forth the Special Case brought up to the Lord Chancellor from the Vice Chancellor, and in Cases of Appeal from the Vice Chancellor to setting forth a Special Case, to be approved and certified by the Vice Chancellor, and to such Arguments on the Point of Law as the Parties may be advised to state.

3. *Jurisdiction, Primary and Appellate.*

Lord Chancellor, during Illness, &c. of any Commissioner, may direct another Commissioner to act.

XIX. That during the Illness or Absence, from any reasonable or unavoidable Cause, of any Commissioner acting in the Country, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any of the Commissioners acting in *London* to act in any District in the Country for or in aid of any of the Commissioners, and so *vice versâ*, and in the same Manner may authorize any of the Commissioners appointed to act in any one District in the Country to act for or in aid of any of the Commissioners authorized to act in any other District in the Country; and any Commissioner so acting shall have all the Power, Jurisdiction, and Authority, and perform all the Duties of the Commissioner for or in aid of whom such Commissioner shall so act.

Provision for Absence, &c. of Senior Commissioner.

XX. That any of the Commissioners acting in *London* may, during Vacation, or during the Illness or unavoidable Absence of the Senior Commissioner, exercise and perform the Duties imposed upon the Senior Commissioner by this Act.

Courts to be auxiliary to each other for Proof of Debts and taking Examinations.

XXI. That the Court in *London*, and in the several Districts in the Country, shall be auxiliary to each other for Proof of Debts and for the Examination of Persons or Witnesses on Oath, or for any or either of such Purposes: Provided always, that all such Examinations shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings in the Matter to which the same shall relate, and that no such Proof or Examination shall be taken without the Request in Writing of the Commissioner before whom the Matter is being prosecuted.

Power of Commissioners named in certain Fiats.

XXII. That all Power, Jurisdiction, and Authority of the Commissioners named in any Fiat issued on or prior to the Eleventh Day of *November* One thousand eight hundred and forty-two shall be deemed to have ceased and determined on that Day; and every such Fiat not already transferred or removed into the Court of Bankruptcy shall be transferred and removed into the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed.

Proceedings, &c. in the Country to be transmitted to Chief Registrar.

XXIII. That all Proceedings before the Court in any District in the Country, or any Part of such Proceedings, or Copies or Minutes thereof, shall be transmitted to the Chief Registrar at such Time and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, and be by him kept among the Records of the Court.

Sealing and Signature of Warrants, &c.

XXIV. That every Warrant issued by the Court shall be under the Seal of the Court and the Hand of One of the Commissioners; and every Summons shall be in Writing under the Hand of One of such Commissioners, or in his Absence under the Hand of One of the Registrars, and under the Seal of the Court.

Records, Proceedings, &c. to be sealed.

XXV. That the Court shall cause to be sealed with the Seal of the Court all Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct.

And with respect to the Registrars, be it enacted,

4. *Of the Registrars.*

Number in London reduced.

XXVI. That upon the next Two Occasions of a Vacancy in the Office of any Registrar of the Court acting in *London* (other than the Chief Registrar) the Vacancies shall not be filled up, and the Number of Registrars acting in *London* (other than the Chief Registrar) shall in such Manner be reduced to Four.

Registrar may act for Commissioners in certain Cases.

XXVII. That any Registrar of the Court may, during Vacation, or during the Illness or Absence from any other reasonable Cause of any Commissioner thereof, act for and as the Deputy of such Commissioner; and any such Registrar so acting shall have and exercise all Power vested in the Court, except the Power of Commitment, the hearing of any disputed Adjudication, or the hearing or determining of any Question of the Allowance or Suspension of any Bankrupt's Certificate.

Court may direct Registrar to take Proof of Debts, &c.

XXVIII. That whenever it shall seem expedient to any Court to direct a Registrar to act in the Prosecution of any Bankruptcy for Proof of Debts, or for the Examination of Persons or Witnesses on Oath, or for either of such Purposes, it shall be lawful for such Court so to direct, and the travelling Expenses of such Registrar and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the Estate of the Bankrupt; and such Registrar so acting shall have and exercise all Power vested in such Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and shall be annexed to and form Part of the Proceedings.

Chief Registrar to provide Seals.

XXIX. That the Chief Registrar shall provide a Seal for himself and each of the other Registrars of the Court, on which shall be engraven the Style of the Court, and the Name of the District in which such Registrar is acting; and every such Seal shall be kept by the Chief and other Registrars respectively for the Time being in trust for the Purposes of the Court; and such Seal shall be and shall be deemed and taken to be the Seal of the Court.

XXX. That

4. *Of the Registrars.*

Registrars may act for each other, &c.

XXX. That any Registrar of the Court may act for the Chief Registrar or for any other Registrar thereof, and during the Illness, or Absence from any reasonable or unavoidable Cause, of any Registrar acting in the Country, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any of the Registrars acting in *London* to act in any District in the Country for or in aid of any of the Registrars, and so *vice versâ*, and in the same Manner may authorize any of the Registrars appointed to act in one District in the Country to act for or in aid of any of the Registrars appointed to act in any other District in the Country; and any such Registrar so acting shall have all the Power, Jurisdiction, and Authority, and perform all the Duties of the Registrar for or in aid of whom he shall so act.

5. *Of the Accountant.*

And with respect to the Accountant in Bankruptcy, be it enacted,

Accountant to have Superintendence, &c. of Funds.

Salary of Accountant to be in lieu of all Fees, &c.

XXXI. That the Accountant in Bankruptcy shall superintend and control the Care and Management of the Funds belonging to Bankrupts Estates, and of all Funds which may come into the Court under any Matter to be prosecuted therein under and by virtue of this Act, and shall conduct the Business of it in such Manner as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be directed; and the Salary of the Accountant shall be in lieu of all Fees and Emoluments whatsoever, and he shall not, directly or indirectly, receive any further Sum, either for Commission, Brokerage, or otherwise; and the Brokerage Business of the Accountant's Office shall be transacted upon such Terms as any Two of the Commissioners of the Court acting in *London* shall determine, and the Sum paid to the Broker shall be charged by the Accountant to the Estate for which the Investment or Sale shall be made, and when such Sum shall be determined the Commissioners aforesaid may direct the Payment of it in such Manner as to them may seem just.

Names of Accounts to be changed.

XXXII. That all Monies and Securities which at the Commencement of this Act may be standing in the Books of the Bank of *England* in the Name of the Accountant in Bankruptcy to the Credit of the Accounts intituled respectively "The Secretary of Bankrupts Account," "The Secretary of Bankrupts Compensation Account," and "The Interest arising from Bankruptcy Fund Account," and all Monies and Securities which shall be standing to the Credit of the Account intituled "Fund arising from Fees in Bankruptcy," or which shall be so standing in the Name of the "Registrar of Meetings," shall be transferred and carried to an Account to be opened therein, and intituled "The Chief Registrar's Account;" and all Monies and Securities which shall thereafter stand to the Credit of the Account to be so opened and intituled shall be subject to all the Orders theretofore made in regard to Monies paid or directed to be paid in to those Accounts.

"The Bankruptcy Fund Account" and "Chief Registrar's Account" to be subject to Orders of Lord Chancellor.

XXXIII. That the Account kept at the Bank of *England* in the Name of the Accountant, and called "The Bankruptcy Fund Account," and the Account to be opened as mentioned in the preceding Article, and intituled "The Chief Registrar's Account," and each such Account, shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of the same for the Purposes mentioned in this Act, as the Lord Chancellor shall from Time to Time think fit to prescribe.

Securities may be purchased,

XXXIV. That out of the Cash now lying or which shall hereafter lie dead and uninvested in the Bank of *England* in the Name of the Accountant to the Credit of any Account kept by him as such Accountant, any Sum or Sums of Money shall and may, by virtue of any Order or Orders of the Lord Chancellor to be made for that Purpose, from Time to Time be placed out and invested, in One entire Sum or in Parcels, in the Name of the Accountant, on such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and such Securities shall be carried to the Accounts respectively on account of which they were so purchased; and the Interest and Dividends of all Securities so purchased shall from Time to Time be received by the Governor and Company of the Bank of *England*, and be carried to the Account intituled "The Chief Registrar's Account."

Lord Chancellor may order Securities purchased to be sold in certain Cases.

XXXV. That if at any Time hereafter the whole or any Part of the Money placed out on Securities shall be wanted to answer any Demands due in respect of any Bankrupt's Estate, or if it shall at any Time appear that the Balance of Cash remaining to the Credit of the Accountant is not so large as it ought to be, having regard as well to the Convenience of the Suitors as to the Necessity of affording a fair Remuneration to the Bank of *England* for keeping the Accounts, the Lord Chancellor may direct the whole or any Part of such Securities to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of *England* to the Credit of the Accounts to which they respectively belong.

Returns to Parliament to be made by Accountant.

XXXVI. That on before the First Day of *March* in every Year, if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament, by the Accountant, a Return showing the total Amount of Monies paid into the Bank of *England* to the Credit of the Accountant during the Year preceding and up to the Thirty-first Day of *December* in that Year, and distinguishing therein the Amount paid over by Her Majesty's Commissioners of Inland Revenue under the Provisions herein-after contained; the total Amount of Monies paid out during the same Period by Orders of the Lord Chancellor, the Vice Chancellor, or the Court of Bankruptcy or any Commissioner thereof; the Balances on the said Thirty-first Day of *December* in the Bank of *England* standing to the Credit of the Accountant; and showing also the net Amounts standing at the Bank of *England* to the Credit of the Accountant on the First Day of *January* on each of the following distinct Accounts; *viz.*, First, the Bankruptcy Fund Account; Second, the Unclaimed Dividend Account; and Third, the Chief Registrar's Account; and the Return in respect of the last-mentioned Account shall have an Appendix attached thereto, detailing all Payments made from such Account,

Account, and to whom made, and whether as Salaries, Compensations, Annuities, Services, or Travelling or other Expenses or Allowances; and the said Return shall specify the Amount transferred and paid out as Dividends out of the Dividend Account, and shall also show the Balance then existing on such Account.

5. Of the Accountant.

6. Of the Master.

XXXVII. And with respect to the Master, be it enacted, That the Duties of the Master shall be the Taxation of all such Bills of Fees, Costs, Charges, and Disbursements as may by any General Rule or Order to be made in pursuance of this Act be directed, subject to Review of the Court; and the Place, Time, and Manner in which his Duties shall be conducted shall be such as shall be specified in such General Rule or Order; and all Sums and Fees which now or at any Time before the Commencement of this Act are directed to be paid by the Master into the Bank of *England* to the Account intituled "The Secretary of Bankrupts Account," and all Sums and Fees received by the Master after the Commencement of this Act, shall be paid into the Bank of *England* to the Account intituled "The Chief Registrar's Account."

Duties.

7. Of the Official Assignees.

And with respect to the Official Assignees, be it enacted,

XXXVIII. That the Official Assignees of the Court of Bankruptcy shall give such Security, and be subject to such Rules, and act in such Manner, as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be from Time to Time directed.

To give Security, &c.;

XXXIX. That One of such Official Assignees shall in all Cases be appointed by the Court an Assignee of each Bankrupt's Estate and Effects to act with the Assignee or Assignees to be chosen by the Creditors; and all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Bankrupt, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the Court; and all Stock in the Public Funds or of any public Company, and all Monies, Exchequer Bills, *India* Bonds, or other public Securities, and all Bills, Notes, and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Lord Chancellor or as the Vice Chancellor, or any Commissioner of the Court if authorized so to do by any Order of the Lord Chancellor, shall direct.

Their Duty;

XL. That until Assignees shall be chosen by the Creditors of the Bankrupt the Official Assignee shall, to all Intents and Purposes whatsoever, be deemed to be the sole Assignee of the Bankrupt's Estate and Effects, and, if the Court shall so order, may, before Assignees shall be chosen by the Creditors, sell or otherwise dispose of any Property of a Bankrupt which shall be of a perishable Nature, or the holding Possession whereof until the Choice of Assignees would in the Judgment of the Court be prejudicial to the Bankrupt's Estate: Provided always, that nothing herein contained shall extend to authorize any Official Assignee to interfere with the Assignees chosen by the Creditors, in the Appointment or Removal of a Solicitor or Attorney, or, after such Choice, in directing the Time and Manner of effecting any Sale of a Bankrupt's Estates or Effects.

To act till Creditors Assignees chosen, and may sell perishable Property, &c.

Not to interfere in Appointment of Solicitor, &c.

XLI. That no Official Assignee shall be personally responsible or liable for any Act done by him, or by his Order or Authority, in the Execution of his Duty as such Official Assignee, by reason of the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy upon which any Adjudication of Bankruptcy shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication; and no Official Assignee shall be deemed personally answerable for or by reason of his having received any Money, Bills, Notes, or other negotiable Instruments under any Bankruptcy in his Character of Official Assignee, provided he shall have paid and deposited such Money, Bills, Notes, and other negotiable Instruments during the Prosecution of the Bankruptcy to and in the Bank of *England* to the Credit of the Accountant in Bankruptcy for the particular Estate for which such Money, Bills, Notes, or other negotiable Instruments shall have been received, and shall have given Notice of such Payment or Deposit (as the Case may be) to any Person claiming such Money, Bills, Notes, or other negotiable Instruments of the Official Assignee, and provided also, that the Official Assignee, after such Payment or Deposit, shall not have dealt with such Money, Bills, Notes, or other negotiable Instruments otherwise than in the Execution of his Duty as Official Assignee, and under the Order of the Court; and if any Action shall be brought against the Official Assignee, either solely or jointly with the Creditor's Assignee, in respect of such Money, Bills, Notes, or other negotiable Instruments, it shall be lawful for a Judge of the Court in which the same shall be brought, upon Application of the Official Assignee, and upon an Affidavit of Facts, to set aside the Proceedings in such Action so far as the Official Assignee is concerned, with such Costs, or without Costs, as to the Judge shall seem meet.

Official Assignee not personally liable for Acts done in execution of his Duty.

XLII. That on the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy the Court shall have Power to appoint another Official Assignee to act in such Bankruptcy.

Court may appoint another Official Assignee on Death, &c.

XLIII. That the Court may, at Discretion, appoint an Official Assignee to act with the existing Assignees, if any, under any Fiat which has been or may be removed into Court, and may direct the existing Assignees to pay and deliver over to such Official Assignee all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Fiat shall immediately on such Appointment vest in such Official Assignee

Power to appoint Official Assignee to act with the existing Assignees under old Fiats.

7. *Of the Official Assignees.*

Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the Bankruptcy had originally been commenced by virtue of this Act, without Prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the Commencement of this Act.

Remuneration to Official Assignee.

XLIV. That the Court may order and allow to be paid out of any Bankrupt's Estate, to the Official Assignee thereof, as a Remuneration for his Services, such Sum as shall, upon Consideration of the Amount of the Bankrupt's Property, and the Nature of the Duties performed by such Official Assignee, appear to be just and reasonable.

Returns by Official Assignees.

XLV. That on or before the First Day of *March* in every Year if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by every Official Assignee a Return, in the Form contained in the Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned in respect of every Estate under his Charge, and which shall not have been finally wound up, on the Thirty-first Day of *December* in the preceding Year; and such Return shall be certified by the Court, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Lord Chancellor may from Time to Time think fit to make.

8. *Of the Messengers.*

Number to be reduced.

XLVI. And with respect to the Messengers, be it enacted, That on the next Two Occasions of a Vacancy in the Office of any Messenger of the Court acting in *London* the Vacancies shall not be filled up; and in such Manner the Number of Messengers acting in *London* shall be reduced to Four.

9. Officers, &c. exempt from serving on Juries, &c.

XLVII. And with respect to the Exemption of Officers and Servants of the Court from serving on Juries, Inquests, and Parochial Offices, be it enacted, That the Chief and every other Registrar, the Accountant, the Master, the Official Assignees, the Messengers, and the Ushers, shall be exempt and disqualified from serving any Parochial Office, and from being returned and from serving on any Jury or Inquest, and shall not be inserted in any List of Men qualified or liable to serve as Jurors.

10. *Of Fees.*

And with respect to Fees, be it enacted,

Certain Documents to be on stamped Vellum, &c., in lieu of Fees.

XLVIII. That every Document enumerated in the Schedule C. to this Act annexed shall, from and after the Commencement of this Act, and in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such Documents respectively in such Schedule, and having the Word "Bankruptcy" impressed on every such Stamp: Provided always, that where any such Document shall consist of more than One Sheet, only the First Sheet thereof shall be impressed with such Stamp.

Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England.

XLIX. That the Commissioners of Inland Revenue shall give the necessary Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money collected or received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect; and it shall be lawful for the said Commissioners to pay, and to deduct and retain out of such Monies, all such Costs, Charges, and Expenses, and after such Deduction they shall from Time to Time, and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, pay over the Monies so to be collected and received into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled, "The Chief Registrar's Account."

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.

L. That it shall be lawful for the Commissioners of Inland Revenue to appoint such Persons as they may think fit for the Sale and Distribution of Stamps under this Act, and to allow to them such Discount or Poundage upon such Sale or Distribution as may by any General Rule or Order to be made in pursuance of this Act be directed or authorized, and it shall be lawful by any such General Rule or Order to make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

LI. That the Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Documents not to be received unless a Stamp be impressed.

LII. That no Document which by this Act is required to have a Stamp impressed thereon shall be received or filed or be used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have a Stamp impressed thereon: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, it shall be lawful for the Court, if it think fit, to order that such Stamp shall be impressed thereon; and thereupon, when a Stamp shall have been impressed on such Document in compliance with such Order, such Document,

Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon in the first instance.

10. *Of Fees.*

Charge for Office Copies.

LIII. That all Office Copies of Fiats, Petitions, Affidavits, Orders, or other Proceedings shall be charged for and paid at the Rate of Three Halfpence *per* Folio of Ninety Words, and shall be made and delivered out in such Manner as may be directed by any General Rule or Order to be made in pursuance of this Act.

Payment of Per-centage by Official Assignees, &c.

LIV. That the Official Assignee of each Bankrupt's Estate, and every Official Assignee appointed by the Court under any Petition for Arrangement between a Debtor and his Creditors, where the Estate and Effects of such Petitioning Debtor shall vest in such Official Assignee, either alone or jointly, in manner herein-after mentioned, shall pay to the Credit of the Account intituled "The Chief Registrar's Account" such Sum, not less than One Eighth of a Pound, and not exceeding Five Pounds *per Centum* on the gross Produce from Time to Time of any such Estate; such Sum, within the Limit aforesaid, and the Time or Times for Payment thereof, to be fixed by the Senior Commissioner, with the Approval of the Lord Chancellor; and the Senior Commissioner, with the like Approval, may from Time to Time lessen or increase such Sum, within the Limit aforesaid, as may seem just and reasonable, upon Consideration of the Amount from Time to Time standing to the said Account, and of the Claims from Time to Time chargeable thereupon.

If Securities *insufficient, Sum taken for Purposes of Act to be made good by Parliament.*

LV. That if at any Time it shall appear that the whole of the Money laid out on Securities, and the Stocks, Funds, and Cash standing *in the Name of the Accountant, shall not be sufficient to answer the* Demands of any Bankrupt or his Creditors, or *other Persons interested therein, then and in such Case* the Sum taken for the Purposes and *by virtue of this Act shall be considered a Debt due from the Public,* and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

11. *Of Salaries, &c.*

And with respect to the Payment of Salaries, Compensations, and Retiring Annuities, and of Travelling and other Expenses, be it enacted,

Salaries of Commissioners, Officers, &c.

LVI. That the Salaries now paid to the Commissioners, the Lord Chancellor's Secretary of Bankrupts, the Chief and every other Registrar, the Accountant, the Master, and the Clerks to such Secretary, Chief Registrar, Accountant, Master, and Clerk of Enrolments respectively, and the Ushers of the Court, and the Registrar of Meetings, and the Clerk and Trainbearer, Ushers and Assistant Usher, of his Honor the Vice Chancellor sitting in Bankruptcy, shall be paid out of the Account intituled "The Chief Registrar's Account," and the same shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions, the first Payment to be made on the Eleventh Day of *January* next; and if any Person for the Time being holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionable Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment.

Compensations and Annuities under former Acts continued.

LVII. That all Compensations and Annuities which shall have been ordered to be paid, and which continue payable under the Provisions of former Acts relating to Bankrupts, and all Retiring Allowances which shall hereafter become payable under such Provisions, shall be charged upon and paid to the Persons entitled thereto out of the Monies and Securities standing to the Credit of the Account intituled "The Chief Registrar's Account," and shall be paid and payable to such Persons during their natural Lives, free from all Taxes except the Tax on Income, in such Manner and on such Days as the Lord Chancellor may have already ordered or may hereafter order; and in case of the Death of any such Person, his Executor or Administrator shall be entitled to receive the proportionate Part of such Annuity which shall have accrued up to the Day of his Decease: Provided always, that if any of them shall be appointed to and accept any public Office or Employment of an annual Value less than the Amount of any such Compensation or Annuity, they, during the Time they may continue in such Office or Employment, shall be entitled to receive only so much of their Compensation or Retiring Annuity as shall, together with the Salary of such new Office or Employment, be equal to such Compensation or Retiring Annuity; and that if any of them shall be appointed to and accept any public Office or Employment the Salary whereof shall equal or exceed in Amount their Compensation or Retiring Annuity, then during the Time of their Continuance in such Office or Employment such Compensation or Retiring Annuity shall altogether cease.

Monies paid to "The Chief Registrar's Account" to be subject to certain Orders heretofore made, and to such Orders as may be made by Lord Chancellor or by the Commissioners Trustees of the Court in Basinghall Street.

LVIII. That all Monies paid to the Account intituled "The Chief Registrar's Account" shall be subject to all Orders made before the Commencement of this Act in regard to Monies paid or directed to be paid to the Account intituled "The Secretary of Bankrupts Compensation Account," or to the Account intituled "The Interest arising from the Bankruptcy Fund Account," or to the Account intituled "Fund arising from Fees in Bankruptcy," or with regard to the Monies and Securities standing in the Name of the "Registrar of Meetings," and to such further and other Orders as may from Time to Time be made by the Lord Chancellor for Salaries, Compensations, Retiring Annuities, Services, Rent and Repair of Courts in the Country, the Supply of Law Books and other Books and Stationery necessary for the Use of the Courts, for travelling and other Expenses, and generally for all and every such Expenses incurred in carrying this Act into effect as the Lord Chancellor shall think fit, and also to such Orders as may be made by the Commissioners acting as Trustees of the Piece or Parcel of Ground herein-after mentioned, and of the Building called "The Court of Bankruptcy," situate in *Basinghall Street* in the City of *London*.

LIX. That

Accounts for Stationery, &c. to be audited.

LIX. That all Accounts of the Chief Registrar, Registrars, Accountant, and Master, for Stationery and other incidental Expenses of their respective Offices, shall be audited and allowed by some One of the Commissioners of the Court before any Order for the Payment thereof shall be obtained.

12. *Of the Buildings for holding the Court.*

And with respect to the Buildings in which Courts are held, be it enacted,

In whom Court to vest.

LX. That the Piece or Parcel of Ground in *Basinghall Street* in the City of *London*, and the Building called "The Court of Bankruptcy" which has been erected thereon, shall from thenceforth be and the same are hereby vested in the Commissioners of the Court for the Time being acting in *London*, in trust for the Purposes of this Act.

Building to continue to be called "The Court of Bankruptcy," &c.

LXI. That such Building shall continue to be called "The Court of Bankruptcy," and all Sittings of the Court held in *London* in any Matter under this Act, and also all Meetings of Creditors held in *London* under any such Matter, and so held in pursuance of public Advertisement, shall be holden there, unless the Court shall in any Case otherwise direct.

Such Building to be under the Direction of London Commissioners.

LXII. That the Commissioners acting as Trustees of the said Piece or Parcel of Ground and of the Building aforesaid, or the major Part of them, shall give and enforce such Order and Direction for the Occupation and Use of the several Offices or Rooms in the said Building, and for preserving and keeping the said Building and the Rooms and Offices therein or appurtenant thereto in good Condition and Repair, and for insuring and keeping the same insured from Loss or Damage by Fire, as they shall from Time to Time think proper and advisable.

Lord Chancellor may order Repayment of Sums advanced by Treasury, for the Purchase of such Building; and "The Chief Registrar's Account" to be thereafter subject to Orders of Trustees for Expenses, &c.

LXIII. That it shall be lawful for the Lord Chancellor, on the passing of this Act, out of the Monies and Securities then standing to the Credit of the Account intituled "The Unclaimed Dividend Account," to order Repayment to the Treasury of whatever Balance may then be remaining due in respect of the several Sums advanced for the Purchase of the said Piece or Parcel of Ground, and for the Erection and Fitting-up of the said Building; and the Trustees of the said Ground and Building, or the major Part of them, may thereafter, out of the Monies standing to the Credit of the Account to be opened and intituled "The Chief Registrar's Account," order Payment of all Expenses incurred for Coals and Candles for the Use of the said Building, the Expenses of lighting and watching the same, and all Taxes, Rates, and Assessments payable in respect thereof, and of keeping the same in proper Condition and Repair, and of Insurance, and all other annual or occasional and necessary Expenses attending the Establishment, and may also, with the Approval of the Lord Chancellor, order the Payment of any Charges or Expenses that may have been incurred for Surveys or Plans obtained under the Sanction of the Lord Chancellor, and with the view of affording Accommodation to the Official Assignees.

Buildings in which Country Courts are held to vest in the Commissioners of such Courts.

LXIV. That the several Buildings which have been provided for the Court of Bankruptcy in the several Districts in the Country shall be used for the Purposes of this Act; and such Buildings, and such as shall hereafter be provided for such Court, in any District in the Country, with the Appurtenances and Effects belonging thereto, shall vest in the respective Commissioners acting in such several Districts for the Time being, in trust for the Purposes of this Act.

13. *Of the Persons liable to become bankrupt.*

And with respect to Persons liable as Traders to become bankrupt, be it enacted,

Enumeration of the Traders liable to become bankrupt.

LXV. That all Alum-makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brickmakers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandize by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who, either for themselves or as Agents or Factors for others, seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

What Persons not to be deemed such Traders.

Trader having Privilege of Parliament.

LXVI. That if any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy, he may be dealt with under this Act in like Manner as any other Trader; but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

14. *Acts of Bankruptcy in general.*

And with respect to Acts of Bankruptcy in general, be it enacted,

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry,

LXVII. That if any Trader liable to become bankrupt shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting,

permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy. Arrest, Attachment, &c.

LXVIII. That if any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader the Execution of such Deed shall not be deemed an Act of Bankruptcy, unless a Petition for Adjudication of Bankruptcy be filed within Three Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within Fifteen Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within One Month after the Execution thereof by such Trader, in case such Trader reside in *London* or within Forty Miles thereof, in the *London Gazette*, and also in Two *London* daily Newspapers, and in case such Trader does not reside within Forty Miles of *London*, then in the *London Gazette* and in One *London* daily Newspaper and One Provincial Newspaper published near to such Trader's Residence; and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor. Conveyance of all a Trader's Property not an Act of Bankruptcy, unless a Petition for Adjudication be filed within Three Months.

LXIX. That if any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention. Lying in Prison, and escaping out of Prison.

LXX. That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing in the Form contained in Schedule D. to this Act annexed, signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed by or against such Trader within Two Months from the filing of such Declaration, Filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts.

LXXI. That if any such Trader, after the issuing of any Fiat or filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Fiat or Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy. Compounding with Petitioning Creditor. Adjudication may either be annulled or declared valid.

LXXII. That if any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand, in any of Her Majesty's Courts of Record, against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not, within Seven Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid. Trader not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within Seven Days after Notice requiring Payment.

LXXIII. That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Seven Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the Service of such Order. Trader disobeying Order of a Court of Equity, &c. for Payment of Money, after Service of peremptory Order for Payment on a certain Day.

LXXIV. That the filing of a Petition in the Court for the Relief of Insolvent Debtors in *England* by any such Trader who shall be in actual Custody for his Discharge from Custody, and who shall apply by Petition to such Court for his Discharge from Custody, according to the Laws for the Relief of Insolvent Debtors in *England*, shall be deemed to be an Act of Bankruptcy from the Time of filing such Petition; and any Petition for Adjudication of Bankruptcy filed against such Trader, and under which he shall be adjudged bankrupt, before the Time appointed by the said Court for the Relief of Insolvent Debtors, and advertised in the *London Gazette*, for such Prisoner to be brought up to be dealt with according to the Laws for Relief of Insolvent Debtors in *England*, or at any Time within Two Months from the Time of making any Order vesting the Estate and Effects of any such Prisoner in the Provisional Filing Petition in Insolvent Debtors Court in England.

14. *Acts of Bankruptcy in general.*

Assignee of such Court, whether upon the Petition of such Prisoner or the Petition of a Creditor, shall have the Effect of divesting the Real and Personal Estate and Effects of such Person out of the Provisional Assignee: Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy, unless such Trader be adjudged bankrupt before the Time so advertised as aforesaid, or within such Two Months as aforesaid.

Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21.

LXXV. That the filing of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in* India, by any Trader liable to become bankrupt under this Act, and the Adjudication of an Act of Insolvency under that Act, shall, for the Purposes of this Act, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act may, at any Time within Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as directed by the said Act for amending the Laws relating to Insolvent Debtors in *India*, petition for Adjudication of Bankruptcy under this Act against such Trader, under which Petition all such Proceedings may be had and taken as are authorized and directed by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition for Arrangement between a Trader Debtor and his Creditors.

LXXVI. That the filing of a Petition by any such Trader for an Arrangement between such Trader and his Creditors, under the Provisions of this Act with respect to Arrangements between Debtor and Creditor under the Superintendence and Control of the Court, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months after such Petition for Arrangement shall have been dismissed: Provided also, that no Adjudication shall be made on any such Act of Bankruptcy unless and until after such Petition for Arrangement shall have been dismissed.

Trader having Privilege of Parliament, not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month.

LXXVII. That if any Creditor or Creditors of any such Trader, having Privilege of Parliament, to an Amount herein-after declared to be requisite to support a Petition for Adjudication of Bankruptcy, shall file an Affidavit in any Court of Record at *Westminster* that such Debt is justly due to him, and that such Debtor, as he verily believes, is such Trader, and shall sue out of the same Court a Writ of Summons, in the Form contained in Schedule E. to this Act annexed, against such Trader, and serve him with a Copy of such Summons, if such Trader shall not, within One Month after personal Service of such Summons, pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two sufficient Sureties, as any of the Judges of the Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action, together with such Costs as shall be given in the same, and within One Month next after personal Service of such Summons cause an Appearance to be entered to such Action in the proper Court in which the same shall have been brought, every such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

And with respect to Acts of Bankruptcy by reason of Nonpayment after Summons of the Court, and the Proceedings thereupon, be it enacted,

Creditor making Affidavit of his Debt, and of Notice for Payment, &c., Court may summon the Trader. Delivery, Notice, &c. in Cases of Partnership.

LXXVIII. That if any Creditor of any such Trader shall file an Affidavit in the Court in the District in which such Trader shall reside, in the Form specified in Schedule F. hereunto annexed, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule G. annexed to this Act, it shall be lawful for the Court in which such Affidavit shall be filed to issue a Summons in Writing, in the Form contained in Schedule H. annexed to this Act, calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided: Provided always, that if the Demand of a Creditor appear by such Affidavit to be due from Two or more Persons carrying on Trade in Partnership, the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, as aforesaid, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners as well as against the Partner served personally with such Account and Notice.

Manner of proceeding upon the Appearance of the Trader.

LXXIX. That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for the Court to require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof, and if such Trader shall admit such Demand, or any Part thereof, to reduce such Admission into Writing in the Form contained in Schedule I. annexed to this Act; and such Admission so reduced into Writing such Trader is hereby required to sign, and, being so signed, the same shall thereupon be filed in such Court; and it shall also be lawful for the Court to allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Court, in the Form contained in Schedule J. annexed to this Act, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof; and in such Case it shall be lawful for the Court at the same Time to require such Trader to enter into a Bond, according to the Form contained in the Schedule K. to this Act annexed, in such Sum and with such Two sufficient Sureties as the Court shall

shall approve of, to pay such Sum or Sums as shall be recovered together with such Costs as shall be given in any Action which shall have been or shall be brought for the Recovery of such Demand, or of any Part thereof in respect of which such Deposition shall be made.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same if recovered in an Action, &c., with Costs, to be an Act of Bankruptcy.

LXXX. That if any such Trader so summoned as aforesaid shall not come before the Court at the Time appointed (having no lawful Impediment made known to and proved to the Satisfaction of the Court, and allowed), or if any such Trader, upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition, in the Form aforesaid, that he believes he has a good Defence upon the Merits to such Demand, or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not, within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, as the Case may be, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

LXXXI. That if any such Trader so summoned as aforesaid shall upon his Appearance sign and file an Admission of such Demand in Form aforesaid, and shall not within Seven Days next after the filing of such Admission pay or tender and offer to pay to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the filing of such Admission, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, &c., and the Trader not paying, &c. the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same if recovered in an Action, with Costs, an Act of Bankruptcy.

LXXXII. That if any such Trader so summoned as aforesaid shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to the Residue of such Demand, and (if required by the Court so to do) enter into such Bond as aforesaid to pay such Sum or Sums as shall be recovered, together with such Costs as shall be given in any such Action as aforesaid for the Recovery of such Residue, then and in such Case, if such Trader, as to the Sum so admitted, shall not, within Seven Days next after the filing of such Admission, pay or tender and offer to pay to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not, within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as the Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

What shall be deemed a Refusal to admit of Debt.
Court may enlarge the Time for Admission, &c.

LXXXIII. That if any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed, for the Purposes of this Act, that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand, or any Part thereof, and for entering into such Bond, or for any or either of such Matters, for such Time as the Court shall think fit.

Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as if in Court.

LXXXIV. That an Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader on his Appearance in Court, provided such Admission be made in the Form contained in Schedule L. to this Act annexed, and there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor, or the Trader summoned.

LXXXV. That where any such Trader against whom an Affidavit of Debt is filed by any Creditor as aforesaid shall be summoned to appear before the Court in which such Affidavit shall be filed, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of, incident to, or attendant upon such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

If Creditor bring an Action, and do not recover the Amount sworn

LXXXVI. That in every Action brought after the Commencement of this Act, wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, such Defendant shall be

to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made to appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by Rule or Order, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then in such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

16. *General Provisions with respect to Acts of Bankruptcy.*

Notice of Acts of Bankruptcy to Agents, &c.

LXXXVII. And be it enacted, That if any accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon an Act of Bankruptcy committed more than Twelve Months before Fiat, &c.

LXXXVIII. And be it enacted, That no Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than Twelve Months prior to the issuing of any Fiat in Bankruptcy or the filing of any Petition for Adjudication of Bankruptcy against him, and that no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor, provided there be a sufficient Act of Bankruptcy subsequent to such Debt.

17. *Of Procedure to obtain Adjudication.*

And with respect to the Proceedings before Adjudication of Bankruptcy, be it enacted,

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Fiat, &c.

LXXXIX. That Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule M. to this Act annexed, and the Truth thereof verified by the Affidavit of the Petitioner in the Form specified in the Schedule N. to this Act annexed, and if presented by a Trader, being in the Form specified in the Schedule O. to this Act annexed, and the Truth thereof verified by the Affidavit of such Trader in the Form specified in the Schedule N. to this Act annexed); and every such Petition shall be filed of Record and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall by virtue of this Act, and without any Commission, Fiat, or special Authority whatsoever, have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customary hold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandize, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Petition to be filed and prosecuted in the Court for the District in which the Trader shall have resided or carried on Business for Six Months next before Petition, except upon Special Order.

XC. That every Petition for Adjudication of Bankruptcy against or by any Trader liable to become bankrupt shall be filed and prosecuted in the Court within the District of which such Trader shall have resided or carried on Business for Six Months next immediately preceding the Time of filing such Petition, except where otherwise in this Act specially provided: Provided always, that the Senior Commissioner shall have Power, whenever he may deem it expedient, to order any Petition against or by any Trader to be prosecuted in any District with or without reference to the District in which the Trader shall have resided or carried on Business, or to consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or to impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Senior Commissioner shall think fit, or to transfer any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, and the Prosecution or the further Prosecution thereof, from the Court in any one District to the Court in any other District, and the Court to which any such Transfer shall be made may remove the Official Assignee, and appoint a new Official Assignee to any such Bankruptcy; and any such Order by the Senior Commissioner may be in such of the Forms contained in the Schedules P., Q., or R. to this Act annexed as may be adapted to the Case, or to the like Effect.

Amount of Petitioning Creditor's Debt.

XCI. That the Amount of the Debt of any Creditor petitioning for Adjudication of Bankruptcy shall be as follows; that is to say, the single Debt of such Creditor, or of Two or more Persons being Partners, so petitioning, shall amount to Fifty Pounds or upwards, and the Debt of Two Creditors so petitioning shall amount to Seventy Pounds or upwards, and the Debt of Three or more Creditors so petitioning shall amount to One hundred Pounds or upwards; and every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning, whether he shall have had any Security in Writing for such Sum or not.

Such Debt may be payable at a future Time, although Security given.

Petition for Adjudication may be made by the public Officer of certain Copartnerships.

XCII. That a Petition for Adjudication of Bankruptcy against any Trader indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a public Officer of such Copartnership may be filed by such public Officer as the nominal Petitioner for and on behalf of such Copartnership.

Trader may petition for

XCIII. That any Trader liable to become bankrupt may petition for Adjudication of Bankruptcy against himself; provided always, that unless such Trader shall forthwith after the filing of his Petition,

and

and before Adjudication of Bankruptcy thereunder, make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least Five Shillings in the Pound, clear of all Charges (to be estimated by the Court) of prosecuting the Bankruptcy, such Petition shall be dismissed, and no further Petition shall be filed by such Trader in the same District without the Leave of the Court first obtained for that Purpose, and the Adjudication on any further Petition shall be subject to the like Condition as aforesaid as to the available Estate of the Trader.

Adjudication of Bankruptcy against himself.

XCIV. That every Petition for Adjudication of Bankruptcy presented to the Court in *London* shall be filed in the Office of the Chief Registrar, and such Chief Registrar shall immediately cause the same to be entered in a Book to be kept by him for that Purpose, to be called the General Docket Book (which Book shall be in the Form contained in Schedule S.); and every such Petition shall be allotted, in such Manner as may by any General Rule or Order made in pursuance of this Act be directed, to One of the Commissioners of the Court, and it shall be transmitted forthwith to the Registrar attending such Commissioner, who, when Adjudication shall have been made, shall deliver to the Chief Registrar a Duplicate of such Adjudication, in order that the same may be minuted in the General Docket Book; and all Petitions presented to the Court in the Country Districts shall be filed with the respective Registrars thereof, who shall in like Manner enter the same in similar Docket Books (one of which shall be kept in each Court), and in Districts where there is more than One Commissioner One of such Commissioners or One of the Registrars shall allot the Petitions by Ballot, or in such Manner as the Commissioners of such District Court may from Time to Time direct.

Where Petitions for Adjudication are to be filed.

Docket Book.

Allotment of Petitions.

XCV. That the Registrars acting in the Country shall transmit daily by Post to the Chief Registrar Copies of all Entries made by them in their Docket Books, and of all Adjudications made in the respective District Courts, and the Chief Registrar shall immediately on the Receipt thereof cause the same to be entered in the General Docket Book; and when any Fiat or Petition in Prosecution in any of the Courts, or any Adjudication of Bankruptcy made therein, shall have been superseded, dismissed, or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, the Registrar in attendance on the Commissioner making such Order shall forthwith transmit a certified Copy thereof to the Chief Registrar, who shall cause the same to be minuted in the General Docket Book.

Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.

XCVI. That if the Petitioning Creditor in any Petition for Adjudication of Bankruptcy shall not proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may at any Time within Fourteen Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such Fourteen Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to adjudicate upon such Petition, no further Proceeding shall be taken thereon.

If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it.

XCVII. That any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

Petitions may be presented against One or more Partners in a Firm, with Dismissal as to others.

XCVIII. That after a Fiat issued, or a Petition for Adjudication of Bankruptcy filed, against or by One or more Member or Members of a Firm, any Petition or Petitions for Adjudication of Bankruptcy against or by any other Member or Members of such Firm shall be filed and prosecuted in the Court in which the first Fiat or Petition was prosecuted; and immediately after the Adjudication under such other Petition or Petitions all the Estate Real and Personal of such Bankrupt or Bankrupts shall vest in the Official Assignee and the Creditors Assignee (if any) under the first Fiat or Petition; and thereafter all separate Proceedings under such Petition or Petitions shall be stayed; and such Petition or Petitions shall, without affecting the Validity of the first Fiat or Petition, be annexed to and form Part of the same; provided that the Senior Commissioner may direct that such other Petition or Petitions shall be filed and prosecuted in any other Court, or be proceeded in either separately or in conjunction with the first Fiat or Petition; and such Direction shall be made by a Memorandum to that Effect endorsed on such Petition or Petitions, and under the Hand of the Senior Commissioner.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c.

XCIX. That whenever any Petition for Adjudication of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person is about to quit *England*, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant, directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition, or until such Person shall be adjudged bankrupt under such Petition, and be thereon dealt with according to this Act: Provided always, that any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such

In case Trader against whom a Petition has been filed be about to quit England, &c. with Intent to defraud Creditors, he may be arrested, &c.

Trader so arrested may apply to the

Court for his Discharge forthwith.

such Warrant, may apply, at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and it shall be lawful for such Court to make absolute or discharge such Order or Rule.

Court may before Adjudication summon Witnesses to prove Trading and Act of Bankruptcy.

C. That the Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings, and other Documents, in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth, or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

18. *Of Adjudication, and Proceedings thereunder.*

And with respect to the Adjudication of Bankruptcy, and the Proceedings for securing the Property and Surrender of the Bankrupt, be it enacted,

Court to make Adjudication, &c. upon certain Proofs, &c.

CI. That the Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Person bankrupt; or if in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and, under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading, and of the filing a Declaration of Insolvency, and of the Sufficiency of his available Estate to the Extent required by this Act, shall adjudge such Trader bankrupt.

Appointment of Official Assignee.

CII. That forthwith after Adjudication the Court shall appoint an Official Assignee to act as hereinbefore provided in this Behalf.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon any other.

CIII. That if after Adjudication of Bankruptcy the Debt of the Petitioning Creditor be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor having proved any Debt sufficient to support an Adjudication, to order the Petition for Adjudication of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid, which Order may be in the Form contained in the Schedule (T.) to this Act annexed, or to the like Effect.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.

CIV. That before Notice of any Adjudication of Bankruptcy shall be given in the *London Gazette*, and at or before the Time of putting in execution any Warrant of Seizure which shall have been granted upon such Adjudication, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed Seven Days, or such extended Time, not exceeding Fourteen Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and upon such showing no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication, in lieu of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy, or any or either of such Matters, which shall be deemed insufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of the Court, the Court shall thereupon order (in the Form contained in Schedule U. to this Act annexed, or to the like Effect,) such Adjudication to be annulled, and the same shall by such Order be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall, forthwith after the Expiration of such Time, cause Notice of such Adjudication to be given in the *London Gazette*, and shall thereby appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than Thirty Days and not exceeding Sixty Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was to surrender himself: Provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent, testified in Writing under his Hand, to such Adjudication being advertised, the Court, after such Consent so given, shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Adjudication may, with Bankrupt's Consent, be advertised before Expiration of such Time.

Bankrupt to deliver up his Books of Account to the Official Assignee, upon Oath;

CV. That forthwith after the Insertion of the Notice of Adjudication in the Gazette, or, if the Bankrupt before the Expiration of the Time allowed for showing Cause against the Adjudication surrender himself and give Consent to such Insertion, forthwith after such Surrender, the Bankrupt shall (if thereto required by the Official Assignee) deliver up to the Official Assignee, upon Oath before the Court, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody

Custody or Power of any other Person; and every Bankrupt, not in Prison or Custody, shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid Five Shillings *per* Day by the Official Assignee out of his Estate.

to attend Assignees;

to be at liberty to inspect Books, &c.;

after Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

CVI. That in all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to suspect and believe that any Property of any Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search Warrant to the Messenger and his Assistants, or other Person appointed by the Court, and it shall be lawful for such Messenger and his Assistants, or other Person, to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants, or other Person, shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule V. to this Act annexed, or to the like Effect.

Search Warrants may be granted.

CVII. That no Action shall be brought against any Messenger or his Assistants, or other Person appointed by the Court, for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant, or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for Six Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant, or Person so appointed, without making the Petitioning Creditor Defendant, if living, the Jury, at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant, notwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Petitioning Creditor and the Messenger or Assistant or Person so appointed, the Jury shall, on Proof of such Warrant, give their Verdict for such Messenger or Assistant or Person so appointed, notwithstanding any such Defect of Jurisdiction; and if the Verdict shall be given against the Petitioning Creditor the Plaintiff shall recover his Costs against him, to be taxed so as to include such Costs as the Plaintiff is liable to pay to the Messenger and his Assistant, or Person so appointed as aforesaid.

No Action to be brought against Persons acting in obedience to Warrant of the Court.

CVIII. That in any such Action brought against the Petitioning Creditor, either alone or jointly with any Messenger or Assistant or other Person so appointed by the Court, for anything done in obedience to the Warrant of the Court, Proof by the Plaintiff in such Action that the Defendant or Defendants, or any of them, is or are Petitioning Creditor or Creditors, shall be sufficient for the Purpose of making such Defendant or Defendants liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant or Defendants.

Proof in such Actions that Defendant is Petitioning Creditor sufficient to render him liable.

CIX. That it shall be lawful for any Messenger of the Court and his Assistants acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt where such Bankrupt or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt; and if the Bankrupt be in Prison or in Custody, it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody.

Messenger may break open the Bankrupt's Doors, &c., and seize upon his Body or Property.

CX. That it shall be lawful for the Messenger and his Assistants acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in *Ireland* where any of his Property shall be reputed to be, and to seize the same; provided such Warrant shall have been verified upon Oath before and backed or endorsed by the Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Messenger shall, before a Justice of the Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

Execution of Warrant in Ireland.

CXI. That if in the Execution of any such Warrant of Seizure granted by the Court it shall be necessary to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in *Scotland*, where any of the Property of such Bankrupt shall be reputed to be, or to seize and get possession of such Property, such Warrant, after having been verified upon Oath, may be backed or endorsed by any Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required, within their respective Jurisdictions, to back or endorse the same; and such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in *Scotland*, to execute the same within the County or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt, and to seize and take possession of such Property, to be distributed under the Bankruptcy, or otherwise dealt with according to Law.

Execution of Warrant in Scotland.

CXII. That

18. *Of Adjudication, and Proceedings thereunder.*

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release absolutely or conditionally.

CXII. That if the Bankrupt be not in Prison or Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed as the Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt think fit to appoint; and whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which the Bankrupt is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Prison or in Custody against the Bankrupt, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

If arrested, to be discharged on producing Protection.

CXIII. That if any Bankrupt shall be arrested for Debt or on any Escape Warrant in coming to surrender, or shall after his Surrender and while protected by Order of the Court be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Westminster*, in the Name of such Bankrupt, with full Costs of Suit.

Petitioning Creditor to proceed at his own Costs, until Choice of Assignees.

CXIV. That the Petitioning Creditor shall at his own Costs file and prosecute his Petition, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment thereof out of the Estate of the Bankrupt, in course of Priority to be settled by any General Rule or Order to be made in pursuance of this Act.

No Fiat to be superseded, &c. by reason only of Concert.

CXV. That no Fiat in Bankruptcy shall be annulled, nor any Petition for Adjudication of Bankruptcy dismissed, nor any Adjudication reversed, by reason only that the Fiat, Petition, or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Death of Bankrupt.

CXVI. That if any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Court may summon and examine Bankrupt.

CXVII. That the Court may summon any Bankrupt before it, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court, by Warrant, to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court; and upon the Appearance of such Bankrupt, or if such Bankrupt be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt after he shall have made and signed the Declaration contained in the Schedule W. to this Act annexed, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt shall sign and subscribe.

Court may summon and examine the Bankrupt's Wife.

CXVIII. That it shall be lawful for the Court to summon before it the Wife of any Bankrupt, and to examine her, after she shall have made and signed the Declaration contained in Schedule W. to this Act annexed, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt, concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Court, as is herein-after provided.

If Bankrupt be keeping out of the Way, or be about to quit England, &c.,

CXIX. That if in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit *England*, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court, by Warrant, to authorize and direct any Person or Persons it shall think fit

fit to apprehend and arrest such Bankrupt, and bring him before the Court, to be examined in like Manner as if he appeared upon a Summons. Court may issue Warrant.

CXX. That after Adjudication it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt, or concerning any Act of Bankruptcy committed by him, or any Information material to the full Disclosure of his Dealings; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its Sitting, and allowed by it), it shall be lawful for the Court, by Warrant, to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination. Court empowered to summon Persons suspected of having Bankrupt's Property, &c.

CXXI. That where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any such Summons is directed as aforesaid is keeping out of the way, and cannot be personally served therewith, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court to order by Endorsement upon the Summons that the Delivery of a Copy of such Summons to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service, and in every such Case the Service of such Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect, to all Intents and Purposes, as if the Party to whom such Summons was directed had been personally served therewith. Service of Summons where Person keeps out of the way.

CXXII. That upon the Appearance of any Person summoned or brought before the Court upon any Warrant as aforesaid, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt, or concerning any Act or Acts of Bankruptcy by any Bankrupt committed, and to reduce into Writing the Answers of every such Person, and such Answers so reduced into Writing such Person examined is hereby required to sign and subscribe. Power to examine Persons summoned or present at any Sitting.

CXXIII. That if any such Person examined as last aforesaid shall, in and by his Examination, signed and subscribed as aforesaid, and also in and by a separate Writing in the Form contained in the Schedule X. to this Act annexed, admit that he is indebted to the Bankrupt in any Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order (in the Form contained in Schedule Y. to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted, in full Discharge thereof to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs, or the Court may, if it think fit, in the said Form contained in Schedule Y. to this Act annexed, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may be enforced accordingly: Provided always, that no such Order shall be made unless there be present some Attorney of One of the Superior Courts on behalf of the Person making such Admission, expressly named by him, or, upon his Refusal to name such Attorney, named by the Court to act upon his Behalf, to inform him of the Effect of such Admission, before the same is signed and subscribed as aforesaid, and that such Attorney do sign his Name as a Witness to such Admission in the Form contained in the Schedule Y. to this Act annexed: Provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made. In a Case of Debts admitted to be due to Bankrupt's Estate, Court may order Payment; and such Order to have Effect of Judgment. Presence of Attorney on behalf of Party making the Admission.

CXXIV. That the Court may order that for a Period of Three Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt at the Place of which he shall be described in the Petition for Adjudication of Bankruptcy shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Official or other Assignee or other Person named in such Order; and upon Notice by Transmission of a Duplicate of any such Order to the Postmaster General or the Officers acting under him, by the Official or other Assignee or other Person named in such Order, of the making of such Order, it shall be lawful for the Postmaster General or such Officers as aforesaid, in *England*, *Scotland*, or *Ireland*, to re-address, re-direct, send, or deliver all such Post Letters to the Official or other Assignee or other Person named in such Order accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary. Court may order Letters addressed to Bankrupt to be re-directed or delivered to Official Assignee, &c.

19. Consequences of Adjudication in certain Cases.

And with respect to the Power of the Court over certain Descriptions of Property, be it enacted,

CXXV. That if any Bankrupt at the Time he becomes bankrupt shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy: Provided that nothing herein contained shall invalidate or affect any Transfer or Goods in Possession, &c. of Bankrupt to be deemed his Property. Proviso for Assignments of

Vessels under 8 & 9 Vict. c. 89.

or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act for the registering of* British *Vessels*, or any of the Acts therein mentioned.

Power of Court over certain Conveyances, &c. made by Bankrupt.

CXXVI. That if any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt, and such Children and Persons, and against all Persons claiming under him.

Court may proceed when the Bankrupt by Fraud makes himself Accountant to the Crown.

CXXVII. That if any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold, for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Where Bankrupt entitled to Stock, Court may make Order for Transfer.

CXXVIII. That if any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his Name in his own Right, it shall be lawful for the Court, by Writing, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignee; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all things done or permitted pursuant to such Order.

Distress not to be for more than One Year's Rent; Landlord to prove for the Residue.

CCXXIX. That no Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, shall be available for more than One Year's Rent accrued prior to the Date of the Fiat or the Day of the filing of such Petition, but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee.

CXXX. That if any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees and all Persons whose Act or Consent thereto is necessary to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities, to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, as the Lord Chancellor shall direct.

Titles to Property sold not to be impeached, unless Proceedings taken to annul.

CXXXI. That no Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Fiat or Petition for Adjudication, or in any of the Proceedings under the same, unless the Bankrupt shall within the Time allowed by this Act have commenced Proceedings to dispute, dismiss, or annul the Fiat, Petition, or Adjudication, and duly prosecuted the same.

The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt, to deliver all Monies, &c.

CXXXII. That after the Adjudication of Bankruptcy in any Case shall have been advertised in the *London Gazette*, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, to pay and deliver over to the Official Assignee, or to the Bank of *England*, to the Credit of the Accountant in Bankruptcy, according to the Rules which may be in force with respect to Payment into the Bank of *England* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or his Assignees.

20. *Of Transactions not affected by Bankruptcy.*

And with respect to Transactions with the Bankrupt and Executions against his Property, up to the Time of the Bankruptcy, or within a limited Time previously thereto, be it enacted,

Payments, Conveyances, &c., Executions

CXXXIII. That all Payments really and *bonâ fide* made by any Bankrupt, or by any Person on his Behalf, before Date of the Fiat or the filing of a Petition for Adjudication of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and *bonâ fide* made to any Bankrupt before the Date of the Fiat or the filing of such Petition, and all Conveyances by any Bankrupt *bonâ fide* made and executed before the Date of the Fiat or the filing of such Petition, and all Contracts, Dealings, and Transactions

actions by and with any Bankrupt really and *bonâ fide* made and entered into before the Date of the Fiat or the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt *bonâ fide* executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt *bonâ fide* executed and levied by Seizure and Sale, before the Date of the Fiat or the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment or to any Delivery or Transfer of any Goods or Chattels made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt, or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem or Judges Order obtained by Consent given by any Bankrupt by way of fraudulent Preference.

against Lands (if executed by Seizure), and against Goods (if by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy; but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.

CXXXIV. That no Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Fiat or Petition for Adjudication of Bankruptcy shall have been sued out or filed within Twelve Months after such Act of Bankruptcy.

Bonâ fide Purchases not to be impeached, unless, &c.

21. *Of Warrants of Attorney, &c.*

CXXXV. That every Warrant of Attorney to confess Judgment in any personal Action, given by any Bankrupt after the Commencement of this Act, and within Two Months of the filing of a Petition for Adjudication of Bankruptcy by or against such Bankrupt, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit Actionem or Consent to a Judge's Order for Judgment given by any Bankrupt, at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit Actionem, or Consent (as the Case may be), shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

Certain Warrants of Attorney, Cognovits, &c. given within Two Months of filing Petition, to be null.

CXXXVI. And be it enacted, That if after the Commencement of this Act any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit Actionem in any personal Action, shall have been given by any such Trader, and such Warrant of Attorney or Cognovit Actionem, or a true Copy thereof, shall not have been filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench within Twenty-one Days next after the Execution thereof, in Manner and Form provided by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, every such Warrant of Attorney and Cognovit Actionem shall be deemed fraudulent, null, and void, to all Intents and Purposes whatever; and if any such Warrant of Attorney or Cognovit Actionem which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit Actionem shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or Cognovit Actionem shall be null and void to all Intents and Purposes whatever.

Warrants of Attorney and Cognovits Actionem given by any Trader to be void, unless the same or a Copy thereof be filed, &c. within 21 Days after the Execution thereof.
3 G. 4. c. 39.

CXXXVII. And be it enacted, That every Judge's Order made by Consent given after the Commencement of this Act by any such Trader Defendant in any personal Action, and whereby the Plaintiff in such Action shall be authorized forthwith after the making of such Order, or at any future Time, to sign or enter up Judgment, or to issue or take out Execution in such Action, and whether such Order shall be made subject to any Defeazance or Condition, or not, in case the Action in which such Order shall be made shall be in the Court of Queen's Bench, or in case the Action wherein the same is made shall be in any other Court, a true Copy of such Order shall, together with an Affidavit of the Time of such Consent being given, and a Description of the Residence and Occupation of the Defendant, be filed with the Officer acting as Clerk of the Docquets and Judgments in the said Court of Queen's Bench within Twenty-one Days after the making of such Order, in like Manner as a Warrant of Attorney in any personal Action and a Cognovit Actionem given by any Defendant in any personal Action, or Copies thereof, and Affidavits of the Execution thereof respectively, may be filed with the said Clerk within the Space of Twenty-one Days after such Warrant of Attorney or Cognovit Actionem shall have been executed, otherwise such Judge's Order, and any Judgment signed or entered up thereon, and any Execution issued or taken out on such Judgment, shall be null and void to all Intents and Purposes whatever; and the Provisions respectively contained in the said Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, and in an Act passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, for Liberty to file Warrants of Attorney and Cognovits Actionem, or Copies thereof, with the Clerk of the Docquets and Judgments, and for the said Clerk to make certain Entries and Search in relation thereto,

Judge's Order obtained by Consent given by any Trader Defendant to be void, unless the same or a Copy thereof be filed within 21 Days, in like Manner as Warrants of Attorney and Cognovits Actionem.
3 G. 4. c. 39.
6 & 7 Vict. c 66.

and for entering Satisfaction thereon, and for Fees for Search and filing and taking Office Copies, shall extend and be applicable to every such Judge's Order, in like Manner as to Warrants of Attorney and Cognovits Actionem mentioned in the said Acts.

22. Exemptions from Stamp Duty, &c.

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty.

CXXXVIII. And be it enacted, That no Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the Assignee appointed or chosen under any Bankruptcy, and no Power of Attorney, Writ of Supersedeas and Procedendo, Order, Certificate of Conformity, Affidavit, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceeding under any Bankruptcy, and no Affidavit, Bond, or other Proceeding under this Act, and no Advertisement inserted in the *London Gazette* relating solely to Matters in Bankruptcy, shall be liable to any Stamp Duty, or to any other Duty whatsoever, save and except such Stamp Duty as is mentioned in Schedule C. to this Act annexed.

23. Of the Choice of Assignees, their Rights and Duties.

And with respect to the Choice of Assignees, and their Rights and Duties, be it enacted,

Assignees of the Bankrupt's Estate, when and how chosen.

CXXXIX. That at the First Public Sitting appointed by the Court under any Bankruptcy, or at any Adjournment thereof, Assignees of the Bankrupt's Estate and Effects shall and may be chosen and appointed, and all Creditors who have proved Debts to the Amount of Ten Pounds and upwards shall be entitled to vote in such Choice, and also any Person authorized by Letter of Attorney from any such Creditor, upon Proof of the Execution thereof, either by Affidavit or by Oath before the Court *vivâ voce*; and the Choice and Appointment shall be made by the major Part in Value of the Creditors so entitled to vote; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Court may reject any Person as unfit.

Joint Creditor may prove under separate Estate, for the Purpose of voting in Choice of Assignees.

CXL. That if One or more of the Partners of a Firm be adjudged bankrupt, any Creditor to whom the Bankrupt is indebted jointly with the other Partners of the Firm, or any of them, shall be entitled to prove his Debt, for the Purpose only of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificates, or of either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.

CXLI. That when any Person shall have been adjudged a Bankrupt all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Certificate, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment; and after such Appointment, neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of the Bankrupt by any Person according to the Custom of the City of *London* or otherwise, but such Assignees shall have like Remedy to recover the same in their own Names as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Real Estate to vest in Assignees.

CXLII. That when any Person shall have been adjudged a Bankrupt, all Lands, Tenements, and Hereditaments, except Copy or Customaryhold, in *England*, *Scotland*, *Ireland*, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which any Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment, without any Deed of Conveyance for that Purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone or jointly with the existing Assignees, as the Case may require, without any Conveyance for that Purpose.

Where a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Assignees shall be registered.

CXLIII. That where according to Law any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then in every such Case the Certificate of the Appointment of Assignees of the Estate and Effects of the Bankrupt shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not

not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the Date of such Appointment, and as regards all other Places within Twelve Months from the Date thereof.

Assignees not to take Crop in any other way than Bankrupt would have been entitled to do.

CXLIV. That no Assignee of any Bankrupt's Estate, nor any Purchaser from any such Assignee of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt engaged or employed in Husbandry on any Lands let to farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt so employed in Husbandry ought to have taken, used, or disposed of the same if he had not been adjudged bankrupt.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c. any Person entitled may apply to the Court.

CXLV. That if the Assignees of the Estate and Effects of any Bankrupt having or being entitled to any Land either under a Conveyance to him in Fee or under an Agreement for any such Conveyance, subject to any perpetual yearly Rent reserved by such Conveyance or Agreement, or having or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Conveyance or Agreement, or such Lease or Agreement for a Lease, as the Case may be, the Bankrupt shall not be liable to pay any Rent accruing after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy against him, or to be sued in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for Lease, the Bankrupt shall not be liable if, within Fourteen Days after he shall have had Notice that the Assignees have declined, he shall deliver up such Conveyance or Agreement, or Lease or Agreement for Lease, to the Person then entitled to the Rent, or having so agreed to convey or lease, as the Case may be; and if the Assignees shall not (upon being thereto required) elect whether they will accept or decline such Land or Conveyance or Agreement for Conveyance, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect and deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Court may compel Assignees to give up Possession of Premises, &c.

CXLVI. That if any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement, or abandon the same, may apply to the Court, and the Court may thereupon order them to deliver up the Agreement, and the Possession of the Premises, to the Vendor or Person claiming under him, or may make such other Order therein as such Court shall think fit.

Assignees may execute Powers vested in Bankrupt.

CXLVII. That all Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

Court may order Bankrupts to join in Conveyances.

CXLVIII. That it shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's Estate, if such Bankrupt shall not try the Validity of the Adjudication, or if there shall have been a Verdict at Law establishing its Validity, to order the Bankrupt to join in any Conveyance of such Estate or any Part thereof; and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance; and all Estate, Right, or Title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt may be redeemed by Assignees.

CXLIX. That if any Bankrupt shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day by Payment of Money or otherwise, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Assignees may appoint Bankrupt to superintend Management of Estate.

CL. That in every Case the Assignees may, with the Approbation of the Court, appoint the Bankrupt himself to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, and in all or any other respects they may think fit to aid them in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate.

Assignees to be subject to Orders of the Court.

CLI. That the Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and require them to produce all Books, Papers, Deeds, Writings, and other Documents relating to the Bankruptcy in their Possession, and to direct them to pay and deliver over to the Official Assignee all Monies, Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees.

If Member of a Firm become bankrupt Court

CLII. That if any Person adjudged bankrupt shall at the Time of the Adjudication of Bankruptcy be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees, upon their Application, to

may authorize Action in Name of Assignees and remaining Partner.

to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Partner may show Cause.

Court may direct Partner to have Part of Proceeds.

Assignees may institute or defend Actions or Suits, and compound for Debts due to the Estate, or refer Disputes to Arbitration.

CLIII. That the Assignees, with the Leave of the Court first obtained, upon Application to such Court, but not otherwise, may commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put in respect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt; and with like Leave of the Court, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them, as the Court shall think fit to direct, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt.

Such Reference may be made a Rule of Court.

CLIV. That if the Assignees shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference may be made a Rule of any of Her Majesty's Superior Courts of Law at *Westminster*, whether such Agreement contain a Clause to that Effect or not.

If Fiat, Petition, &c. be annulled, &c. Persons from whom the Assignees have recovered, or who have bonâ fide paid the Assignees, &c., discharged from Claims by the Bankrupt.

CLV. That all Persons from whom the Assignees shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Fiat be afterwards superseded, or the Adjudication of Bankruptcy, or Petition for Adjudication, be afterwards annulled or dismissed, from all Demands which may thereafter be made in respect of the same by the Person against whom such Adjudication was made, and all Persons claiming under him; and all Persons who shall, without Action or Suit, *bonâ fide* deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him, provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute or annul the Fiat or Adjudication or Petition for Adjudication, and such Action, Suit, or other Proceeding shall not have been commenced and prosecuted within the Time and in manner allowed by this Act.

If Assignee indebted to Bankrupt's Estate become bankrupt, his Certificate shall not discharge his future Effects.

CLVI. That if any Assignee indebted to the Estate of which he is such Assignee in respect of Money, being Part of the Estate of the Bankrupt, retained or employed by him, become bankrupt, and obtain his Certificate, it shall have the Effect only of freeing his Person from Arrest and Imprisonment, but his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Assignee as shall not be paid by Dividends under his Bankruptcy, and for Interest at the Rate of Five *per Cent. per Annum* on the whole Debt.

Suits not to abate by Death or Removal of Assignees.

CLVII. That whenever an Assignee shall die or be removed, or a new Assignee shall be chosen, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Choice, allow the Name of the surviving or new Assignee to be substituted in the Place of the former; and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees, in the same Manner as if he had originally commenced the same.

If Assignees commence Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court.

CLVIII. That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed for the Bankrupt to dispute the Bankruptcy shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until such Time shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as allowed by this Act, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Official Assignee, but otherwise shall abide the Event of such Action, Suit, or other Proceeding, and upon such Event shall be paid out of Court, either to the Official Assignee or the Person adjudged bankrupt, as the Court shall direct; and after such Payment of Money so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Limitation of Actions.

General Issue.

CLIX. That every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Three Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited

Costs.

nonsuited, or discontinue his Action or Suit after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about any such Action as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

23. *Rights and Duties of Assignees.*

And with respect to the last Examination, be it enacted,

24. *Last Examination.*

CLX. That the Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in Court, and deliver a Copy thereof to the Official Assignee, Ten Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof for that Purpose; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require, and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the last Examination of the Bankrupt shall in no Case be passed unless his Balance Sheet shall have been duly filed as aforesaid; and the Court may, on the Application of the Assignees, or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.

CLXI. That if any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Bankrupts apprehended by Warrant.

CLXII. That it shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination *sine die*; and in such Case the Bankrupt shall be free from Arrest or Imprisonment, for such Time (if any) as such Court shall from Time to Time, by Endorsement on the Summons of the Bankrupt, think fit to appoint.

Court may adjourn Bankrupt's last Examination sine die.;

CLXIII. That whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may appoint a Person to attend him from Time to Time, to produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination and Discovery thereof.

and, if he be in Custody, may appoint a Person to assist him in preparing Balance Sheet.

And with respect to the Proof of Debts and Payments in full, be it enacted,

25. *Of Proof of Debts and Payments in full.*

CLXIV. That at the Sittings appointed by the Court for the Choice of Assignees and for the last Examination of the Bankrupt, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, and whereof and of the Purport whereof Ten Days Notice shall have been given in the *London Gazette*, every Creditor of the Bankrupt may prove his Debt, by his own Oath; and all Bodies Politic and public Companies incorporated, or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his Deposition swear that he is such Agent, and that he is authorized to make such Proof; provided that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof, and to examine such other Persons in relation thereto, as such Court shall think fit.

Proof of Debts, how and when.

By Corporations, &c.

Creditor may be examined upon Oath.

CLXV. That every Person with whom any Bankrupt shall have really and *bonâ fide* contracted any Debt or Demand before the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same, as if no such Act of Bankruptcy had been committed, provided such Person had not, at the Time the same was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Creditors for Debts contracted after Bankruptcy may prove.

CLXVI. That the Court, out of the Estate and Effects of the Bankrupt, shall order Payment of all Duties of Assessed Taxes assessed on the Bankrupt at the Time of his Bankruptcy up to the Fifth Day of *April* next after the same shall have happened (such Payment not exceeding in the whole One Year's Assessment), and the Bankrupt shall not be liable to be assessed to such Duties after the said Fifth Day of *April* in respect of any Article kept and used for the Purposes of Trade at or before the Time of the Bankruptcy, which Article shall have been seized and surrendered and *bonâ fide* sold under the Bankruptcy, and not kept or used by the Bankrupt after the said Fifth Day of *April*.

Payment of Assessed Taxes.

CLXVII. That if any Person already appointed or employed or who may be hereafter appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being intrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall have been or shall become bankrupt, the Court shall, upon Application made by the Order of any such Society or any Committee thereof, or the major Part of them, assembled at any Meeting thereof, order Payment and Delivery over to be made to such Society, or to such Person as such Society or Committee may appoint, of all Monies and other Things belonging to such Society, and shall also order Payment out of the Estate and Effects of the Bankrupt of all Sums of Money remaining due which the Bankrupt received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied.

If Bankrupt an Officer of, and have Monies, &c. in his Hands belonging to, any Friendly Society, Court to order Payment thereof before any of his other Debts are satisfied.

CLXVIII. That

Court may order Three Months Wages or Salary to Clerks or Servants.

CLXVIII. That when any Bankrupt shall have been indebted at the Time of issuing the Fiat or filing the Petition for Adjudication of Bankruptcy to any Servant or Clerk of such Bankrupt in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk out of the Estate of such Bankrupt; and such Servant or Clerk shall be at liberty to prove for any Sum exceeding such Amount.

Court may order Wages not exceeding 40*s.* to Labourer or Workman.

CLXIX. That when any Bankrupt shall have been indebted at the Time of issuing the Fiat or filing the Petition for Adjudication of Bankruptcy to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding Forty Shillings, to be paid to such Labourer or Workman out of the Estate of such Bankrupt; and such Labourer or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Apprentices to Bankrupt released.

Court may order any Sum to be paid in respect of Apprentice Fees.

CLXX. That where any Person shall have been an Apprentice to a Bankrupt at the Time of the filing of a Petition for Adjudication of Bankruptcy, or of the issuing of a Fiat in Bankruptcy, the filing of such Petition, or the issuing of such Fiat, shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and *bonâ fide* paid, by or on the Behalf of such Apprentice, to the Bankrupt, as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had, in estimating such Sum, to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt previous to the filing of such Petition or the issuing of such Fiat.

Mutual Debts and Credits may be set off, notwithstanding prior Act of Bankruptcy.

CLXXI. That where there has been mutual Credit given by the Bankrupt and any other Person, or where there are mutual Debts between the Bankrupt and any other Person, the Court shall state the Account between them, and one Debt or Demand may be set against another, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him; and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt may also be set off in manner aforesaid against such Estate, provided that the Person claiming the Benefit of such Set-off had not, when such Credit was given, Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest.

CLXXII. That any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts.

CLXXIII. That any Person who at the Time of issuing the Fiat, or of filing a Petition for Adjudication of Bankruptcy, shall be Surety or liable for any Debt of the Bankrupt, or Bail for the Bankrupt, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, (although he may have paid the same after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy,) if the Creditor shall have proved his Debt under the Bankruptcy, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor possessed or would be entitled to in respect of such Proof; or if the Creditor shall not have proved, such Surety or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt, provided that such Person had not, when he became such Surety or Bail, or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry Bonds, and Assured in Policy of Insurance, admitted to claim, &c.

Persons effecting Insurance admitted to prove Loss.

CLXXIV. That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt, shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Annuity Creditors admitted to prove.

CLXXV. That any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy.

CLXXVI. That

25. *Of Proof of Debts, &c.*

CLXXVI. That it shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant, in respect of such Proof, to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit, in account with such Annuitant, for any Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in, under the Bankruptcy.

Debt contingent at the Time of the Bankruptcy to be provable for Value ascertained by the Court, &c.

CLXXVII. That if any Bankrupt shall, before the issuing of the Fiat or the filing of a Petition for Adjudication of Bankruptcy, have contracted any Debt payable upon a Contingency which shall not have happened before the issuing of such Fiat or the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends; provided such Person had not, when such Debt was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved.

CLXXVIII. That if any Trader who shall become bankrupt after the Commencement of this Act shall have contracted, before the filing of a Petition for Adjudication of Bankruptcy, a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit; and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted to prove such Demand, and receive Dividends with the other Creditors, and, so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends, provided such Person had not, at the Time such Liability was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed; provided also, that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Assignees at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings.

On Bankruptcy of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, &c. 5 & 6 Vict. c. 39.

CLXXIX. That in case of the Bankruptcy of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Advances* bonâ fide *made to Agents intrusted with Goods*, the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act after having been pledged by such Agent, shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy, or in case such Goods shall not be so redeemed the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

Interest upon Debts, when provable, though not reserved or agreed for.

CLXXX. That upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy and provable thereunder, the Creditor shall be entitled to prove for Interest, to be calculated, at a Rate not exceeding Four Pounds *per Centum per Annum*, up to the Date of the Fiat or the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c.

CLXXXI. That if any Plaintiff in any Action at Law or Suit in Equity, or Petitioner in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove under the Bankruptcy, such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy; and if any Defendant shall have obtained any Judgment, Decree, or Order in any such Action or Suit, or in the Matter of any such Petition, against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy.

25. *Of Proof of Debts, &c.*

Proving Debt to be an Election not to proceed against the Bankrupt by Action

CLXXXII. That no Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit, and the proving or claiming a Debt under a Fiat or Petition for Adjudication of Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Fiat or Petition with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Assignees of the Costs of such Action or Suit so relinquished by him, and that where any such Creditor shall have brought any Action or Suit against such Bankrupt jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Fiat or Petition for Adjudication be afterwards superseded or dismissed, may proceed in the Action as if he had not so proved or claimed, and in bailable Actions shall be at liberty, under the Authority of a Judge's Order for that Purpose, obtained in like Manner as may now by Law be done, to arrest the Defendant *de novo*, if he has not put in Bail below or perfected Bail above, or if the Defendant has put in or perfected such Bail to have recourse against such Bail, by requiring the Bail below to put in and perfect Bail above within the first Eight Days in Term after Notice in the *London Gazette* of the first superseding or dismissing such Fiat or Petition, and by suing the Bail upon their Recognizance, if the Condition thereof is broken.

Court may expunge Proof of any Debts which, after Investigation, do not appear to be due.

Persons requiring Investigation to sign Undertaking for Costs.

Application in first instance to Vice Chancellor.

CLXXXIII. That whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved Debts to the Amount of Twenty Pounds or upwards, that any Debt proved is not justly due, either in whole or in part, such Assignees or Creditors may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person who shall have so proved, together with any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court, upon the Evidence given on both Sides, or (if the Person who shall have proved shall not attend to be examined, having been first duly summoned or Notice having been left at his last Place of Abode,) upon the Evidence adduced by such Assignees or Creditors, shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings; provided that such Assignees or Creditors requiring such Investigation shall, before it is instituted, sign an Undertaking, to be filed with the Proceedings, to pay such Costs as the Court shall adjudge to the Creditor who has proved such Debt, such Costs to be recovered by Application to the Court, upon which an Order for Payment thereof may be made by the Court; provided also, that such Assignees or Creditors may apply in the first instance to the Vice Chancellor, or either Party may appeal against the Determination of the Court of Bankruptcy.

Creditors having Security not to receive more than other Creditors.

CLXXXIV. That no Creditor having Security for his Debt, or having made any Attachment in *London* or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the Date of the Fiat or the filing of a Petition for Adjudication of Bankruptcy: Provided always, that nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order declared to be null and void by any Provision of this Act, nor to give Validity to any Judgment entered up under or by virtue of any such Warrant of Attorney or Consent, or to any Execution or Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent.

26. *Of the Audit.*

And with respect to the Audit, be it enacted,

Appointment of Sitting for Audit.

CLXXXV. That the Court shall, whenever it shall think fit, appoint a public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt, (of which public Sitting and of the Purport whereof Ten Days Notice shall be given in the *London Gazette*,) to audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when, and on what Account, and how the same has been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and it shall be lawful for the Court to examine the Assignees upon Oath touching the Truth of such Accounts, and to make therein all just Allowances.

Court may direct Money to be invested in Exchequer Bills.

CLXXXVI. That the Court may, as often as it shall appear expedient for the Bankrupt's Estate, direct any Money, Part of such Estate, to be invested in the Purchase of Exchequer Bills, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or to be applied for the Benefit of the Creditors, the making of any such Purchase or Sale to be subject to the Rules or Orders at any Time in force under this Act relating to the Purchase, Sale, or Transfer of Exchequer Bills by the Accountant in Bankruptcy.

27. *Of the Dividend.*

And with respect to the Dividend, be it enacted,

Method of making Dividends.

CLXXXVII. That the Court, shall, whenever it shall think fit, appoint a public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt, when there are Assets wherewith a Dividend may be made, (of which public Sitting and of the Purport whereof Twenty-one Days Notice shall

27. *Of the Dividend*

shall be given in the *London Gazette*,) to make a Dividend of the Bankrupt's Estate, and shall at such Sitting direct such Part of the net Produce of the Bankrupt's Estate as it may think fit to be forthwith divided amongst such Creditors as have proved Debts under the Bankruptcy, in proportion to their respective Debts, and shall make an Order in Writing under the Hand of the Commissioner for Dividend accordingly, to be filed with the Proceedings, which Order shall contain an Account of the Amount of the Debts proved, of the Money to be divided, of how much in the Pound is then ordered to be paid to the Creditors, and of the Money allowed by the Court to be retained, and of the Reason for retaining the same; and the Official Assignee, in pursuance of such Order, shall forthwith make such Dividend in manner directed by the Rules at any Time in force under this Act relating to the Mode of Payment of Dividends by the Official Assignees; but no Dividend shall be declared unless the Accounts of the Assignees shall have been first audited.

No Dividend without previous Audit.

CLXXXVIII. That if the Bankrupt's Estate shall not have been wholly divided upon the First Dividend, the Court shall, within Eighteen Months after the issuing of the Fiat, or the filing of the Petition for Adjudication of Bankruptcy, appoint a public Sitting (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette*) to make a Second Dividend, when all Creditors who have not proved their Debts may prove the same, and at such Sitting, but after such an Audit as is directed by this Act, shall order the Balance in hand to be forthwith divided among such of the Creditors as shall have proved their Debts; and such Second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignees, in which Case they shall, as soon as may be, convert such Estate and Effects into Money, and within Two Months after the same shall be so converted the same shall also be divided in manner aforesaid; and if at the Expiration of Two Years from the issuing of any Fiat, or the filing of any Petition for Adjudication of Bankruptcy, there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Bankrupt, which cannot, in the Opinion of the Court, be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property, and also the Books of the Bankrupt relating to his Trade, Dealings, or Estate, in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees of such Bankrupt might have done.

Final Dividend within Eighteen Months, except where Suit depending, or Estate standing out, &c.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time under the Order of the Court.

CLXXXIX. That Fourteen Days before a final Dividend shall be advertised under any Bankrupt's Estate there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall be delivered to any Creditor who shall apply for the same to the Official Assignee, and who shall have proved or claimed a Debt, and to any other Person, such Person, if not a Creditor, paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court for every such Copy.

Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee, &c. before final Dividend.

CXC. That no Action for any Dividend shall be brought against any Assignee by any Creditor who shall have proved under the Bankruptcy; but if the Official Assignee shall refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time that it shall have been withheld, and may also order the Costs of the Application.

No Action for Dividends; but the Remedy to be by Application to Court.

And with respect to unclaimed Dividends, be it enacted,

28. *Of Unclaimed Dividends.*

CXCI. That all unclaimed Dividends, and also any undivided Surplus of a Bankrupt's Estate over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy, to be carried to the Account intituled "The Unclaimed Dividend Account," subject to the Order of the Lord Chancellor, or of the Vice Chancellor, or of any Court acting in prosecution of any Bankruptcy, for the Payment thereout of any Dividend due to any Creditor.

Unclaimed Dividends, &c. to be paid into the Bank.

CXCII. That, subject to any Rule at any Time in force under this Act relating to unclaimed Dividends, if any Assignee under any Bankruptcy shall have, either in his own Hands, or at any Bankers, or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends, or any such undivided Surplus as aforesaid, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends, within One Year after the passing of this Act, and as to any future Dividend or Dividends within Three Calendar Months next after the Expiration of One Year from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due, and of the Amount of such Dividend or Dividends respectively, and shall in like Manner, as to any such now existing undivided Surplus as aforesaid within One Year after the passing of this Act, and as to any such future undivided Surplus as aforesaid within Three Calendar Months next after the Expiration of One Year after the final Declaration of Dividends, cause a Certificate, stating the full and true Amount of such Surplus, to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts; and every Certificate

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

28. *Of Unclaimed Dividends.*

to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee shall, within One Year next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of *England* to the Name of the Accountant in Bankruptcy, to be carried to the Account intituled "The Unclaimed Dividend Account," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and every Official Assignee shall cause a Certificate to be filed of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management, in such Manner and subject to such Provisions as above prescribed with respect to unclaimed Dividends and undivided Surplus, and as if the Official Assignee had such Dividends or undivided Surplus in his own Hands: Provided always, that no Certificate of any unclaimed Dividends shall be filed until the Expiration of One Year after the Declaration and Order for Payment of such Dividends.

Bank of England to receive from Assignees for any Sum mentioned in a Certificate of the Accountant in Bankruptcy.

CXCIII. That the Accountant in Bankruptcy shall, on the Application of any Assignee, give to him a Certificate stating the Amount of any Sum of Money which he may be desirous of paying into the Bank of *England* under the Provisions herein-before contained, and on the Production of such last-mentioned Certificate the Governor and Company of the Bank of *England* shall receive the Sum therein mentioned, and give a Receipt for the same, and shall forthwith carry the same to the Credit of the Accountant in Bankruptcy to the Account intituled "The Unclaimed Dividend Account;" and every such Certificate and Receipt shall be given without Fee or Reward.

29. *Of Allowances to the Bankrupt.*

And with respect to Allowances to the Bankrupt, be it enacted,

Allowance to Bankrupt for Maintenance.

CXCIV. That it shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until he shall have passed his last Examination, as shall be necessary for the Support of himself and his Family: Provided always, that no such Allowance shall be made by the Court for any Period after the Adjournment of the last Examination *sine Die*.

Allowance 5 per Cent. and not exceeding 400*l.*, when 10*s.* paid in the Pound; 7½ per Cent., and 500*l.* if 12*s.* 6*d.*; 10 per Cent., and 600*l.*, if 15*s.*

CXCV. That every Bankrupt who shall have obtained his Certificate, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy Ten Shillings in the Pound, shall be allowed and paid Five Pounds *per Centum* out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of Twelve Months from the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such Twelve Months shall have proved Debts, being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to Ten Shillings in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding Three Pounds *per Centum* and Three hundred Pounds: Provided always, that the Court shall, if it think fit, reduce any Allowance in case it shall have only granted the Bankrupt a Certificate of the Second or Third Class.

No Allowance till 12 Months after the Bankruptcy.

If after 12 Months Dividends paid be under 10*s.*, Bankrupt may be allowed 3 per Cent. and 300*l.*

One Partner may receive Allowance, although other not entitled.

CXCVI. That in all joint Fiats or Petitions for Adjudication of Bankruptcy under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although the other Partner may not be entitled to any Allowance.

If Produce of Estate pay 20*s.* in the Pound, and leave Surplus, such Surplus to be paid to Bankrupt after Payment of Interest on Debts.

CXCVII. That if the Produce of the Estate of any Bankrupt shall be sufficient to pay Twenty Shillings in the Pound and Interest as herein-after mentioned, and to leave a Surplus, the Court may order such Surplus to be paid to such Bankrupt, his Executors, Administrators, or Assigns; and every such Bankrupt shall be entitled to recover the Remainder, if any, of the Debts due to him; but such Surplus shall not be paid until all the Creditors who have proved shall have received Interest upon their Debts to be calculated and paid at the Rate and in the Order following; *viz.*, all Creditors whose Debts are by Law entitled to carry Interest in the event of a Surplus shall first receive Interest on such Debts at the Rate of Interest reserved or by Law payable or provable thereon, to be calculated from the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy; and after such Interest shall have been paid, all other Creditors who have proved shall receive Interest on their Debts from the Date of the Fiat or of such Petition at the Rate of Four Pounds *per Centum per Annum*.

30. *Of the Certificate of Conformity.*

And with respect to the Certificate of Conformity, be it enacted,

Mode of obtaining Certificate of Conformity.

CXCVIII. That forthwith after the Bankrupt shall have passed his last Examination, the Court shall appoint a public Sitting for the Allowance of his Certificate (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette* and to the Solicitor of the Assignees), and at such Sitting the Assignees or any of the Creditors of such Bankrupt who shall have given to the Registrar of the Court Three clear Days Notice in Writing of his Intention to oppose, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and

and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require.

30. *Of the Certificate of Conformity.*

Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c.; no Certificate allowed before the Commencement of Act to require Confirmation.

CXCIX. That the Certificate of Conformity under this Act shall be in Writing under the Seal of the Court and the Hand of the Commissioner, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery (and shall be in the Form contained in the Schedule Z. to this Act annexed, or to the like Effect); and Notice of the Allowance of such Certificate and of the Class thereof shall be advertised in the *London Gazette*, in such Manner as may be directed by any Rule or Order to be made in pursuance of this Act; and every Certificate of Conformity allowed by any Commissioner before the Time appointed for the Commencement of this Act, though not confirmed according to the Laws in force before that Time, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Fiat.

Certificate to discharge Bankrupt from all Debts due by him when he became bankrupt.

CC. That the Certificate of Conformity allowed under this Act, subject to the Provisions herein contained, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt.

Bankrupt not entitled to Certificate if he has lost by Gaming 20*l.* in One Day, or 200*l.* within 12 Months, or 200*l.* by Stock-jobbing; or concealed or destroyed Books, &c.; or made fraudulent Entries, or concealed any Property, or permitted fictitious Debts to be proved.

CCI. That no Bankrupt shall be entitled to a Certificate of Conformity under this Act, and any such Certificate, if allowed, shall be void, if such Bankrupt shall have lost by any Sort of Gaming or Wagering in One Day Twenty Pounds, or within One Year next preceding the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy Two hundred Pounds, or if he shall within One Year next preceding the issuing of the Fiat or the filing of such Petition have lost Two hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract; or if such Bankrupt shall after an Act of Bankruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have parted with, concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document with Intent to defraud his Creditors, or shall have concealed any Part of his Property, or if any Person having proved a false Debt under the Bankruptcy, such Bankrupt being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such Knowledge.

Contract or Security to induce Creditor to forbear Opposition, void.

CCII. That any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, or to forbear to petition for the Recall of the same, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence.

Certificate may be recalled.

CCIII. That at any Time within Six Months after any Certificate of Conformity shall have been allowed, and subject to such Order as to Deposit of Costs as may by any General Rule or Order to be made in pursuance of this Act be directed, any Creditor of the Bankrupt, or any Assignee, official or other, may apply to the Vice Chancellor that such Certificate may be recalled and delivered up to be cancelled; and the Vice Chancellor may, on good Cause shown, order such Certificate to be recalled and cancelled.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.

CCIV. That no Bankrupt, after his Certificate shall have been allowed, shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, and if any Bankrupt be sued upon any such Contract, Promise, or Agreement, he may plead the General Issue, and give this Act and the special Matter in Evidence.

Bankrupt having obtained his Certificate free from Arrest.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

CCV. That any Bankrupt who shall, after his Certificate shall have been allowed, be arrested, or have any Action brought against him, for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he came bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Fiat, or Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt's producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate not to be delivered to Bankrupt

CCVI. That no such Certificate shall be delivered to the Bankrupt until after the Expiration of the Time allowed for entering an Appeal; and if an Appeal be duly entered against the Judgment of such Court

until after Expiration of Time for Appeal; and if Appeal duly entered, Certificate to be further kept by the Court to abide the Judgment of the Vice Chancellor.

Court for the Allowance of the Certificate, or for the Refusal, the withholding, or the Class of the Certificate, and Notice thereof be given to the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, the Certificate shall be further kept by the Court, and abide the Judgment of the Vice Chancellor thereupon; and upon any Appeal duly entered and prosecuted relating to the Certificate or to the Judgment of the Court as to any Offence under this Act charged against the Bankrupt, the Vice Chancellor shall have Power to rescind or vary the Order of the Court below, or to make such other Order thereon as he may think fit; and upon an Order for the Allowance of any Certificate by the Vice Chancellor, and whether with Conditions or not, or after a Suspension thereof by Order of the Vice Chancellor or not, such Certificate may be allowed and signed by the Court below, or by the Vice Chancellor.

Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless obtained fraudulently.

CCVII. That the Allowance of the Certificate by the Court, and any Order for the Refusal or Suspension of the Allowance thereof, except in case of Appeal, shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see good and sufficient Cause to believe that the Allowance of such Certificate, or the Refusal or Suspension thereof, has been obtained on false Evidence or by reason of an improper Suppression of Evidence, or has otherwise been fraudulently obtained, in any of which Cases it shall and may be lawful for the Court, upon the Application of the Bankrupt, or of any Creditor of the Bankrupt, and subject to such Order as to Deposit of a Sum for Costs, and to such Notices to the Bankrupt and to Creditors, by Advertisement or otherwise, as the Court shall think fit, to grant a Re-hearing of the Matter, and to re-hear the same accordingly; and upon such Re-hearing the Court shall make such Order as to the Allowance of the Certificate, or the Refusal or Suspension thereof, as the Justice of the Case may require, in like Manner, upon like Conditions, and having regard to the like Circumstances, so far as the Case will admit, as upon an original Hearing; and in case the Certificate shall have been previously allowed, and upon such Re-hearing the Allowance thereof shall not be confirmed, such Certificate shall have no Force or Effect whatever, and the same shall be delivered up to the Court and cancelled.

31. *Of Estates Tail.*

And with respect to Estates Tail and Base Fees, be it enacted,

Certain Clauses of 3 & 4 W. 4. c. 74. extended to Proceedings under Petition for Adjudication.

CCVIII. That such of the Clauses of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXIV, LXV, LXVI, LXVII, LXVIII, LXIX, LXXI, LXXII, LXXIII, shall extend and apply to Proceedings in Bankruptcy under a Petition for Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

32. *Of Copyholds.*

And with respect to Copyholds, be it enacted,

Court may sell Copyhold Lands for Benefit of Creditors.

CCIX. That the Court shall have Power to sell, and by Deed indented, and enrolled in the Courts of the Manor or Manors whereof the Lands respectively may be holden, to convey, for the Benefit of the Creditors, any Copyhold or Customaryhold Lands, or any Interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any Person or Persons on behalf of the Court of Bankruptcy to surrender the same, for the Purpose of any Purchaser being admitted thereto.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

CCX. That every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements, for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

33. *Of Arrangements under the Control of the Court.*

And with respect to Arrangements between Debtors and their Creditors under the Superintendence and Control of the Court, be it enacted,

Any Trader unable to meet his Engagements with his Creditors may petition the Court for Protection.

CCXI. That any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of the Court of Bankruptcy, and of submitting himself to the Jurisdiction of the Court, in manner herein-after mentioned, may present a Petition to the Court, setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from all Process until further Order; and the Court, on such Petition, shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and, if the Petitioner be in Prison or in Custody for Debt, may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which such Petitioner is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy,

or

or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit such Petitioner may be in Prison or in Custody against such Petitioner, except the Right of detaining him in Prison or in Custody, whilst protected from Imprisonment by Order of the Court.

33. *Of Arrangements under the Control of the Court.*

Petition to be supported by Affidavit.

CCXII. That every such Petition shall be in the Form contained in the Schedule A a. to this Act annexed, and be filed and prosecuted in the Court within the District of which the Petitioner shall have resided or carried on Business for Six Months next immediately preceding the Time of filing such Petition, unless the Senior Commissioner shall order the same to be filed and prosecuted or further prosecuted in any other District, and which Order he shall have Power to make, and the Date of filing every such Petition shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form contained in the Schedule A b. to this Act annexed.

Court to appoint private Sitting and Official Assignee, &c.

CCXIII. That forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time and Place as it may name, and shall at the same Time appoint an Official Assignee to act in the Matter of such Petition, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner, or any Part thereof, shall be possessed and received by such Official Assignee, or be taken possession of by the Messenger of the Court; and all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to the like Rule and Regulation for the keeping the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as in Bankruptcy, and the Court shall have Power to examine on Oath such Petitioner, or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting or any subsequent private Sitting, from Time to Time as it shall think fit; and Notice of such private Sitting shall be given in Writing to every Creditor not less than Fourteen Days before the same is held, such Notice to be sent by Post addressed to every Creditor at his last known Place of Business or Residence.

Petitioning Debtor to file Account Ten Days before the Day appointed for private Sitting, and furnish Official Assignee with a Copy.

CCXIV. That such Petitioning Trader shall, Ten Days before the Day appointed for the private Sitting of the Court, file in Court, and in such Form as may by any Rule or Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignee with a Copy of such Account.

At first Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation to be appointed.

CCXV. That at the private Sitting of the Court appointed in manner herein-before mentioned, or at any Adjournment thereof, the Creditors shall prove their Debts, (such Proofs to be in all respects as Proofs in Bankruptcy,) and the Petitioning Trader shall attend, and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting, or at any Adjournment thereof, Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of Ten Pounds shall assent to the Proposal of such Petitioner, or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal, and such Second Sitting shall be held not earlier than Fourteen Days from the First Sitting, and Notice thereof in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Sitting Seven clear Days at least before the Day appointed for such Second Sitting; provided always, that the Court, if it shall think fit, may make Order in any special Case that Service of such Notice at the last known Place of Abode or Business of any Creditor shall be deemed good Service.

If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all; and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same.

CCXVI. That at such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of Ten Pounds shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement (subject to such Confirmation as is herein-after mentioned) shall thenceforth be binding and of full Force, as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings of the Court; and the Court, if it shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed and entered of Record, and shall grant to the Petitioner a Certificate of the filing and entering of Record of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest; and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case; provided however, that no such Protection shall be valid in favour of any such Petitioner who shall be proved to have been about to abscond beyond the Jurisdiction of the Court, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Account filed by such Petitioner, nor against any Creditor whose Debt has been contracted by such Petitioner by any Manner of Fraud or Breach of Trust.

CCXVII. That

Person authorized by Letter of Attorney may vote.

CCXVII. That any Person duly authorized by Letter of Attorney from any Creditor who has proved a Debt to the Amount of Ten Pounds and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee, and either alone or (if required by Resolution) jointly with any other Person.

CCXVIII. That from and after the Date of the Approval and Confirmation of such Resolution or Agreement all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignee (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution,) as fully as if such Official Assignee were an Assignee under any Bankruptcy; and every such Official Assignee may sue and be sued as if he were such Assignee; and in the event of the Death, Resignation, or Removal of any such Official Assignee, the Court shall have Power to appoint another; and if the Estate and Effects shall have vested in such Official Assignee, the same shall vest in the new Official Assignee so appointed, in the same Manner as in Bankruptcy.

Official Assignee to file Account every Six Months.

CCXIX. That the Official Assignee shall once at least in every Six Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to his Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and, if need be, order Payment to the Creditors of such Petitioner, according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear to be just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c., a Special Sitting may be held.

CCXX. That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the Court to cause a Special Sitting of the Court to be held; and the Resolution of the Majority of the Creditors at such Sitting who have proved Debts to the Amount of Ten Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting, the Resolution thereof shall not be valid unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCXXI. That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied, according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under the Hand and Seal of the Commissioner in the Form contained in the Schedule A c. to this Act annexed, setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy, except only that any Debt which shall have been contracted wholly or in part by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, shall not be barred by such Certificate.

Court, being satisfied, to give Official Assignee a Certificate.

CCXXII. That the Court, on being satisfied that the Official Assignee has fully performed his Trust, shall give to him a Certificate thereof in the Form contained in the Schedule A d. to this Act annexed; and such Certificate shall be a full Release and Acquittance to such Official Assignee, both in Law and Equity, for all Matters done by him as such Official Assignee.

If Petitioning Debtor do not attend Sittings, of the Court, or if he do not file Account, &c., Petition to be dismissed, and if at first Sitting Proposal be not assented to, or if Debts contracted by Fraud, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

CCXXIII. That if such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid, within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition shall be dismissed; and if at the first private Sitting of the Court, or at any Adjournment thereof, the Proposal of the Petitioner, or some Modification thereof, be not assented to, or if at any Time after the filing of any Petition for Protection it shall be shown to the Satisfaction of the Court, by any Creditor, that the Debts of such Petitioner, or any Part thereof, have been contracted by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, or if it shall be shown that the Affidavit filed with his Petition was wilfully untrue, so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a *bonâ fide* Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or that he has postponed the Presentation of his Petition longer than was excusable, or if within Three Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination, as in Bankruptcy; and such Petitioner shall thenceforth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any

Proposal

Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power, at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of such Inquiry, and may summon before it such Petitioning Trader, or any other Person, and examine him upon Oath touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

34. *Of Arrangements by Deed.*

And with respect to Arrangements by Deed, be it enacted,

Deed of Arrangement between a Debtor and his Creditors, executed by Six Sevenths in Number and Value of Creditors whose Debts amount to 10*l.*, to be binding on all.

CCXXIV. That every Deed or Memorandum of Arrangement now or hereafter entered into between any such Trader and his Creditors, and signed by or on behalf of Six Sevenths in Number and Value of those Creditors whose Debts amount to Ten Pounds and upwards, touching such Trader's Liabilities, and his Release therefrom, and the Distribution, Inspection, Conduct, Management, and Mode of winding-up of his Estate, or all or any of such Matters, or any Matters having reference thereto, shall (subject to the Conditions herein-after mentioned) be as effectual and obligatory in all respects upon all the Creditors who shall not have signed such Deed or Memorandum of Arrangement as if they had duly signed the same; and such Deed or Memorandum, when so signed, shall not be or be liable to be disturbed or impeached by reason of any prior or subsequent Act of Bankruptcy: Provided always, that every Creditor shall be accounted a Creditor in Value in respect of such Amount only as, upon an Account fairly stated, after allowing the Value of mortgaged Property and other such available Securities or Liens from such Trader, shall appear to be the Balance due to him.

Deed not to be effectual upon Creditor who has not signed, until after Expiration of Three Months from Notice of Suspension and of proposed Deed, &c., unless Court shall otherwise order.

CCXXV. That no such Deed or Memorandum of Arrangement shall be effectual or obligatory upon any Creditor who shall not have signed the same, until after the Expiration of Three Months from the Time at which such Creditor shall have had Notice from such Trader of his Suspension of Payment, and of such Deed or Memorandum of Arrangement, unless such Trader shall within such Time obtain from the Court an Order or Certificate of the said Court declaring or certifying that such Deed or Memorandum of Arrangement has been duly signed by or on behalf of such Majority of the Creditors as aforesaid; and it shall be lawful for the Court within the District of which the Trader shall have resided or carried on Business for Six Months next immediately preceding his Suspension of Payment to make such Order or Certificate on the Petition of any such Trader, and to exercise Jurisdiction in and over the Matters of any such Application; and no Creditor who shall not have had Fourteen Days Notice of any intended Application for such Order or Certificate as aforesaid shall be bound thereby.

Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed, which Certificate shall be filed, &c.

CCXXVI. That when the Trustee or Inspector under any such Deed or Memorandum of Arrangement, or, if there shall be no such Trustee or Inspector, when any Two of the Creditors, shall be satisfied that Six Sevenths in Number and Value of the Creditors whose Debts amount to Ten Pounds and upwards have signed such Deed or Memorandum, it shall be lawful for such Trustee or Inspector, or for such Two Creditors, as the Case may be, to certify the same to the Court in Writing, and such Certificate shall be filed with the Registrar of the Court, and shall thereupon be *primâ facie* Evidence in all Courts of Law and Equity that such Deed or Memorandum of Arrangement has been so signed.

Account of Debts, &c. to be annexed to such Certificate, and to be verified by Affidavit of Arranging Debtor.

CCXXVII. That every such Certificate as last aforesaid shall have appended thereto a full Account of the Debts of such Trader, together with the Names, Residences, and Occupations of his Creditors, and shall be accompanied by an Affidavit by such Trader verifying the same; and any Omission in such Account, or the Insertion therein of any Debt not really existing, or of any larger Amount of Debt than that really existing, and which shall appear to the Court to have been made through the culpable Negligence or Fraud of such Trader, with Intent to defraud any of his Creditors, shall deprive him of the Benefit of the Provisions of this Act with respect to Arrangements by Deed, and of the Discharge proposed in any such Deed or Memorandum of Arrangement: Provided always, that any Omission, Insertion, or Incorrectness in such Account, which shall not have been made through such culpable Negligence or Fraud as aforesaid, shall not defeat or otherwise affect such Deed or Memorandum of Arrangement.

Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced as against Third Persons.

CCXXVIII. That the Creditors of every such Trader shall have the same Rights respectively as to Set-off, mutual Credit, Lien, and Priority, and joint and separate Assets shall be distributed, in like Manner as in Bankruptcy; and no Creditor shall be prejudiced or affected by being a Party to any such Deed or Memorandum of Arrangement as aforesaid, or by the same being obligatory upon him as to his Right or Remedy against any Person other than such Trader; and every Person who would be entitled to prove in Bankruptcy shall be deemed a Creditor within the Meaning of the Provisions of this Act with respect to Arrangements by Deed.

In case of improper Administration any Creditor may apply to the Court.

CCXXIX. That if any Creditor of any Trader shall be desirous to show that the Administration of the Estate of such Trader has not been duly conducted in conformity with such Deed or Memorandum of Arrangement, it shall be lawful for him to apply to the Court by Petition, supported by Affidavit, stating any Facts or Circumstances to show that such Administration has not been duly conducted, and thereupon the Court shall have full Power and it is hereby fully authorized to consider the Subject Matter of such Application, and if it shall think fit may direct any Inquiry, and in such Manner as it shall think proper, into the Subject of such Application, and generally may make such Order and exercise such Jurisdiction in or over the Subject Matter of such Application and the Costs thereof as to the said Court shall appear just.

35. *Composition after Bankruptcy.*

And with respect to Composition after Adjudication of Bankruptcy, be it enacted,

If after Adjudication Nine Tenths in Number and Value of Creditors accept Composition the same shall bind the rest

CCXXX. That any Bankrupt, at any Time after he shall have passed his last Examination, may call a Meeting of his Creditors (whereof, and of the Purport whereof, Twenty-one Days Notice shall be given in the *London Gazette*), and if the Bankrupt or his Friends shall make an Offer of Composition, and Nine Tenths in Number and Value of the Creditors assembled at such Meeting shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and if at such Second Meeting Nine Tenths in Number and Value of the Creditors then present shall also agree to accept such Offer, the Court shall and may, upon such Acceptance being testified by them in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy, and supersede or dismiss the Fiat or Petition for Adjudication, and every Creditor of such Bankrupt shall be bound to accept of such Composition so agreed to.

Mode of voting in deciding upon such Composition.

CCXXXI. That in deciding upon the Offer of Composition no Creditor whose Debt is below Twenty Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of Fifty Pounds and upwards residing out of *England* shall be personally served with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat, and such Creditor shall be entitled to vote by Letter of Attorney, executed and attested in manner required for a Creditor's voting in the Choice of Assignees; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

36. *Of Evidence.*

And with respect to Evidence, be it enacted,

Officer of Court to produce Proceedings, and give Copies thereof.

CCXXXII. That the proper Officer of the Court in *London* and in the several Districts in the Country shall, on the reasonable Request of any Bankrupt or Arranging Debtor, or of any Creditor of such Bankrupt having proved his Debt, or of an Arranging Debtor, when the Debt of the Arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Debtor, or Creditor, produce and show to such Bankrupt, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Fiat, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, and Petition for Arrangement, against or by such Bankrupt, and all Orders and Proceedings under any such Fiat, Petition, or Adjudication, and the Court shall order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Fiat, Petition, or Adjudication, and the Estate of the Bankrupt or Debtor in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall provide for any such Bankrupt, Debtor, Creditor, or Attorney requiring the same an Office Copy of such Fiat, Petition, or other Proceeding, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as may be authorized in that Behalf.

If Bankrupt do not dispute the Fiat or Petition, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and against Persons whom Bankrupt might have sued if not adjudged bankrupt.

CCXXXIII. That if the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication), within Twenty-one Days after the Advertisement of the Bankruptcy in the *London Gazette*, or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced an Action, Suit, or other Proceeding to dispute or annul the Fiat, or the Petition for Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and suing forth of such Fiat, or before the Date and filing of the Petition for Adjudication, and that such Fiat was sued forth, or such Petition filed, on the Day on which the same is stated in the Gazette to bear Date.

In certain Actions by or against any Person acting under the Bankruptcy no Proof required at the Trial of Petitioning Creditor's Debt, &c., unless Notice be given that those Matters are to be disputed.

CCXXXIV. That in any Action, other than an Action brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained an Action had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required, at the Trial, of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice; and such Costs shall, if such Assignees or other Person shall obtain a Verdict, be added to the Costs, and if the other Party shall

obtain

obtain a Verdict shall be deducted from the Costs which such other Party would otherwise be entitled to receive from such Assignees or other Person.

The same in Suits in Equity.

CCXXXV. That in all Suits in Equity, other than a Suit brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained a Suit in Equity had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after Rejoinder give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.

CCXXXVI. That any Fiat, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, Petition for Arrangement between a Debtor and his Creditors, Assignment, Appointment of Assignees, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court, without any further Proof thereof, and no such Document or Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided: Provided always, that all Fiats and Proceedings under the same which may have been entered of Record before the passing of the Act passed in the Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or purporting to have been sealed before the Commencement of this Act with the Seal of the Court of Bankruptcy theretofore in use, or a Writing purporting to be a Copy of any such Document, and purporting to have been so sealed, shall and may upon the Production thereof, and in the Case of any Fiat or Proceedings entered of Record before the passing of the last-mentioned Act, with the Certificate thereon, purporting to be signed by the Person duly authorized to enter Proceedings in Bankruptcy, or by his Deputy, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place, anything herein-before contained notwithstanding.

2 & 3 W. 4. c. 114.

Judicial Notice to be taken of Signature of Commissioner, &c.

CCXXXVII. That all Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Evidence of Declaration of Insolvency.

CCXXXVIII. That a Copy of a Declaration of Insolvency under this Act, purporting to be certified by the Lord Chancellor's Secretary of Bankrupts or any of his Clerks as a true Copy shall be received as Evidence of such Declaration having been filed.

Copy of Petition, &c. under Insolvent Debtors Act in England or in India, &c. to be admitted as Evidence.

CCXXXIX. That a Copy of any Petition filed in the Court for the Relief of Insolvent Debtors in *England*, or in any Court for Relief of Insolvent Debtors at *Calcutta*, *Madras*, or *Bombay*, or at the Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca*, and of any Vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

Advertisements, when Evidence.

CCXL. That a Copy of the *London Gazette* and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement; and all Proceedings or Notices required by this Act to be inserted in the *London Gazette* shall be marked with the Seal of the Court from which such Proceedings or Notices shall be issued, and certified by One of the Registrars of the said Court.

Provisions of 6 & 7 Vict. c. 85. to apply to Proceedings under this Act.

CCXLI. That the Provisions of an Act passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for improving the Law of Evidence*, shall be applicable to any Matter or Proceeding in prosecution under the Provisions of this Act, and to any Matter, Question, or Inquiry arising in any Court of Law or Equity out of or consequent upon any such Matter or Proceeding.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

CCXLII. That in the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

Before whom Affidavits are to be sworn.

CCXLIII. That all Affidavits to be made or used in Matters of Bankruptcy, or in any Matter or Proceeding whatever under this Act, shall and may be sworn before the Court, or any Commissioner, Registrar, or Master thereof, or before a Master in Ordinary or Extraordinary of the High Court of Chancery, or before any Clerk of Affidavits, Assistant Clerk, or Second Assistant Clerk of Affidavits

36. *Of Evidence.*

of the High Court of Chancery, or in *Scotland* or *Ireland* before such Master Extraordinary aforesaid, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate and attested by a Notary, or before a *British* Minister, Consul, or Vice Consul.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison.

CCXLIV. That any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *England*, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or if within Twelve Hours none such shall attend, then before the principal Keeper or Gaoler of such Prisons or Gaols, and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

Evidence may be taken vivâ voce or upon Affidavit.

CCXLV. That the Lord Chancellor or the Vice Chancellor, or the Court of Bankruptcy or any Commissioner thereof, may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either *vivâ voce* on Oath, or by Interrogatories in Writing, or upon Affidavit.

Bankrupt and Wife to be examined upon Declaration.

CCXLVI. That all Persons who are now or shall hereafter be declared Bankrupts under any Fiat or Petition for Adjudication of Bankruptcy, and the Wives of such Persons respectively, shall and may be examined before the Court, after making and signing the Declaration contained in the Schedule to this Act annexed, without being sworn on Oath.

37. *Of Solicitors.*

Chancery Solicitors duly admitted in Court of Bankruptcy may practise in the Court. 6 & 7 Vict. c. 73.

CCXLVII. And with respect to Solicitors, be it enacted, That every Solicitor of the High Court of Chancery heretofore or hereafter duly admitted as a Solicitor of the Court of Bankruptcy in manner directed by the Statute passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales, and subject to the Provisions in the same Act, may appear and plead in any Proceedings in the Court, without being required to employ Counsel; and in case any Person, not being such Solicitor, shall practise in the Court as a Solicitor, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto.

38. *Of Costs.*

And with respect to Costs, be it enacted,

Powers given to Lord Chancellor, &c. in Bankruptcy under 1 & 2 Vict. c. 110. to be applicable to this Act.

CCXLVIII. That the Provisions in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty, and intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Review therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor and the said Court of Review in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor and of the Vice Chancellor in Matters of Bankruptcy under this Act.

Court may award Costs, to be recovered as if awarded by Rule of a Superior Court at Westminster.

CCXLIX. That the Court may in all Matters before it award such Costs as to such Court shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Westminster* may be recovered, and that the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Courts for Costs.

Witnesses, &c. entitled to Costs of Attendance, &c.

CCL. That every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, shall have such Costs and Charges as the Court in its Discretion shall think fit; and every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

39. *Of Offences against the Law of Bankruptcy, &c.*

And with respect to Offences against the Law relating to Bankruptcy and other Matters in this Act, be it enacted,

Bankrupt not surrendering, or not delivering up Books, &c., or removing, concealing, or embezzling Estate.

CCLI. That if any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally or left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *London Gazette* of the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy against him, as the Case may be, and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of the Court at such Time, and allowed by the Court by a Memorandum thereof then made on the Proceedings,) surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time; or if any such Bankrupt, upon such Examination, shall not discover all his Real and Personal Estate, and how, and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate (and all Books, Papers, and Writings relating thereunto, except such Part as shall have been really and *bonâ fide* before sold or disposed of in the way of his Trade, or laid out in the ordinary Expense of his Family); or if any such Bankrupt, upon such Examination, shall not deliver up to such Court all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power (except the necessary Wearing Apparel of himself, his Wife and Children); or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors; every such Bankrupt shall be deemed guilty of Felony, and be liable to Transportation for Life, or for such Term not less than Seven Years as the Court before which he shall be convicted shall

adjudge,

adjudge, or shall be liable to Imprisonment, with or without hard Labour, for any Term not exceeding Seven Years.

39. *Of Offences against the Law of Bankruptcy, &c.*

Destroying or falsifying Books, &c.

CCLII. That if any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without hard Labour.

Obtaining Goods on Credit under false Pretence within Three Months preceding Bankruptcy.

CCLIII. That if any Bankrupt shall, within Three Months next preceding the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels with Intent to defraud the Owner thereof, or if any Bankrupt shall within such Time and with such Intent remove, conceal, or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

False Evidence.

CCLIV. That any Bankrupt or Bankrupt's Wife who shall, upon any Examination upon Affirmation, or after making and signing the Declaration authorized or directed by this or any other Act relating to Bankrupts, and any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or solemn Affirmation so authorized or directed, or in any Affidavit or Deposition or solemn Affirmation wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Court may direct Prosecution.

CCLV. That if any Bankrupt shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of his Estate and Effects, or if there be no such Estate and Effects then out of the Monies standing in the Bank of *England* to the Credit of the Account intituled the Chief Registrar's Account, and such Assignees shall thereupon institute and carry on such Prosecution accordingly; and in case the said Assignees shall refuse or neglect to institute and carry on such Prosecution, no reasonable Impediment being made known to and allowed by the Court, the Court may order the same to be instituted and carried on either by the Official Assignee alone, or by the Creditors making such Request, as the Court may think fit.

If at Sitting for last Examination it appear that Bankrupt has been guilty of certain Offences, further Protection to be refused; and if at Sitting for Allowance of Certificate it appear that he has been guilty of any of such Offences, Court to refuse or suspend Certificate, and to refuse further Protection.

CCLVI. That if at the Sitting appointed for the last Examination of any Bankrupt, or at any Adjournment thereof, it shall appear to the Court that the Bankrupt has committed any of the Offences herein-after enumerated, the Court shall refuse to grant the Bankrupt any further Protection from Arrest; and if at any Sitting or adjourned Sitting for the Allowance of the Certificate of any Bankrupt it shall appear that he has committed any of such Offences, the Court shall refuse to grant such Certificate, or shall suspend the same for such Time as it shall think fit, and shall in like Manner refuse to grant the Bankrupt any further Protection.

Offences referred to:

First.—If the Bankrupt shall at any Time after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, or within Two Months next preceding the issuing of such Fiat or the filing of such Petition, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, have destroyed any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Second.—If the Bankrupt shall, with the like Intent, have kept or caused to be kept false Books, or have made false Entries in, or withheld Entries from, or wilfully altered or falsified, any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Third.—If the Bankrupt shall have contracted any of his Debts by any manner of Fraud, or by means of false Pretences, or shall by any Manner of Fraud, or by means of false Pretences, have obtained the Forbearance of any of his Debts by any of his Creditors.

Fourth.—If the Bankrupt shall at any Time within Two Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, fraudulently, in contemplation of Bankruptcy, and not under Pressure from any of his Creditors, with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have paid or satisfied any such Creditor, wholly or in part, or have made away with, mortgaged, or charged any Part of his Property, of what Kind soever.

Fifth.—If the Bankrupt shall at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have concealed from the Court or his Assignees any Debt due to or from him, or have concealed or made away with any Part of his Property, of what Kind soever.

Sixth.—If the Bankrupt shall under his Bankruptcy, or at any Meeting of his Creditors within Three Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have attempted to account for any of his Property by fictitious Losses or Expenses.

Seventh.—If the Bankrupt shall, within Six Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have put any of his Creditors to any unnecessary Expense by any vexatious and frivolous Defence or Delay to any Suit for the Recovery of any

Debt

39. *Of Offences against the Law of Bankruptcy, &c.*

Debt or Demand provable under his Bankruptcy, or shall be indebted in Costs incurred in any Action or Suit so vexatiously brought or defended.

Eighth.—If the Bankrupt shall, at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have wilfully prevented or withheld the Production of any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Ninth.—If the Bankrupt shall during his trading have wilfully, and with Intent to conceal the true State of his Affairs, have omitted to keep proper Books of Account; or shall wilfully, and with Intent to conceal the true State of his Affairs, have kept his Books imperfectly, carelessly, and negligently.

Assignees, and Creditors who have proved, to be deemed Judgment Creditors, and Court to grant Certificate thereof, which shall have the Effect of a Judgment of Superior Court at Westminster.

CCLVII. That the Assignees for the Time being of the Estate and Effects of any Bankrupt, when the Accounts relating to his Estate shall have become Records of the Court, shall be deemed Judgment Creditors of such Bankrupt for the total Amount of the Debts which shall by such Accounts appear to be due from him to his Creditors; and every Creditor of any Bankrupt, immediately after the Proof of his Debt shall have been admitted, shall be deemed a Judgment Creditor of such Bankrupt to the Extent of such Proof; and the Court, when it shall have refused to grant the Bankrupt any further Protection, or shall have refused or suspended his Certificate, shall, on the Application of such Assignees or of any such Creditor, grant a Certificate under the Seal of the Court, in the Form contained in Schedule B a. to this Act annexed, and every such Certificate shall have the Effect of a Judgment entered up in one of Her Majesty's Superior Courts of Common Law at *Westminster* until the Allowance of the Certificate of Conformity of such Bankrupt; and the Assignees or the Creditor to whom, according to such Certificate, the Bankrupt shall be indebted as therein mentioned, shall be thereupon entitled to issue and enforce a Writ of Execution against the Body of such Bankrupt; and the Production of any such Certificate to the proper Officer of any such Superior Court shall be sufficient Authority to him to issue and seal such Writ, and it shall be lawful for such Superior Courts to make such Orders and Rules in that Behalf as to them shall seem fit; provided always, that every such last-mentioned Certificate shall be deemed to have been cancelled and discharged by the Allowance of the Certificate of Conformity of such Bankrupt from the Time of such Allowance; provided also, that no Execution by virtue of any Certificate which shall be granted to any Creditor or Assignees as aforesaid shall be issued, nor shall any such Certificate or Execution in any Manner affect any Estate or Effects which shall come to or be acquired by the Bankrupt, after the Allowance of his Certificate of Conformity.

Assignees may issue Execution on such Certificate.

CCLVIII. That the Assignees for the Time being may issue and enforce Execution upon any such Certificate as last aforesaid as fully to all Intents and Purposes as the Assignees to whom such Certificate shall have been originally granted.

Bankrupt taken in Execution not to be discharged except by Order of the Court.

CCLIX. That if any Bankrupt shall be taken in Execution after the Refusal of Protection, or after the Refusal or Suspension of his Certificate, he shall not be discharged from such Execution until he shall have been in Prison for the full Period of One Year, except by Order of the Court: Provided always, that this Enactment shall not take effect until after the Expiration of Six Months from the Commencement of this Act, and then only against such Persons as shall have been adjudged bankrupt under this Act, and for Offences committed after the Commencement of this Act.

Any Person, refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.

CCLX. That if any Bankrupt, or the Wife of any Bankrupt, shall refuse to make and sign the Declaration contained in the Schedule W. to this Act annexed, or if any other Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power, relating to any of the Matters under Inquiry, which such Bankrupt, Wife of the Bankrupt, or Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court, by Warrant, to commit such Bankrupt, Wife of such Bankrupt, or other Person, in *London* to the Queen's Prison, or in the Country to such Prison as such Court shall think fit, (as the Case may be in *London* or in any District in the Country,) there to remain without Bail until he shall submit himself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put by the Court, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

Questions to be particularly specified on Warrant.

CCLXI. That if any Person be committed by the Court for refusing to answer or for not fully answering any Question put to him by the Court, such Court shall in its Warrant of Commitment specify every such Question; provided that if any Person so committed shall bring any Habeas corpus in order to be discharged from such Commitment, and there shall appear on the Return of such Habeas corpus any such Insufficiency in the Form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Person shall be brought by Habeas corpus, and such Court or Judge is hereby required, to commit such Person to the same Prison, there to remain until he shall conform, unless it shall be shown to such Court or Judge by the Person committed that he has fully answered all lawful Questions put to him by the Court, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient Reason for the same: Provided also, that such Court or Judge shall, if required thereto by the Person committed, in case the whole of the Examination of the Person so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Person whereof any such Question was a Part; and if it shall appear from the

the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

39. *Of Offences against the Law of Bankruptcy, &c.*

Assignees under Fiats issued on or prior to 11th Nov. 1842 retaining unclaimed Dividends, &c.

CCLXII. That if it shall at any Time be made to appear to the Court that any Assignee under any Fiat issued on or at any Time prior to the Eleventh Day of *November* One thousand eight hundred and forty-two has, either in his own Hands or in the Hands of any Attorney or at any Bankers, or otherwise subject to his Order or Disposition, or knows that there is or are in the Hands or subject to the Order and Disposition of himself or any Co-Assignee, any unclaimed Dividends or any undivided Surplus, and that such Assignee has not caused a Certificate thereof to be filed as in this Act above required, containing a full and true Account of the Names of the Creditors to whom such unclaimed Dividends are due, and of the Amount of such Dividends, and, as to any undivided Surplus, caused a Certificate stating the full and true Amount of such Surplus to be filed, and has not, as in this Act above required, paid over to the Account intituled "The Unclaimed Dividend Account" the Amount of such unclaimed Dividends, or so much thereof as shall not have been paid to the Creditors or other Persons entitled thereto, and also the Amount of such undivided Surplus, every such Assignee shall be charged, in Account with the Estate of the Bankrupt, with Interest upon the Amount of such unclaimed Dividends or undivided Surplus at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time at which such Certificate is required to be filed, for such Time as he shall thenceforth, either solely or together with any Co-Assignee or other Person, retain such Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Court shall direct, not exceeding in the whole at the Rate of Twenty Pounds *per Centum per Annum* to be computed from the Time aforesaid; and it shall be lawful for the Court to order that such Sum or Sums be forthwith paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy to the Account intituled "The Unclaimed Dividend Account," and also to make such Order as to Costs as the Justice of the Case shall seem to require.

Official Assignee not filing Certificate of unclaimed Dividends subject to Penalty.

CCLXIII. That the Neglect of any Official Assignee to file a Certificate as required by this Act of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management shall be subject to the Provisions herein-before contained with respect to the unclaimed Dividends and undivided Surplus therein mentioned, and as if such Official Assignee had such Dividends and undivided Surplus in his own Hands.

Unclaimed Dividends to be paid, or carried to unclaimed Dividend Account.

CCLXIV. That such last-mentioned unclaimed Dividends and undivided Surplus, and any Penalty payable by any Official Assignee in respect thereof, shall be paid into the Bank of *England*, or carried to the Credit of the Accountant in Bankruptcy to the said Account intituled "The Unclaimed Dividend Account."

Assignee disobeying Direction to pay or invest Money, or permitting Co-Assignee to retain or employ it, to be charged 20 per Cent.

CCLXV. That if any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ, any Sum to the Amount of more than One hundred Pounds, Part of the Estate of any Bankrupt, or shall neglect to invest any Money in the Purchase of Exchequer Bills when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty *per Centum per Annum* on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same in the Purchase of Exchequer Bills; and the Court is hereby required to charge every such Assignee in his Account accordingly.

Persons disobeying Order of Court to be committed to Prison until they conform, or the Court, &c. shall otherwise order.

CCLXVI. That if any Person shall disobey any Rule or Order of the Court duly made by such Court for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, the Court may, by Warrant in the Form contained in Schedule B b. to this Act annexed, commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprize until such Court, or the Vice Chancellor or the Lord Chancellor, shall make Order to the contrary.

If Debt not due, or Bankruptcy not proved, and the Fiat or Petition was issued or filed fraudulently, &c., Court may order Satisfaction.

CCLXVII. That if the Debt stated by the Petitioning Creditor in his Affidavit or in his Petition for Adjudication, and verified by Affidavit, to be due to him from any Trader, shall not be really due, or if after a Fiat issued, or Petition for Adjudication of Bankruptcy filed, it shall not have been proved that the Person against whom such Fiat has been issued or Petition filed had committed an Act of Bankruptcy and was a Trader at the Time of the issuing of the Fiat or filing of such Petition, and it shall also appear that such Fiat was issued, or that such Petition was filed, fraudulently or maliciously, the Court shall and may, upon Petition of the Person against whom any such Fiat or Petition was so issued or filed, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

Petitioning Creditor compounding with Trader after Bankruptcy.

CCLXVIII. That if any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Concealing Bankrupt's Effects.

CCLXIX. That any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt, and who shall not, within Forty-two Days after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, discover such Estate to the Court or to the Assignees, shall forfeit the Sum of

Allowance to Persons making Discovery.

of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Assignees any Part of such Bankrupt's Estate not before come to the Knowledge of the Assignees shall be allowed Five *per Centum* thereupon, and such further Reward as the Assignees, with the Consent of the Court, shall think fit, to be paid out of the Estate recovered on such Discovery.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, &c.

CCLXX. That if any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt, or to forbear to petition for the Recall of the same, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained (as the Case may be).

Officers, &c. taking Fees improperly.

CCLXXI. That if any Commissioner, Registrar, Accountant, Master, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act or any other Act relating to Bankrupts, or under Colour of doing anything under this Act or any such other Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take, for him or on his Account, or for or on account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or anything of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.

CCLXXII. That any Person who shall insert or cause to be inserted in the *London Gazette*, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Commissioner, or Officer, or the Seal of the Court.

CCLXXIII. That if any Person shall forge the Signature of any Commissioner or Registrar, or of the Accountant, Master, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any such Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Accountant, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

Gaoler suffering Persons committed to escape, &c.

CCLXXIV. That if any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt or other Person shall be duly committed shall refuse to receive such Bankrupt or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit Five hundred Pounds.

Application of Forfeitures.

CCLXXV. That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be paid over to the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

40. *Definition of Terms, &c.*

And with respect to the Definition and Explanation of Terms, be it enacted,

CCLXXVI. That the Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Lord Chancellor:" The Term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being:

"Vice Chancellor:" The Term "Vice Chancellor" shall mean such One of the Vice Chancellors of the High Court of Chancery as shall for the Time being have duly vested in him Jurisdiction in Bankruptcy:

"Court:" The Term "the Court" and the Term the "Court of Bankruptcy" shall mean Her Majesty's Court of Bankruptcy, and shall mean also and include any Commissioner or Commissioners of Her Majesty's Court of Bankruptcy constituting and acting as a Court under this Act:

"Senior Commissioner:" The Term the "Senior Commissioner" shall mean the Senior Commissioner of the Court acting in *London*, which Seniority shall be determined by the Date of the Letters Patent or Commission under which the Commissioners of the Court acting in *London* were or shall be appointed, and in the event of such Letters Patent or Commission bearing the same Date, then by the Place and Precedence of such Commissioners at the Bar:

"Fiat" and "Fiat in Bankruptcy:" The Terms "Fiat" and "Fiat in Bankruptcy" shall mean also and include any Commission of Bankrupt:

"Annulling:" The Term "annulling" shall mean also and include "superseding":

"Month:" The Term "Month" shall mean a Calendar Month:

"Assignees:" The Term "Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt:

"Oath:" The Term "Oath" shall be deemed to include the Declaration or Affirmation of any Person authorized by Law to declare or affirm:

"Bank of England:" The Term "Bank of *England*" shall include all Branches thereof:

Words

Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One: 40. *Definition of Terms, &c.* Number and Gender.

And in all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act, for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a *Sunday*, *Christmas Day*, *Good Friday*, *Monday* or *Tuesday* in *Easter* Week, or a Day appointed for a public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. Where any particular Number of Days is prescribed for doing any Act, how Time to be reckoned.

CCLXXVII. And be it enacted, That this Act shall extend to Aliens and Denizens, both to make them subject thereto, and to entitle them to all the Benefits given thereby. 41. Aliens, &c.

CCLXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. 42. Act may be amended, &c.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

ACTS and PARTS of ACTS repealed.

Date of Act.	Title.	Extent of Repeal.
6 G. 4. c. 16. -	An Act to amend the Laws relating to Bankrupts.	The whole.
1 & 2 W. 4. c. 56. -	An Act to establish a Court of Bankruptcy.	The whole, except as herein-before in the Bankrupt Law Consolidation Act, 1849, is excepted, and except so far as relates to the Appointment, Tenure of Office, and Removal of Commissioners, Registrars, Deputy Registrars, and Official Assignees of the Court of Bankruptcy, and except so far as the Act prohibits such Commissioners, Registrars, and Deputy Registrars from practising as a Barrister, or being an Attorney or Solicitor, or renders such Commissioners, Registrars, Deputy Registrars, Official Assignees, and the Lord Chancellor's Secretary of Bankrupts, incapable of being elected or sitting as a Member of the House of Commons, and except so far as relates to the Grant of Compensations to Officers and Persons whose Offices, Places, Fees, or Emoluments were discontinued and abolished.
3 & 4 W. 4. c. 47. -	An Act to authorize His Majesty to give further Powers to the Judges of the Court of Bankruptcy, and to direct the Times of Sitting of the Judges and Commissioners of the said Court.	The whole.
1 & 2 Vict. c. 110. -	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England.	So far as relates to the Manner of making bankrupt any Trader within the Meaning of the Laws then in force respecting Bankrupts, upon the filing of an Affidavit or Affidavits of Debt or Debts in the Court of Bankruptcy, and after Notice in Writing requiring immediate Payment of such Debt or Debts.

Date of Act.	Title.	Extent of Repeal.
2 Vict. c. 11. - -	An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy.	So far as relates to the Protection of Purchasers against secret Acts of Bankruptcy and Fiats in Bankruptcy.
2 & 3 Vict. c. 29. -	An Act for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws.	The whole.
5 & 6 Vict. c. 122. -	An Act for the Amendment of the Law of Bankruptcy.	The whole, except as herein-before in the Bankrupt Law Consolidation Act, 1849, is excepted, so far as the Act repeals any other Act or Acts or any Part of any other Act or Acts, and except so far as relates to the Appointment, Tenure of Office, and Removal of additional Commissioners, Deputy Registrars, and Official Assignees to act in the Country, except so far as relates to the Salaries of Commissioners, and except so far as relates to the Transfer of the Duties and Business of the Clerk of Enrolments to the Registrar of the Court acting in Basinghall Street, and except so far as relates to Retiring Annuities and Allowances, and except so far as relates to the Allowance of travelling and other Expenses to the Commissioners and Deputy Registrars.
7 & 8 Vict. c. 96. -	An Act to amend the Law of Insolvency, Bankruptcy, and Execution.	So far as relates to the Powers of the Lord Chancellor to issue Fiat against a Trader upon Petition of the Trader himself, and to attach the Commissioners acting in the Country to any District.
8 & 9 Vict. c. 48. -	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to England.
10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for the Relief of Insolvent Debtors.	So far as the Act enacts that all Laws, Orders, and Authorities touching the Practice and Manner of Proceeding in the Court of Review, and appealing to and from that Court, shall continue in force and be applicable to the Jurisdiction of the Vice Chancellor appointed to act in Bankruptcy, and so far as the Act enacts that all Sums and Fees shall continue to be payable and receivable by the like Persons, and to be paid and applied to the like Purposes, as the same had theretofore been paid and received in respect of any Matter in the said Court of Review.
11 & 12 Vict. c. 86.	An Act to empower the Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases.	The whole.

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SCHEDULE B.

The Bankrupt Law Consolidation Act, 1849.

RETURN by One of the Official Assignees of the Court of Bankruptcy for the District, showing the State of every Bankruptcy under his Charge, and not finally wound up, on the 31st Day of December 18 .

1. Name of Bankrupt.	2. Gross Amount of Debts and Liabilities stated in the Bankrupt's Balance Sheet.	3. Net Amount of Debts proved.	4. Gross Amount of Assets in Balance Sheet.	5. Total Amount of Assets collected.	6. Total Amount paid in Dividends.	7. Average Rate per Cent. on the Debts proved.	8. Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	9. Total Amount of Allowances paid to the Official Assignee.	10. Total Amount of Allowances to Official Assignee for Petty Expenses.	11. Average Rate per Cent. on Monies collected by Official Assignee.	12. Balance in Bank of England to the Credit of the Estate.	13. Balance in Hands of Official Assignee.	14. Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	15. Cause of Failure, as shown by Bankrupts Books and Accounts.	16. Bankruptcies in which final Dividends have been declared, and the Estates wound up, between 1st January and 31st December 18 , inclusive.	17. Certificates allowed.	18. Class of Certificate, 1, 2, or 3.

SCHEDULE C.

DOCUMENT.	Stamp Duty in lieu of Fees. £	s.	d.
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors, under the Superintendence and Control of the Court, or for Certificate of Arrangement by Deed	10	0	0
Every Declaration of Insolvency	0	2	6
Every Summons of Trader Debtor	0	2	6
Every Admission or Deposition of Trader Debtor	0	2	6
Every Bond with Sureties	0	5	0
Every Application for Search for Petition or other Proceeding (except Search for the Appointment of any Sitting or Meeting)	0	1	0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5	0	1	6
Exceeding £5 and not exceeding £10	0	2	6
„ 10 „ 20	0	5	0
„ 20 „ 30	0	7	6
„ 30 „ 50	0	10	0
„ 50 „ 100	0	15	0
„ 100 „ 150	1	0	0
„ 150 „ 200	1	10	0
„ 200 „ 300	2	0	0
„ 300 „ 500	3	0	0
„ 500	5	0	0

SCHEDULE D.

The Bankrupt Law Consolidation Act, 1849.

Declaration of Insolvency by Trader.

I the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors. Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be*], this Day of in the Year of our Lord

Witness, (Signed) *E.F.*

G.H. Attorney of the Court of

SCHEDULE E.

The Bankrupt Law Consolidation Act, 1849.

Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of "The Bankrupt Law Consolidation Act, 1849."

VICTORIA, *etc.*

To *C.D.* of, *etc.* Esquire, having Privilege of Parliament, Greeting:

We command you, that, within One Calendar Month next after personal Service hereof on you, you do cause an Appearance to be entered for you in Our Court of in an Action [on Promises, *or* Debt, *or as the Case may be*], at the Suit of *A.B.*; and you are hereby informed, that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Bankrupt Law Consolidation Act, 1849," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance to be entered for you, within One Calendar Month next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Westminster, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney in manner following; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named;

or,

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

SCHEDULE F.

The Bankrupt Law Consolidation Act, 1849.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at ; and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Bankrupt Law Consolidation Act, 1849," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did, on the Day of instant [*or* last], personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, *&c.*

SCHEDULE G.

The Bankrupt Law Consolidation Act, 1849.

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

THE following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account.*]

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of

Dated this Day of in the Year of our Lord

(Signed) *A.B.*

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SCHEDULE H.

The Bankrupt Law Consolidation Act, 1849.

Summons of Trader Debtor.

THESE are to will and require you to whom this Warrant is directed personally to be and appear before the Court of Bankruptcy in Basinghall Street in the City of London [*or* at in the County of] on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Bankrupt Law Consolidation Act, 1849," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail, at your Peril.

Given under my Hand, the Day of in the Year of our Lord .

(Signed) *C.D.*,
Commissioner.

SCHEDULE I.

The Bankrupt Law Consolidation Act, 1849.

Admission of Debt by Trader Debtor.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

WHEREAS I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by "The Bankrupt Law Consolidation Act, 1849," whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in part of the said Sum of , that is to say, in the Sum of .]

(Signed) *E.F.*

SCHEDULE J.

The Bankrupt Law Consolidation Act, 1849.

Deposition by Trader Debtor that he has good Answer to Creditor's Demand, or some Part thereof.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Honourable Court, and bearing Date the Day of .

Sworn before me,
J.K., Commissioner.

(Signed) *E.F.*

SCHEDULE K.

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we *A.B.*, *C.D.*, and *E.F.* are jointly and severally held and firmly bound to *E.F.* in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment well and truly to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 184 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.* amounting to the Sum of , or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he the said *A.B.* hath a good Defence upon the Merits to the said Demand [*or* to Part of the said Demand]: *And whereas an Action of Debt [*or as the Case may be*], wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*Name of Court in which the Action is depending*], for the Recovery of the said Demand

[*or*

[*or* last-mentioned Sum, *as the Case may be*] : Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full Force and Virtue. [*Or if an Action has not been already brought, insert, instead of the Paragraph following the *, these Words:* Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may require*], this Obligation shall be void and of no Effect, but otherwise shall be and remain of full Force and Virtue.

SCHEDULE L.

The Bankrupt Law Consolidation Act, 1849.

Admission of Debt by Trader Debtor signed out of Court.

I the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of .

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE M.

The Bankrupt Law Consolidation Act, 1849.

Petition by a Creditor for Adjudication of Bankruptcy.

To the Court of Bankruptcy for the District.

The humble Petition of
Showeth,

That being a Trader, and having resided [*or* carried on Business, *as the Case may be,*] for Six Calendar Months next immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], is indebted unto your Petitioner in the Sum of Fifty [*if Two Petitioners,* Seventy, *and if Three or more,* One hundred] Pounds, [*as the Case may be,*] and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, that, on Proof of the Requisites in that Behalf, Adjudication of Bankruptcy may be made against the said .

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 184 , in the
Presence of
Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners.

If the Petition be by several, not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petitioner cannot speak to the Place of Residence or Business of the Trader, strike out the Averment as to that, and annex to the Petition a separate Affidavit of some Person who can depose to the Fact.

If the Petition be against Partners, alter the Form accordingly.

SCHEDULE N.

The Bankrupt Law Consolidation Act, 1849.

Affidavit of Truth of Allegations in Petition.

Day of A.D.

of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.

Sworn at this Day of One thousand eight hundred and
before me,

If the Petitioner affirm, alter the Form accordingly.

SCHE-

SCHEDULE O.

The Bankrupt Law Consolidation Act, 1849.

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy for the District.

The humble Petition of

Showeth,

THAT your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and having resided [*or* carried on Business, *as the Case may be*,] for Six Calendar Months next immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*,] and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least Five Shillings in the Pound.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 18 , in the
Presence of
Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE P.

The Bankrupt Law Consolidation Act, 1849.

Order to prosecute a Petition for Adjudication of Bankruptcy in a particular District.

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D.

In the Matter of a Petition for Adjudication of Bankruptcy against *C.D.* of, *&c.*

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of I do hereby order that the Petition for Adjudication of Bankruptcy against the above-named *C.D.* be prosecuted in the District.

A.B.,
Commissioner.

SCHEDULE Q.

The Bankrupt Law Consolidation Act, 1849.

Order to consolidate Proceedings, or to impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof.

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D.

Ex parte
In the Matter of

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of I do order that [*stating the Order*].

A.B.,
Commissioner.

SCHEDULE R.

The Bankrupt Law Consolidation Act, 1849.

Order to transfer a Petition for Adjudication of Bankruptcy, &c. from the Court in one District to the Court in another District.

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D.

Ex parte
In the Matter of

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of I do order that [*stating the Order*].

A.B.,
Commissioner.

SCHE-

SCHEDULE S.

General Docket Book.

Name of Bankrupt.	Residence.	Trade.	Petitioning Creditor.	Solicitor.	Date of filing Petition.	Commissioner or Court.	Date of Adjudication.	When advertised.	When annulled.	Time allowed to Petitioning Creditor for proceeding extended.	Proceedings consolidated, impounded, or transferred (as the Case may be).	Date of Certificate of Conformity.	Class of Certificate, 1, 2, or 3.

SCHEDULE T.

The Bankrupt Law Consolidation Act, 1849.

Order for Petition for Adjudication of Bankruptcy to be proceeded in, on a substituted Debt.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

In the Matter of a Bankrupt.

UPON Application made to the Court this Day by [of Counsel *or* Solicitor] for a Creditor of the above-named Bankrupt, and who has proved a Debt of sufficient Amount to support an Adjudication, and the Debt of the Petitioning Creditor having been found by the Court to be insufficient to support the Adjudication of Bankruptcy against the above-named it is hereby ordered, that the Petition for Adjudication of Bankruptcy filed against the said on the Day of be proceeded in, and that the Costs of, &c. [*stating such Order as to Costs of any of the Parties concerned as the Court thinks fit.*]

A.B., Commissioner.

SCHEDULE U.

The Bankrupt Law Consolidation Act, 1849.

Order annulling Adjudication.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

In the Matter of

UPON reading the Proceedings in the above Matter, and upon hearing [the Evidence now adduced, *if the Case be so,* and] what was alleged by and being satisfied that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy [*or specify the particular Matter deemed insufficient, as the Case may require,*] upon which the Adjudication of Bankruptcy made against the said on the Day of was grounded, were and are [*or* was and is] insufficient to support such Adjudication, and no other Debt, Trading, or Act of Bankruptcy [*or specify the particular Matter requisite in lieu of that deemed insufficient, as the Case may require,*] sufficient to support such Adjudication being proved, I do order that the Adjudication of Bankruptcy made against the said on the said Day of be annulled, and the same is hereby annulled accordingly.

A.B., Commissioner.

SCHEDULE V.

The Bankrupt Law Consolidation Act, 1849.

Search Warrant.

Day of A.D.

WHEREAS by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me the undersigned Commissioner of the Court of Bankruptcy, acting in the Prosecution of a Petition for Adjudication of Bankruptcy filed and now in prosecution against *A.B.* of in the County of bearing Date the Day of and under which the said *A.B.* has been adjudged

adjudged bankrupt, that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be,*] of one *C.D.* of in the County of such House not belonging to the said Bankrupt: These are therefore, by virtue of the "Bankrupt Law Consolidation Act, 1849," to authorize and require you, with necessary and proper Assistants, to enter, in the Daytime, into the House [*or other Place, describing it, as the Case may be,*] of the said *C.D.* situate at aforesaid, and there diligently to search for the said Property, and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at in the County of ,] this Day of in the Year of our Lord One thousand eight hundred and

A.B., (L.S.)
Commissioner.

To , my Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt and his Property are concealed, alter the Warrant accordingly.

SCHEDULE W.

The Bankrupt Law Consolidation Act, 1849.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I *A.B.*, the Person declared a Bankrupt under a Fiat in Bankruptcy dated the Day of [*or* under a Petition for Adjudication of Bankruptcy filed on the Day of in the Year of our Lord] [*or* I *C.D.*, the Wife of *A.B.* declared a Bankrupt under a Fiat in Bankruptcy dated the Day of , *or* under a Petition for Adjudication of Bankruptcy filed on the Day of ,] do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed) *A.B.*,
[*or C.D.*, the Wife of the said *A.B.*]

SCHEDULE X.

The Bankrupt Law Consolidation Act, 1849.

Admission of Debt by Creditor of Bankrupt.

I, the undersigned *I.K.* of do hereby, in open Court, confess that I am indebted to *E.F.* of a Bankrupt, in the Sum of , upon the Balance of Accounts between myself and the said *E.F.* (Signed) *I.K.*

Witness, *G.H.*, Attorney of One of the Superior Courts, and named by the said *I.K.* [*or* named by the Court here] according to the Bankrupt Law Consolidation Act, 1849.

SCHEDULE Y.

The Bankrupt Law Consolidation Act. 1849.

Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D

In the Matter of a Bankrupt.

WHEREAS of in his Examination taken Day of and signed and subscribed by the said , has admitted that he is indebted to the above-named Bankrupt in the Sum of upon the Balance of Accounts between the said and the said Bankrupt: It is hereby ordered that the said do pay to the Official Assignee of the Estate and Effects of the said Bankrupt, in full Discharge of the Sum so admitted, the Sum of forthwith [*or if otherwise, state the Time and Manner of Payment*], and that the said do also pay to the said Official Assignee the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

A.B., Commissioner.

C.D., Registrar.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs, out of the Estate and Effects of the Bankrupt, alter the Form accordingly.

SCHEDULE Z.

The Bankrupt Law Consolidation Act, 1849.

Certificate of Conformity.

I Esquire, One of the Commissioners of Her Majesty's Court of Bankruptcy, acting in the Prosecution of a Fiat in Bankruptcy dated the Day of [*or* a Petition for Adjudication of Bankruptcy filed against and bearing Date the Day of] One thousand eight hundred and do certify, That the said became bankrupt before the Date and issuing of the said Fiat [*or* Date and filing of the said Petition,] within the true Intent and Meaning of the Law of Bankruptcy, and was thereupon adjudged bankrupt accordingly; and I further certify, that due Notice was given in the London Gazette of such Fiat having been issued [*or* Petition having been filed] and of the Adjudication thereon, and that Two public Sittings for the said Bankrupt to surrender and conform were duly appointed, the last of which said Sittings was appointed to be on the Day of last; and I further certify, that such Two several Sittings were had pursuant to such Notice, and that before Three of the Clock upon the said Day of the said Bankrupt did surrender himself, and did sign and subscribe such Surrender, and submit to be examined from Time to Time upon Oath; and I further certify, that the said Bankrupt did on the Day of last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery; and I further certify, that on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy in Basinghall Street, London, [*or* at in the County of] I held a public Sitting for the Allowance of this Certificate to the said Bankrupt, (whereof, and of the Purport whereof, the Notice required in that Behalf was duly given,) and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, I did then and there find the said Bankrupt entitled to such Certificate, and did allow the same. And I further certify, that his Bankruptcy has arisen from unavoidable Losses and Misfortunes, and that he is entitled to, and I do award him, this Certificate as of the First Class; *or* that his Bankruptcy has not wholly arisen from unavoidable Losses and Misfortunes, and that he is entitled to, and I do award him, this Certificate as of the Second Class; *or* that his Bankruptcy has not arisen from unavoidable Losses or Misfortunes, and that he is only entitled to, and I do only award him, this Certificate as of the Third Class].

[*If the Certificate be allowed with Conditions, the same to be inserted here.*]

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London [*or* at the Court of Bankruptcy for the District, at in the County of], this Day of in the Year of our Lord One thousand eight hundred and

A.B., (L.S.)
Commissioner.

Signed and sealed in the Presence of

In case of Adjournment, or of the Allowance of the Certificate having been suspended, or of the Allowance thereof by the Vice Chancellor, or upon a Re-hearing, alter the Form accordingly.

SCHEDULE A a.

The Bankrupt Law Consolidation Act, 1849.

Petition for Arrangement.

To the Court of Bankruptcy for the District.

The humble Petition of

Showeth,

THAT your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Bankrupt Law Consolidation Act, 1849."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by Three Fifths in Number and Value of his Creditors may be determined) may be carried into effect under the Superintendence and Control of this Honourable Court.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHE-

SCHEDULE A b.

The Bankrupt Law Consolidation Act, 1849.

Affidavit in support of Petition for Arrangement.

of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true, and that he, this Deponent, hath Assets ready to be produced to this Honourable Court to the Value of 200*l.* and upwards.

[*If the Petitioner affirm, alter the Form accordingly.*]

Sworn at this Day of One thousand eight hundred and before me.

SCHEDULE A c.

The Bankrupt Law Consolidation Act, 1849.

Certificate to Petitioning Trader.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

WHEREAS of a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court, under the Provisions of "The Bankrupt Law Consolidation Act, 1849," praying that a certain Proposal, or such Modification thereof as by Three Fifths in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas One of the Commissioners of the said Court, acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect; I hereby certify the several Matters aforesaid under my Hand and the Seal of Court, this Day of 18 .

A.B. (L.S.)
Commissioner.

SCHEDULE A d.

The Bankrupt Law Consolidation Act, 1849.

Certificate to Official Assignee.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

WHEREAS of a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court, under the Provisions of "The Bankrupt Law Consolidation Act, 1849," praying that a certain Proposal should be carried into effect, under the Superintendence and Control of the said Court: And whereas One of the Commissioners of the said Court acting in the Matter of the said Petition, caused certain Sittings of the Court to be held pursuant to the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking the same to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Official Assignee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust; I hereby certify the same under my Hand and the Seal of the Court, this Day of 184 .

A.B. (L.S.)
Commissioner.

SCHEDULE B a.

The Bankrupt Law Consolidation Act, 1849.

Certificate to Assignees or to a Creditor to entitle them to issue Writ of Execution.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D. .

In the Matter of a Bankrupt.

I HEREBY certify, That *A.B.* of and *C.D.* of Assignees of the Estate and Effects of the above-named Bankrupt, are Creditors of the said Bankrupt as such Assignees for the Sum of in trust for the Creditors of the said Bankrupt [*or* that *E.F.* of is a Creditor of the said Bankrupt for the Sum of], and that the said Bankrupt is not protected by this Court from Process against his Person.

I.J.,
Registrar.

G.H.,
Commissioner.

Seal of the Court.

SCHEDULE B b.

The Bankrupt Law Consolidation Act, 1849.

Warrant against Person disobeying any Rule or Order of Court.

WHEREAS by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Bankrupt Law Consolidation Act, 1849 [*or if of any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, that [*&c., &c., as in the Rule or Order*]

And whereas it is now proved that after the making of the said Rule [*or* Order], that is to say, on this Day of a Copy of the said Rule [*or* Order] was duly served on the said personally, and the original Rule [*or* Order] at the same Time shown to him, but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order]

These are therefore to will, require, and authorize you immediately upon Receipt hereof to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called] and him there to deliver to the Keeper of the said Prison, together with this Precept, and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprize, until this Court, or the Vice Chancellor appointed to sit in Bankruptcy, or the Lord Chancellor, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at in the County of ,] this Day of in the Year of our Lord One thousand eight hundred and .

A.B. (L.S.)
Commissioner.

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

CAP. CVII.

An Act for the Amendment of the Law of Bankruptcy in *Ireland*. [1st *August* 1849.]

6 & 7 W. 4. c. 14.

'WHEREAS it is expedient to amend the Law of Bankruptcy: And whereas by an Act passed in the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Bankrupts in Ireland*, various Alterations were made in the Administration of the Law of Bankruptcy, which have by Experience been found beneficial; and it is advisable to extend the Provisions and Regulations contained in the said Act:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect on the First Day of *November* One thousand eight hundred and forty-nine.

Commencement of this Act.

II. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they may be inconsistent or at variance with the Provisions of this Act: Provided always, that the same shall continue in force in all other respects whatsoever.

Laws at variance with this Act repealed.

III. And be it enacted, That in every Case of a Petition for the Issue of a Commission of Bankrupt the Lord Chancellor of *Ireland* shall dispense with the Bond now required to be given to him by the Petitioning Creditor, conditioned for proving his Debt, and for proving the Party to have committed an Act of Bankruptcy at the Time of issuing such Commission, and for proceeding upon such Commission, and it shall be lawful to issue the Commission without any such Bond having been given.

Petitioning Creditor's Bond may be dispensed with.

IV. And be it enacted, That whenever any Commission of Bankrupt shall have issued against any Person, and it shall be proved to the Satisfaction of the Commissioners authorized to act in the Prosecution of such Commission, or One of them, that there is probable Cause for believing that such Person is about to quit *Ireland*, or to remove or conceal any of his Goods or Chattels with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for such Commissioners or Commissioner to issue a Warrant directed to any Person or Persons such Commissioners or Commissioner shall think fit, whereby such Person or Persons shall have Authority to arrest and commit to such Prison as the said Commissioners or Commissioner shall think fit, the Person named in such Commission, by his Body, and shall also have Authority to seize his Books, Papers, Monies, Securities for Monies, Goods, and

Person against whom a Commission has issued, on Proof of probable Cause for believing that he is about to quit Ireland, or to remove or conceal his Goods

and Chattels, wheresoever they may be found, and them safely keep until the Expiration of the Time allowed for opening such Commission, or until such Person shall be adjudged bankrupt under such Commission, and be thereupon dealt with under such Commission according to the Laws relating to Bankrupts. with Intent to defraud Creditors, may be arrested.

V. And be it enacted, That if any Gaoler to whose Custody any Bankrupt or other Person shall be committed as aforesaid shall suffer such Bankrupt or other Person to escape or go free until released by the Discharge of the said Commissioners, or One of them, or until such Person is adjudged and declared bankrupt, every such Gaoler shall forfeit Five hundred Pounds, to be recovered as herein-after provided. Penalty on Gaoler suffering Bankrupt, &c. to escape.

VI. Provided always, and be it enacted, That it shall be lawful for any Person arrested upon any such Warrant, or for any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, to apply, at any Time after such Arrest or Seizure to such Commissioners or Commissioner, for a Summons for the Petitioning Creditor named in such Commission to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and that it shall be lawful for such Commissioners or Commissioner, at the Time named in such Summons, or at any Adjournment thereof, to make such Order as to them or him shall seem meet, and to direct the Costs of the Application for the Warrant, and of the Warrant and the Arrest and Detention thereunder, and of all Proceedings consequent thereupon or arising therefrom, or any Part thereof, or of a specific Sum of Money in lieu thereof, to be paid by either Party, and by such Order to direct when and to whom same shall be paid; provided that any such Order may be rescinded or varied by the Lord Chancellor of *Ireland*, on Application made to him by either Party dissatisfied with such Order. Any Person so arrested may apply for his Discharge forthwith. Commissioner may discharge the Person, or not. Order may be appealed from.

VII. And be it enacted, That no Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than Twelve Months prior to the issuing of any Commission of Bankrupt against him. No Person liable for more than 12 Months.

VIII. And be it enacted, That an Act of Bankruptcy committed by a Trader at any Time within One Year of the issuing of a Commission of Bankruptcy against such Trader, whether prior or subsequent to the Debt of the Petitioning Creditor, shall be deemed sufficient to support the Adjudication of Bankruptcy under such Commission, whether issued before or after the passing of this Act. Bankruptcy within a Year sufficient to support Adjudication.

IX. And be it enacted, That the Amount of the Debt or Debts of any Creditor or Creditors petitioning for a Commission of Bankrupt, shall hereafter be as follows; that is to say, the single Debt of such Creditor, or of Two or more Persons being Partners, petitioning for the same, shall amount to Fifty Pounds or upwards, and the Debt of Two Creditors so petitioning shall amount to Seventy Pounds or upwards, and the Debt of Three or more Creditors so petitioning shall amount to One hundred Pounds or upwards; and that every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have had any Security in Writing for such Sum or not. Requisite Amount of Petitioning Creditor's Debt.

X. And be it enacted, That all Livery Stable Keepers, Coach Proprietors, Carriers, Ship Owners, Auctioneers, Apothecaries, Market Gardeners, Cowkeepers, Brickmakers, Alum Makers, Limeburners, and Millers shall be deemed Traders, and subject and liable as Traders to this and to the other Statutes relating to Bankrupts. Persons specially named liable to become Bankrupts.

XI. And be it enacted, That if any Creditor of any Trader within the Meaning of this or any other Statute relating to Bankrupts now or hereafter to be in force shall file an Affidavit in the Office of the Lord Chancellor's Secretary of Bankrupts in *Ireland*, in the Form or to the Effect specified in the Schedule hereunto annexed (A. No. 1.), of the Truth of his Debt, and of the Debtor as he verily believes being such Trader as aforesaid, and of the Delivery to such Trader personally of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form or to the Effect specified in the said Schedule (A. No. 2.), it shall be lawful for the Commissioners of Bankrupt in *Ireland*, or One of them, to issue a Summons in Writing in the Form or to the Effect specified in the said Schedule (A. No. 3.), calling upon such Trader to appear before them, or One of them, and stating in such Summons the Purpose for which such Trader is called upon by such Summons to appear, as herein-after provided. Power to Commissioner to summon Trader, if Creditor make Affidavit of his Debt, and of his having required Payment.

XII. And be it enacted, That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for such Commissioners, or One of them, to require such Trader to state whether or not he admits the Demand of such Creditor so sworn to as aforesaid, or any and what Part thereof, and if such Trader shall admit such Demand, or any Part thereof, to reduce such Admission into Writing, in the Form or to the Effect specified in the Schedule hereunto annexed (B. No. 1.), and such Admission so reduced into Writing such Trader is hereby required to sign, and the same is thereupon to be filed in the said Office of the Lord Chancellor's Secretary of Bankrupts; and it shall also be lawful for such Commissioners, or One of them, to allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in the said Office of the Lord Chancellor's Secretary of Bankrupts, in the Form specified in the said Schedule (B. No. 2.), that he verily believes he has a good Defence to the said Demand, or to some and what Part thereof. Manner of proceeding on Summons of Trader by a Creditor.

XIII. And be it enacted, That if any such Trader so summoned as aforesaid shall not come before such Commissioners, or One of them, at the Time appointed, (having no lawful Impediment, made known to and proved to the Satisfaction of the said Commissioners, or One of them, at the said Time, and allowed,) or if any such Trader, upon his Appearance to such Summons as aforesaid, or at any Enlargement Trader not attending Summons or refusing to admit the Demand, and not making.

Deposition of Belief of a good Defence thereto, and not paying or compounding in a certain Time, or giving Bond for Payment, deemed to have committed an Act of Bankruptcy.

ment or Adjournment thereof, as the Case may be, shall refuse to admit such Demand, and shall not make a Deposition in the Form herein-before mentioned that he believes he has a good Defence to such Demand, then and in either of the said Cases, if such Trader shall not, within Fourteen Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Commissioners or One of them shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the recovering of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Affidavit.

Trader signing an Admission of Demand, and not paying, &c. within a certain Time, an Act of Bankruptcy.

XIV. And be it enacted, That if any such Trader so summoned as aforesaid shall upon his said Appearance sign an Admission of such Demand in the Form aforesaid, and shall not within Fourteen Days next after the filing of such Admission pay or tender and offer to pay to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the filing of such Admission, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, and not making Deposition of a good Defence to the Residue, and not paying, &c. Sum admitted, and not paying or compounding, &c. any Sum recovered, with Costs, an Act of Bankruptcy.

XV. And be it enacted, That if any such Trader so summoned as aforesaid shall upon his said Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition, in the Form herein-before required, that he believes he has a good Defence to the Residue of such Demand, then and in such Case, if such Trader as to the Sum so admitted shall not within Fourteen Days next after the filing of such Admission pay, or tender and offer to pay, to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not within Fourteen Days after Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two sufficient Sureties as such Commissioners or One of them shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Affidavit.

What shall be deemed a Refusal of Admission of Debt.

XVI. Provided always, and be it enacted, That if any such Trader so summoned as aforesaid shall upon his Appearance before such Commissioners or Commissioner refuse to sign the Admission in that Behalf required as aforesaid, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed, for the Purposes of this Act, that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for such Commissioners, or One of them, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand, or any Part thereof, and for entering into such Bond, or for either of such Matters, for such Time as such Commissioners or Commissioner shall think fit.

Commissioners may enlarge the Time for Admission of Demand.

Admission of Debt signed elsewhere than in Court, if attested by Attorney of Trader, may be filed, and have the same Force as an Admission signed by a Trader on his Appearance before Commissioners under the Summons.

XVII. Provided always, and be it enacted, That an Admission of any Debt made after such Summons as aforesaid, and signed by any such Trader elsewhere than before such Commissioners or Commissioner, may be filed in such Office of the Lord Chancellor's Secretary of Bankrupts, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader so summoned as aforesaid on his Appearance before such Commissioner or Commissioners, provided there be present some Attorney of one of Her Majesty's Superior Courts of Law on behalf of such Trader, especially named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney, and that such Admission shall be made in the Form or to the Effect of Schedule (C.) hereunto annexed; and a Copy of such Admission, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Admission having been so filed.

Trader summoned on Affidavit of Debt to have such Costs as the Commissioners shall think fit, or abide the Event of Action.

XVIII. And be it enacted, That where any Trader against whom an Affidavit of Debt is filed as aforesaid shall be summoned to appear before the said Commissioners or Commissioner, every such Trader shall have such Costs and Charges against the Party or Parties who filed such Affidavit as such Commissioners or Commissioner in their or his Discretion shall think fit; or the Commissioner may direct the Costs and Charges of either Party of or incident to or attendant upon such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand, or any Part thereof, and in such Case such Costs and Charges shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

Wherever a Creditor Plaintiff shall not recover the Amount sworn to in his Affi-

XIX. And be it enacted, That in every such Action brought after the Commencement of this Act, wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the Amount of the Sum for which he shall have filed an Affidavit of Debt under the Provisions of this Act, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Course of the Court in which such Action shall have been brought; provided that it shall be made

appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by a Rule or Order of the same Court, direct that such Costs shall be allowed to the Defendant, and provided such Costs are duly taxed and ascertained within such Time as shall be directed by such Rule or Order; and the Plaintiff shall, upon such Rule or Order being made as aforesaid, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed, and then in such Sum only as the same shall exceed, the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs of the Defendant, to be taxed as aforesaid, that then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs, so to be taxed and ascertained as aforesaid, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

davit of Debt filed against a Trader, if such Affidavit be made for such Amount without probable Cause, the Trader Defendant shall be entitled to Costs.

XX. And be it enacted, That if any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not within Fourteen Days after Notice in Writing served upon him, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice; provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Trader not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy.

XXI. And be it enacted, That if any Decree or Order shall be pronounced in any Cause or Matter depending in any Court of Law or Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay, secure, or compound for the same to the Satisfaction of the Person entitled to receive the same, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

Trader disobeying Order of any Court of Law or Equity, for Payment of Money, after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

XXII. And be it enacted, That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing (in the Form or to the Effect of Schedule (D.) hereunto annexed), signed by such Trader and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Declaration; and a Copy of such Declaration, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Declaration having been filed.

Trader filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts an Act of Bankruptcy.

XXIII. And be it enacted, That the filing of a Petition by any Trader for an Arrangement between such Trader and his Creditors with the Concurrence of a certain Number thereof, under the Provisions of this Act, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, provided a Commission of Bankruptcy shall be issued against him within Two Months after Notice of such Petition for Arrangement having been filed shall have appeared in the *Dublin Gazette*, as herein-after directed: Provided also, that no Commission of Bankruptcy shall issue unless and until after such Petition for Arrangement shall have been dismissed.

Filing Petition for Arrangement with Concurrence, &c. an Act of Bankruptcy, if Petition dismissed.

XXIV. And be it enacted, That if any single Creditor, or any Two or more Creditors being Partners, whose Debts shall amount to One hundred Pounds or upwards, or any Two Creditors whose Debts shall amount to One hundred and fifty Pounds or upwards, or any Three or more Creditors whose Debts shall amount to Two hundred Pounds or upwards, of any Trader within the Meaning of the Laws respecting Bankrupts, shall file with the proper Officer in the Office of the Lord Chancellor's Secretary of Bankrupts in *Ireland* an Affidavit or Affidavits, to be sworn before any of the Persons authorized by this Act to administer Oaths, that such Debt or Debts is or are justly due to him or them respectively, and that such Debtor, as he or they verily believe, is such Trader as aforesaid, and shall cause him to be served personally with a Copy of such Affidavit or Affidavits, and with a Notice in Writing stating that such Affidavit or Affidavits hath or have been filed in the said Office, pursuant to this Act, and requiring immediate Payment of such Debt or Debts, and if such Trader shall not within Twenty-one Days after personal Service of such Affidavit or Affidavits and Notice, or within such further Time as any Commissioner of Bankrupt shall order, pay such Debt or Debts, or secure or compound for the same to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by any Judge of Her Majesty's Superior Courts at *Dublin*, or any Judge of Assize, or any Assistant Barrister at Quarter Sessions, or any Master in Ordinary of the Court of Chancery in *Ireland*, or any of such Persons as shall be for that Purpose appointed from Time to Time by

Manner of making a Debtor a Bankrupt by Affidavit of Debt and Notice to pay; Creditor to file an Affidavit of Debt, and serve Notice requiring Payment within 21 Days.

by any General or Special Order of the Lord Chancellor of *Ireland*, or, until such Appointment shall be made, by any perpetual Commissioner appointed for taking Acknowledgments of Deeds by married Women, under the Act for "the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance in *Ireland*," to pay such Sum or Sums as shall be recovered in any Action or Actions which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to the Custody of the Gaoler of the Court in which such Action shall have been or may be brought, according to the Practice of such Court, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day after Service of such Affidavit or Affidavits and Notice, provided a Commission of Bankruptcy shall issue against such Trader within Two Calendar Months from the filing of such Affidavit or Affidavits, but not otherwise.

If Commission not proceeded on by Petitioning Creditor within Three Days, any other Creditor may proceed on it.

XXV. And be it enacted, That if any Petitioning Creditor on whose Petition a Commission of Bankruptcy shall have issued shall not proceed within Three Days after the Date of the Commission, or within such extended Time as may be allowed by the said Commissioners or Commissioner, the said Commissioners or Commissioner may, at any Time within Fourteen Days then next following, upon the Application of any Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate thereon, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Adjudication; but if neither the Petitioning Creditor nor any Creditor shall within such Fourteen Days apply to the Court to adjudicate, no further Proceedings shall be taken thereon.

If Bankrupt shall not proceed to dispute the Commission and prosecute with Effect, Gazette to be Evidence against him and the Persons whom he might have sued; saving present Rights for which any Proceedings are pending.

XXVI. And be it enacted, That if the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within Two Months after the Advertisement of the Bankruptcy in the *Dublin Gazette*, or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after the Date of such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced an Action or other Proceeding to dispute or annul the Commission, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and suing forth of such Commission, and that such Commission was sued forth on the Day on which the same is stated in the Gazette to bear Date; saving all Rights which shall have accrued to any such Person as aforesaid previous to the Commencement of this Act, and in respect of which any Proceedings shall be pending at the Time of the Commencement of this Act, which shall be adjudged and determined as if this Act had not been passed.

Provision for Debtor to the Bankrupt's Estate paying the Debt into Court when sued by the Assignees within the Time for Bankrupt to dispute.

XXVII. And be it enacted, That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed by this Act for the Bankrupt to dispute the Commission shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until the Time aforesaid shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as aforesaid, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Assignees, but otherwise shall abide the Event of such Action, Suit, or other Proceeding as aforesaid, and upon such Event shall be paid out of Court either to the Assignees or the Person adjudged bankrupt, as the Court shall direct, and that after such Payment so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Appointment of Official Assignees. Their Duty.

XXVIII. And be it enacted, That One or Two Persons, being Merchants, Brokers, or Accountants, or Persons who are or have been engaged in Trade, and resident in *Ireland*, shall be appointed by the Lord Chancellor to act as Official Assignee or Assignees in all Bankruptcies prosecuted before the said Commissioners of Bankrupt, One of which said Official Assignees shall in all Cases be an Assignee of each Bankrupt's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such Security, to be subject to such Rules, to be selected for such Estate, and to act in such Manner as the said Commissioners or Commissioner, with the Consent of the Lord Chancellor, shall from Time to Time direct.

Commissioners may take Security by Recognizance or of Guarantee Society.

XXIX. And be it enacted, That if the Security to be given by and for such Official Assignee be by Recognizance, the same shall be acknowledged before the said Commissioners, or One of them, and which Recognizance shall be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, and shall be entered of Record in the Office for the Enrolment of Matters relating to Bankruptcy; or it shall be lawful for the said Commissioners, if they shall think fit, to accept, as Security for such Official Assignee or Assignees, the Security of any Guarantee Society established by Charter or Act of Parliament in any Part of *Great Britain* or *Ireland*, in lieu of any other Security.

Official Assignees to receive Bankrupt's Estate and Effects.

XXX. And be it enacted, That all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Bankrupt, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the said Commissioners or Commissioner; and all Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, or other public Securities, and all Bills, Notes,

and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *Ireland*, to the Credit of the said Official Assignee and of the Assignee or Assignees chosen by the Creditors, to be subject to such Order, Rule, and Regulation for keeping of the Account of the said Monies and other Effects, for the Payment and Delivery in, Investments and Delivery out of the same, as the said Commissioners or Commissioner shall direct; and if any such Assignee shall neglect to make such Transfer, Delivery, or Payment, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty Pounds *per Cent. per Annum* on all such Money for the Time during which he shall have so neglected to make such Transfer, Delivery, or Payment. How to apply same.

XXXI. Provided always, and be it enacted, That nothing herein contained shall extend to authorize any such Official Assignee to interfere with the Assignees chosen by the Creditors, in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Bankrupt's Estate or Effects. Proviso restricting the Authority of the Official Assignee.

XXXII. And be it enacted, That it shall be lawful for the Lord Chancellor to remove any Official Assignee, and from Time to Time as any Vacancy may occur in the Number of Official Assignees to appoint some other such Person as aforesaid, or who has acted as the Managing Clerk of an Official Assignee for the Period of Seven Years, to fill any Vacancy so occurring; and in case of the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy Matter it shall be lawful for the said Commissioners or Commissioner, subject to any Rules to be made by virtue of this Act, to appoint another Official Assignee to act in the same Bankruptcy Matter in the Place of the Assignee who shall so have become dead or been removed Lord Chancellor may remove Official Assignees, and may fill up Vacancy in their Number.

XXXIII. And be it enacted, That in all Bankruptcy Matters which shall be pending at the Time of the passing of this Act it shall be lawful for the said Commissioners or Commissioner, at their or his Discretion, to appoint some One of the aforesaid Official Assignees to act with the existing Assignees, if any, under such Commission, and to direct the existing Assignees to pay and deliver over to such Official Assignee or Assignees all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Commission shall immediately on such Appointment vest in such Official Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the said Bankruptcy Matter had originally been commenced subsequent to the passing of this Act, without Prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the passing of this Act. Power to appoint Official Assignee to act with the existing Assignees under Commissions now pending, and to whom the latter shall deliver over Effects.

XXXIV. And be it enacted, That until an Assignee shall be chosen by the Creditors of any Bankrupt the Official Assignee, if nominated by the said Commissioners or Commissioner, shall be enabled to act, and shall be deemed to be to all Intents and Purposes a sole Assignee of the Property of such Bankrupt, and, if the said Commissioners or Commissioner shall so order, may sell or otherwise dispose of such Property or any Part thereof, and make such Allowance out of the Property of such Bankrupt for the Support of himself and his Family as the said Commissioners or Commissioner shall direct; and the Property vested in any Official Assignee, alone or jointly with such Assignee chosen by the Creditors, shall not remain in such Official Assignee alone or jointly with such Assignee chosen by the Creditors if such Official Assignee shall resign or be removed from his Office, nor in the Heirs, Executors, or Administrators of such Official Assignee, nor in the surviving Assignee alone in the Case of the Death of such Official Assignee, but all such Property shall in every such Case go to and be vested in the Successors in Office of such Official Assignee, alone or jointly with the Assignee chosen by the Creditors (if any), as the Case may be. Official Assignee may act solely, and sell the Property, &c. Property vested in Official Assignee to go to his Successor.

XXXV. And be it enacted, That no Official Assignee shall be deemed personally responsible or liable for any Act done by him, or by his Order or Authority, in the Execution of his Duty as such Official Assignee, by reason of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which the Adjudication of Bankruptcy under the Commission shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication. To exempt Official Assignee from personal Responsibility.

XXXVI. And be it enacted, That, Fourteen Days before a Dividend shall be advertised under any Bankrupt's Estate, there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected, a Copy of which Account shall be delivered to the Bankrupt, or to any Creditor who shall apply for the same, and have proved or claimed a Debt under such Commission, upon his applying for the same to the Official Assignee, and paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the said Commissioners. Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee before Dividend.

XXXVII. And be it enacted, That it shall be lawful for the said Commissioners or Commissioner before whom any Person shall be adjudged a Bankrupt, or who shall appoint an Official Assignee under the Power herein-before given for that Purpose, to order and allow to be paid out of the Bankrupt's Estate to the Official Assignee thereof, as a Remuneration for his Services, such Sum of Money as shall appear to such Commissioner, upon Consideration of the Amount of the Bankrupt's Property, and the Nature of the Duties to be performed by such Official Assignee, to be just and reasonable; provided, however, that such Remuneration shall always be made by way of Per-centage on the total Amount of the Monies realized. Remuneration to Official Assignee.

XXXVIII. And be it enacted, That the Commissioners of Bankrupt, or One of them, may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as on Communication from Pay, Half Pay, and Pensions of Bankrupts

to be applicable for the Benefit of Creditors.

from the said Commissioner to the Secretary of War or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, or to the Court of Directors of the *East India* Company, they respectively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to in Writing to be paid to the Official Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee, until the said Commissioners or Commissioner shall make Order to the contrary.

Audits and Dividends to be had and made whenever the Commissioner thinks fit after Time for Bankrupt's last Examination.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt, or One of them, whenever such Commissioners or Commissioner shall think fit, at or after the Sitting appointed for the last Examination of the Bankrupt named in such Commission, to audit the Assignees Accounts, and to make a Declaration of Dividend under such Commission, subject nevertheless to such Advertisement, and such other Provisions relating to such Audits and Dividends, as are now required in respect of Audits and Dividends under Bankrupts Estates, except such Provisions as relate to the Limitation of Time in any Manner respecting such Audits and Dividends or the Appointment thereof.

Commissioner may order Three Months Wages or Salary to Clerks or Servants.

XL. And be it enacted, That when any Bankrupt under a Commission issued after the Commencement of this Act shall have been indebted at the Time of issuing the Commission against him to any Servant or Clerk of such Bankrupt in respect of the yearly or other Wages or Salary of such Servant or Clerk, it shall be lawful for the Commissioners authorized to act in the Prosecution of such Commission, or One of them, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk, out of the Estate of such Bankrupt; and such Servant or Clerk shall be at liberty to prove under the Commission for any Sum exceeding such last-mentioned Amount.

Commissioner may order Wages not exceeding 40s. to Labourer or Workman.

XLI. And be it enacted, That when any Bankrupt under a Commission issued after the Commencement of this Act shall have been indebted at the Time of issuing the Commission against him to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Commissioners authorized to act in the Prosecution of such Commission, or One of them, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Forty Shillings, to be paid to such Labourer or Workman out of the Estate of such Bankrupt; and such Labourer or Workman shall be at liberty to prove under the Commission for any Sum exceeding such last-mentioned Amount.

Search Warrants may be granted.

XLII. And be it enacted, That in all Cases where it shall be made to appear to the Satisfaction of the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt, or One of them, that there is Reason to suspect and believe that Property of any Bankrupt is concealed in any House, Premises, or other Place, not belonging to such Bankrupt, such Commissioners or Commissioner are and is hereby directed and authorized to grant a Search Warrant in the Form or to the Effect in Schedule (H.) hereunto annexed, to any Person appointed by such Commissioners or Commissioner; and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof, and such Person shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed.

In Bankruptcy of Member of a Firm, Actions may be authorized in Name of the Bankrupt's Assignee and remaining Partner.

Partner may show Cause against such Application.

Partner may have Part of Proceeds.

XLIII. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall at the Time of his Bankruptcy be a Member of a Firm, it shall be lawful for the said Commissioners of Bankrupt, or One of them, to authorize the Assignee, upon his Application, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignee and of the remaining Partner or Partners, against any Debtor of the Partnership; and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner; and if such Partner or Partners shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and if no Benefit is claimed by him by virtue of the said Proceedings shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as such Commissioners or Commissioner, upon his Application, shall direct; and that it shall be lawful for such Commissioners or Commissioner, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Commissioners or Commissioner shall direct.

Bankrupt not surrendering and submitting to be examined, or making Discovery of his Estate and Effects, or not delivering up

XLIV. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall not before Three of the Clock upon the Day limited for the Surrender of such Bankrupt, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing to be left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *Dublin Gazette* of the issuing of the Commission, and of the Sittings of the Commissioners authorized to act in the Prosecution of the Commission against him, surrender himself to such Commissioners, or One of them, and sign or subscribe such Surrender, and submit to be examined before such Commissioners, or One of them, from Time to Time,

upon Oath, or if any such Bankrupt upon such Examination shall not discover all his Real and Personal Estate, and how, and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, and all Books, Papers, and Writings relating thereto, (except such Part as shall have been really and *bonâ fide* before sold or disposed of in the way of his Trade, or laid out in the ordinary Expenses of his Family,) or if any such Bankrupt shall not upon such Examination deliver up to the said Commissioners all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, his Wife and Children,) or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of Felony, and be liable to be transported for Life, or for such Term not less than Seven Years as the Court before which he shall be convicted shall adjudge, or shall be liable to be imprisoned, with or without hard Labour, in any Common Gaol, Penitentiary House, or House of Correction, for any Term not exceeding Seven Years.

his Estate, Books, &c., or concealing, &c. to the Value of 10*l.*, guilty of Felony, and liable to Transportation, or Imprisonment, with or without hard Labour.

XLV. And be it enacted, That the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt, or One of them, shall have Power, as often as such Commissioners or Commissioner shall think fit, from Time to Time, to enlarge the Time for the Bankrupt named in such Commission surrendering himself for such Time as such Commissioners or Commissioner shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was bound to surrender himself; and the said Commissioners or Commissioner shall also have Power, at the Time appointed for the last Examination of a Bankrupt, or any Enlargement or Adjournment thereof, to order that said Bankrupt shall be free from Arrest or Imprisonment for such Time not exceeding Three Months as such Commissioner shall from Time to Time, by Endorsement upon the Summons of such Bankrupt, appoint; and if any Officer shall detain any such Bankrupt after he shall have shown such Summons and Endorsement to him, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Dublin* in the Name of such Bankrupt, with full Costs of Suit.

Commissioner may enlarge the Time for the Bankrupt surrendering.

Commissioner may order that Bankrupt shall be free from Arrest for Three Months after final Examination.

XLVI. And be it enacted, That if any Bankrupt shall after an Act of Bankruptcy committed, or in contemplation of Bankruptcy or Insolvency, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, and after the Commencement of this Act, have destroyed, mutilated, altered, or falsified any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed to be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years with or without hard Labour.

Bankrupt destroying or falsifying his Books, &c. guilty of Misdemeanor, and liable to Imprisonment.

XLVII. And be it enacted, That if any Bankrupt shall within Three Months next preceding his Bankruptcy, and after the Commencement of this Act, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any other Person any Goods or Chattels, with Intent to defraud the Owner thereof, or if any Bankrupt shall within the Time aforesaid, with such Intent, have removed, concealed, or disposed of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Person so offending shall be deemed to be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

Bankrupt having obtained Goods on Credit under false Pretence, &c. within Three Months, guilty of a Misdemeanor.

XLVIII. And be it enacted, That it shall be lawful for either of the said Commissioners, by any Warrant under his Hand and Seal authorizing the Person therein named to apprehend and arrest any Bankrupt for disobeying the Summons of the said Commissioners or either of them, to order and direct that such Bankrupt when arrested shall be committed to and detained in such Prison as the said Commissioners shall think fit, there to remain, without Bail, until he shall (when so required) submit himself to One of the said Commissioners to be sworn, and full Answers make to his Satisfaction to such Questions as he shall put to him, and sign and subscribe such Examination.

Bankrupt arrested under Warrant from Commissioner may be committed.

XLIX. And be it enacted, That in any Warrant of Committal of any Person by the said Commissioners for refusing to answer any Question, or for not fully answering to the Satisfaction of the said Commissioners, or for refusing to sign and subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination or Deposition of the Person committed as remaining on the File of Proceedings, and to specify in said Warrant the precise Date of the said Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Sixteen Hours next after his actual Committal to Prison; and in default of said Copy being so delivered the Person committed shall be discharged from Custody, either by the said Commissioners, or by the Court or Judge before whom such Person may be brought by Habeas Corpus, with such Costs, if any, as said Commissioners, Court or Judge, may deem just; and, save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only; and any Warrant for unsatisfactory answering shall be in the Form or to the Effect in Schedule (E.) to this Act annexed;

Warrant of Committal for unsatisfactory answering or refusing to answer need not specify Questions.

Copy of the Examination to be furnished to the Person committed.

and any Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in any Court held by such Commissioners, or for interrupting in such Court the said Commissioners or Commissioner in the Exercise of their or his Duty, shall be respectively in the Forms or to the Effect in Schedules (F.) and (G.) respectively; and every Messenger or other Person against whom any Action shall be brought for anything done in executing any Warrant of the said Commissioners may plead the General Issue, and give the said Warrant and the special Matter in Evidence: Provided also, that if any Person so committed shall sue forth any Writ of Habeas Corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought (if thereto required by the Person committed, or by the Assignee of the Bankrupt's Estate,) to inspect and consider the whole of the Examination of such Person so referred to as aforesaid, and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Obstructing the Messenger, &c., a Misdemeanor.

L. And be it enacted, That if any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the said Commissioners in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to such pecuniary Fine and Imprisonment, with or without hard Labour, as the Court before which such Conviction shall be had may judge fit.

Commissioner may order Release of Bankrupt who may be in Prison at Time of obtaining Protection.

LI. 'And whereas it occasionally happens that Persons in Prison for Debt who have been adjudged 'Bankrupts, and who have surrendered under the Commission issued against them, are nevertheless 'detained in Prison during the Proceedings under the Commission, which occasions great Inconvenience, 'and it also occasionally happens that Bankrupts whose Certificates have been refused are taken in Execu-'tion by Creditors who have not proved their Debts under the Commission, and are detained in Prison, 'and it is expedient to empower the said Commissioners of Bankrupt to release such Persons, if they shall 'think fit:' Be it enacted, That where any Person has been adjudged bankrupt, and has surrendered under the Commission issued against him, and obtained his Protection from Arrest, pursuant to the Practice in Bankruptcy, if such Person shall be in Prison for Debt at the Time of his obtaining such Protection, the Commissioners or Commissioner acting under such Commission may order his immediate Release from Prison, either absolutely or upon such Condition as such Commissioner shall think fit: Provided always, that such Release shall in nowise affect any Rights of the Creditor at whose Suit he may be in Prison against the Debtor, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Commissioners or Commissioner.

Commissioner may order Release of Bankrupt in Execution under a Ca. Sa., after a certain Term of Imprisonment.

LII. And be it enacted, That if any Bankrupt whose last Examination shall have been adjourned *sine Die*, or whose Certificate shall have been suspended or refused, shall be in Execution or taken in Execution under a Capias ad satisfaciendum at the Suit of any Creditor who might have proved under the Commission, and be detained in Prison, the said Commissioners or Commissioner may order his Release, after he shall have undergone such Term of Imprisonment, not exceeding One Year, as to such Commissioners or Commissioner may seem a sufficient Punishment for such Offences as he may appear to such Commissioner to have been guilty of.

Prosecution against Bankrupt for any Offence under this Act may be ordered by the Commissioner acting in the Prosecution of the Commission.

LIII. And be it enacted, That it shall be lawful for the Commissioners or Commissioner authorized to act in the Prosecution of any Commission of Bankrupt issued after the Commencement of this Act, upon the Request in Writing of at least Three Creditors (not being Partners) who shall have respectively proved Debts of the Amount of Fifty Pounds or upwards under such Commission, to direct the Assignees of the Bankrupt named in such Commission, if he shall be suspected of or charged with the Commission of any of the Offences specified in this Act, to institute and carry on a Prosecution of such Bankrupt for such Offence, and to order the Costs and Expenses to be incurred in such Prosecution to be paid out of the Estate and Effects of the said Bankrupt, and such Assignees shall thereupon institute and carry on such Prosecution; and in case the said Assignees shall refuse or neglect to institute and carry on to Conviction such Prosecution, having no lawful or reasonable Impediment made known to and allowed by the said Commissioner or Commissioners, the said Commissioner or Commissioners may order the same to be instituted and carried on by the Creditors making such Request as aforesaid, as the said Commissioner or Commissioners may think fit.

Bankrupt may be discharged by Certificate of Conformity in manner herein-after prescribed.

LIV. And be it enacted, That every Bankrupt who shall have duly surrendered, and in all things conformed himself to the Laws in force at the Time of issuing the Commission against him, shall be discharged from all Debts due by him when he became bankrupt, and from all Claims and Demands made proveable under the Commission, in case he shall obtain a Certificate of such Conformity, so signed and allowed and subject to such Provisions as herein-after mentioned; and no Certificate of such Conformity by any such Bankrupt shall release or discharge such Bankrupt from such Debts, Claims, or Demands, unless such Certificate shall be obtained, allowed, and conformed according to such Provisions: Provided always, that no such Certificate shall release or discharge any Person who was Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt; provided also, that nothing herein contained shall affect the Validity of any Certificate allowed by the Lord Chancellor previous to the Commencement of this Act.

Discharge of Bankrupt not to release a Partner or Person jointly bound.

Bankrupt not entitled to Certificate if he has lost by gaming 20*l.* in One

LV. Provided always, and be it enacted, That no Bankrupt shall be entitled to such Certificate, and that any such Certificate, if obtained, shall be void, if such Bankrupt shall have lost by any Sort of gaming or wagering in One Day Twenty Pounds, or within One Year next preceding his Bankruptcy Two hundred Pounds, or if he shall, within One Year next preceding his Bankruptcy, have lost Two

hundred

hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract, or if such Bankrupt shall after an Act of Bankruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, or shall have concealed any Part of his Property, or if any Person having proved a false Debt under the Commission, such Bankrupt being privy thereto or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such Knowledge.

Day, or 200*l.* within One Year, or 200*l.* by Stock Jobbing, or concealed, destroyed, or made fraudulent Entries in Books, &c.

LVI. And be it enacted, That it shall be lawful for the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt heretofore issued or hereafter to be issued, or One of them, on the Application of the Bankrupt named in the Commission, to appoint a public Sitting for the Allowance of such Certificate to the Bankrupt named in such Commission, (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *Dublin Gazette* and to the Solicitor of the Assignees,) and at such Sitting any of the Bankrupt's Creditors may be heard against the Allowance of such Certificate, but it shall not be requisite for such Certificate to be signed by any of the Creditors of such Bankrupt; and such Commissioners or Commissioner, having regard to the Conformity of the Bankrupt to the Laws relating to Bankrupts, and to the Conduct of the Bankrupt as a Trader before as well as after his Bankruptcy, shall judge of any Objection either then made or appearing on the Proceedings against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require: Provided always, that no Certificate shall be such Discharge unless such Commissioners or Commissioner shall, in Writing under Hand and Seal, certify to the Lord High Chancellor of *Ireland* that such Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any Reason to doubt the Truth or Fulness of such Discovery, and unless the Bankrupt make Oath in Writing that such Certificate was obtained fairly and without Fraud, and unless the Allowance of such Certificate shall, after such Oath, be confirmed by the Lord Chancellor, against which Confirmation any of the Creditors of the Bankrupt may be heard.

Mode of obtaining Certificate of Conformity.

Certificate not to be a Discharge unless the Commissioner certify a full Conformity.

LVII. And be it enacted, That any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, or for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing or to consent to the Allowance or Confirmation of such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence; and the Certificate obtained by any Bankrupt who shall have made or given or been party or privy to the making or giving any such Contract or Security shall be absolutely null and void.

Contracts or Securities to induce Creditors to forbear Opposition to be void.

LVIII. And be it enacted, That if any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance or Confirmation of the Certificate of such Bankrupt, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained, (as the Case may be,) to be recovered as herein-after provided; and the Certificate obtained by any Bankrupt who shall have given or caused to be given, or been party or privy to giving, any Sum of Money, or any Goods, Chattels, or Security for Money, for any of the Purposes above mentioned, shall be absolutely null and void.

Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition or obtain Consent to Certificate.

LIX. And be it enacted, That any Bankrupt who shall, after such Certificate shall have been confirmed, be arrested, or have any Action brought against him, for any Debt, Claim, or Demand proveable under the Commission against such Bankrupt, shall be discharged, upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate, and the Confirmation thereof, shall be sufficient Evidence of the Trading, Bankruptcy, Commission, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Confirmation of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Bankrupt having obtained his Certificate free from Arrest.

Certificate to be Evidence of Bankruptcy, &c.

Bankrupts in Execution may be ordered to be discharged.

LX. And be it enacted, That no Bankrupt, after such Certificate shall have been confirmed, shall be liable to pay or satisfy any Debt, Claim, or Demand for which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made or to be made after the suing out of said Commission, unless such Contract, Promise, or Agreement be made in Writing, signed by the Bankrupt, or by some Person thereto lawfully authorized in Writing by such Bankrupt.

Bankrupt not liable, unless upon Promise in Writing, to pay Debt discharged by Certificate.

LXI. And be it enacted, That every Bankrupt who shall have obtained his Certificate under any Commission issued after the Commencement of this Act, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making

Allowance to Bankrupts.

making such Order have proved Debts under the Commission Ten Shillings in the Pound, shall be allowed and paid Five Pounds *per Centum* out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall, with or without prior Dividend, pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall, with or without prior Dividend, pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; and provided always, that such Allowance as aforesaid shall not be payable to any Bankrupt until after the Expiration of Twelve Months from the Date of the Commission, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such Twelve Months shall have proved Debts under the Commission being of the requisite Amount in that Behalf aforesaid, and shall not be payable to any Bankrupt who shall not have been a Trader for at least Twelve consecutive Months before the Date of the Commission; and if at the Expiration of Twelve Months from the Date of the Commission the Dividends paid as aforesaid shall not amount to Ten Shillings in the Pound, or if no Dividend shall have been ordered or paid, it shall be lawful for the Commissioners or Commissioner to allow any Bankrupt, whether he shall or shall not have been a Trader for Twelve Months before the Date of the Commission, so much as the Assignees and Commissioners shall think fit, not exceeding Three Pounds *per Centum*, or Three hundred Pounds.

Allowance not payable till 12 Months after Date of Commission, and Bankrupt has been a Trader for 12 Months.

Allowance, if at Expiration of 12 Months Dividend paid be under 10*s.*, &c.

One Partner may receive Allowance, though others not entitled.

LXII. And be it enacted, That in all joint Commissions under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although his other Partner may not be entitled to any Allowance.

Interest upon Debts when proveable, though not reserved or agreed for.

LXIII. And be it enacted, That upon all Debts or Sums certain whereupon Interest is not reserved or agreed for, overdue at the issuing of the Commission of Bankruptcy, and proveable thereunder, and payable at a certain Time or otherwise, the Creditors shall be entitled to prove for Interest, to be calculated to the Date of the Commission of Bankruptcy, at a Rate not exceeding the current Rate of Interest, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or, if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Duplicate of Schedule to be left with Registrars by Bankrupt, and open to Inspection.

LXIV. And be it enacted, That at least Eight Days before the Day appointed for the final Examination of any Bankrupt he shall, in addition to the Copy of his Schedule which he shall have furnished to the Assignee, furnish to and deposit with the Registrars of the Court of Bankruptcy a Duplicate Copy of said Schedule; and such Copy shall be produced by the said Registrars, at such Time and Place as the said Commissioners shall by any General Rule or Order direct, to any Person applying for Liberty to peruse same, and paying to the said Registrars for such Liberty a Fee of One Shilling.

When Proceedings cease, File to be deposited with the Registrars.

LXV. And be it enacted, That when and so soon as the Proceedings under any Commission shall cease, whether by a final Dividend being struck, or the Commission being superseded, or otherwise, the Assignees and Agent to such Commission, or such of them as shall have the Custody of the same, shall thereupon deposit with the Registrars of the said Court of Bankruptcy the File of Proceedings under such Commission, and such File shall from Time to Time thereafter be produced for Inspection or Perusal to said Assignees and Agent, or to such other Person only as the said Commissioners or Commissioner shall order or direct; and for every such Production thereof the said Registrars shall be entitled to a Fee of One Shilling; and said Registrars and each of them shall be responsible for the safe keeping of all Files so deposited with them.

Registrars of Court of Bankruptcy to hold Office during good Behaviour.

LXVI. And be it enacted, That the Registrars of the Court of Bankruptcy, and their Successors, who shall be from Time to Time appointed by the Lord Chancellor as a Vacancy shall arise, shall continue in their respective Offices so long as they shall respectively behave themselves well, and shall not be removed except by Writing under the Hand of the Lord Chancellor, on sufficient Cause therein specified.

Commissioners may permit Mortgagees to bid at Sale.

LXVII. And be it enacted, That the said Commissioners or Commissioner of Bankrupt may, in their or his Discretion permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the said Commissioners or Commissioner.

Goods seized under Attachments shall be delivered up.

LXVIII. And be it enacted, That all Goods and Chattels of any Bankrupt which shall at the Date and issuing of the Commission against him be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to any Person appointed by said Commissioners or either of them, or to the Assignee or Assignees of the Bankrupt's Estate.

Before whom Affidavits are to be sworn.

LXIX. And be it enacted, That all Affidavits to be made or used in Matters of Bankruptcy, or under or by virtue of any Statute relating to Bankrupts, or of this Act, shall and may be sworn before the Commissioners of Bankrupt, or One of them, or before either of the Registrars of the Court of Bankruptcy in *Ireland*, or before any Master in Ordinary of the High Court of Chancery in *Ireland*, or before the Examiner of any such Master in Ordinary, or before any Master Extraordinary of the High Court of Chancery in *Ireland*, or, in *England* or *Scotland*, before any Commissioner appointed by the Court of Chancery in *Ireland* for taking Affidavits in *England* or *Scotland* or any Part thereof, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere

elsewhere before a Magistrate, and attested by a Notary, or before a *British* Minister, Consul, or Vice Consul.

Rules to be made as to Proceedings in Commissions.

LXX. And be it enacted, That it shall be lawful for the Commissioners of Bankrupt, acting together, to make from Time to Time, subject to the Sanction and Confirmation of the Lord Chancellor, General Rules and Orders for regulating the Forms of Proceedings (where not provided for by this Act) and the Practice to be observed in the Prosecution of Commissions of Bankrupt or other Proceedings under this Act, and from Time to Time to amend and vary the same, subject to such Sanction and Confirmation.

Warrants and Summons, as to signing and sealing.

LXXI. And be it enacted, That every Warrant issued by any Commissioner authorized to act in the Prosecution of any Commission of Bankrupt shall be under the Hand and Seal of One of the Commissioners acting in the Prosecution of such Commission; and every Summons issued by any such Commissioner shall be in Writing under the Hand of One of such Commissioners.

How Summons may be served where the Party is keeping out of the way.

LXXII. And be it enacted, That if in any Case it shall be shown by Affidavit, to the Satisfaction of the Commissioners or Commissioner authorized to act in the Prosecution of any Commission of Bankrupt, by whom, or One of them, any Notice, Order, or Summons shall have been issued, that the Party to whom such Summons is directed is keeping out of the way, and cannot be personally served with such Notice, Order, or Summons, and that due Pains have been taken to effect such personal Service, it shall be lawful for such Commissioners or Commissioner to order, by Endorsement upon such Notice, Order, or Summons, that the Delivery of a Copy of such Notice, Order, or Summons to the Wife or Servant or some adult Inmate of the House or Family of the Party at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service; and in every such Case the Service of such Notice, Order, or Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect to all Intents and Purposes as if a Copy of such Notice, Order, or Summons had been delivered to the Party in Person.

Punishment of Persons giving false Evidence, or swearing or affirming falsely.

LXXIII. And be it enacted, That any Bankrupt or other Person who shall upon any Examination upon Oath or Affirmation before the Commissioners or Commmissioner authorized to act in the Prosecution of any Commission of Bankrupt, or in any Affidavit or Deposition or solemn Affirmation authorized or directed by this or any other Act relating to Bankrupts, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Application of Forfeitures.

LXXIV. And be it enacted, That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath hereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt in any of Her Majesty's Superior Courts of Record; and the Money so recovered (the Charges of Suit being deducted) shall be divided among the Creditors.

Bills of Solicitors to be taxed by a Registrar, subject to Review.

LXXV. And be it enacted, That all Bills of Fees and Disbursements of any Solicitor or Attorney employed under any Commission of Bankrupt, for Business done under such Employment, shall be taxed and ascertained by the Registrars of the Court of Bankruptcy, or One of them, subject to Review of One of the Commissioners of Bankrupt: Provided always, that so much of such Bills as contain any Charge respecting any Action at Law or Suit in Equity shall be taxed and ascertained by the proper Officer of the Court in which such Business shall have been transacted.

Bills of Auctioneers, Appraisers, Valuers, and Accountants to be settled in the same Manner.

LXXVI. And be it enacted, That all Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant employed by any Assignee or Messenger under any Commission of Bankrupt, for Business done under such Employment, shall be settled by the Registrars of the Court of Bankruptcy, or One of them, subject to Review in the same Manner as aforesaid relating to Bills of Solicitors and Attorneys, and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Power to Commissioner, with Consent of Creditors, to remove Creditors Assignee, and appoint another in his Stead.

LXXVII. And be it enacted, That it shall be lawful for the Commissioners of Bankrupt, or One of them, when he or they shall think fit so to do, upon the Application of any Creditor, to appoint a public Sitting, by Notice in the *Dublin Gazette* requiring the Creditors to attend and vote as to the Removal or Continuance of any Assignee of the Bankrupt's Estate and Effects previously chosen by the Creditors; and at the Sittings so appointed, or any Adjournment thereof, all the Creditors who have proved Debts under the Commission to the Amount of Ten Pounds or upwards shall be entitled to vote, and also any Person authorized by Letter of Attorney from any such Creditor or Creditors, upon Proof, by an Affidavit duly sworn, of the Execution thereof; and in case the major Part in Value of the said Creditors present at such Sitting vote for the Removal of such Assignee, the said Commissioners, or One of them, shall have Power to remove such Assignee, and to proceed to the Choice and Appointment of a new Assignee or Assignees in the Room and Stead of the Assignee or Assignees so removed, in like Manner as if such Assignee had been removed by Order of the Lord Chancellor.

Personal and Real Estate of Bankrupt to vest in the new Assignee by virtue of Appointment. 6 & 7 W. 4. c. 14.

LXXVIII. And be it enacted, That all such and the like Rights and Powers, all such Real and Personal Estate, as are by a certain Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in* Ireland, given to or declared to vest in a new Assignee appointed in the Stead of any removed Assignee, shall by virtue of such Choice and Appointment as aforesaid, and without any Deed of Assignment or Conveyance being necessary for that Purpose, be possessed, enjoyed, and vested in the new Assignee chosen and appointed in the Stead of the Assignee removed by the said Commissioners, except so far as is otherwise provided by this Act; and the Person who has been removed from being Assignee shall be bound to account as fully,

The removed Assignee shall fully account.

fully, and to obey the Orders of the said Commissioners as fully and effectually, and be liable to all the like Pains and Penalties, as if he still continued Assignee.

Actions or Suits not to be abated by Removal of Assignees.

LXXIX. And be it enacted, That whenever, upon the Death or Removal of any Assignee, a new Assignee shall be chosen and appointed, no Action, Suit, or other Proceeding, at Law or in Equity, shall be thereby abated, but the Court in which any Action, Suit, or Proceeding shall be depending shall and may, upon the Suggestion of such Death or Removal and new Choice, allow the Name or Names of the new Assignee or Assignees to be substituted in the Place of the former, and such Action, Suit, or Proceeding shall be prosecuted or carried on by or against and in the Name or Names of the said new Assignee or Assignees, in the same Manner as if he or they had originally been a Party or Parties thereto.

Costs may be awarded by Commissioners.

Persons may be ordered to pay Costs of bringing them up by Warrant.

LXXX. And be it enacted, That it shall be lawful for the Commissioners of Bankrupt to order when, and by whom, and to whom the Costs of any Proceedings had or taken in the Court of Bankruptcy, or of any Matter therein, or of any Proceedings under or in pursuance of any Order of the said Commissioners, shall be paid; and the Commissioner may order, if he think fit, that any Person or Witness apprehended or brought up under any Warrant of the Commissioners or either of them shall pay the Costs of and incident to apprehending him and bringing him up, and that he be detained in Custody till the same shall have been paid, or till he be discharged by Order of the said Commissioner or of some other competent Court.

Orders for Payments may be enforced by Chancery Writs, in Ireland.

LXXXI. And be it enacted, That all Orders of the said Commissioners of Bankrupt or either of them, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable, shall and may be enforced as if the same were Orders of the High Court of Chancery in *Ireland* by Writs sued out of the said Court of Chancery, and returnable therein in such Form as Writs used to enforce Decrees or Orders of the said Court of Chancery, or as near thereto as may be, or in such Form as the Lord Chancellor shall from Time to Time think fit to order; and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit.

Persons in Prison may be brought up by Warrant to give Evidence as to Bankruptcy.

LXXXII. And be it enacted, That when any Person believed capable of giving any Information concerning the Trading or any Act of Bankruptcy committed by the Person against whom any Commission is issued, or any Person known or suspected to have any of the Estate of a Bankrupt in his Possession, or to be indebted to the Bankrupt, or to be capable of giving Information concerning the Person, Trade, Dealing, or Estate of a Bankrupt, is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the said Commissioners of Bankrupt, or One of them, may, by Warrant under their or his Hand, directed to the Party in whose Custody such Person is confined, cause such Person to be brought before them at any Sitting for Examination, and such Warrant of the said Commissioners, or One of them, shall be lawful Authority for bringing up such Person.

Bankrupts in Custody to be brought before Commissioners.

LXXXIII. And be it enacted, That whenever any Bankrupt is in Prison or in Custody, in *England*, in *Scotland*, or in *Ireland*, under any Process, Attachment, Execution, Commitment, or Sentence, the said Commissioners, or One of them, may, by Warrant under their or his Hand, directed to the Person in whose Custody such Bankrupt is confined, cause such Bankrupt to be brought before them, or One of them, at any Sitting; and if any such Bankrupt is desirous to surrender, he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Warrant of the said Commissioners or Commissioner shall be a lawful Authority for bringing up such Bankrupt.

Depositions, &c. to be recorded without Order of Lord Chancellor.

Certificate endorsed, Evidence of Entry.

Fee of 1s. for Search.

LXXXIV. And be it enacted, That all or any Part of any Depositions, Proceedings, or other Matters relating to Commissions of Bankruptcy shall, with the Permission in Writing of the said Commissioners of Bankrupt, or One of them, upon the Application or Behalf of any Person interested therein, and on Payment of such Fees as before the passing of this Act were by Law payable for the like Business, without any Petition presented for that Purpose, and without any Order of the Lord Chancellor, be entered of Record in like Manner as same have hitherto been entered of Record upon an Order of the Lord Chancellor made in that Behalf; and on the Production in Evidence of any Instrument so entered of Record, having a Certificate thereon purporting to be signed by the Person heretofore appointed to enter such and the like Proceedings, or by his Deputy, or their Successors, the same shall, without any Proof of such Signature, be received as Evidence of such Instrument having been so entered of Record as aforesaid; and the Fee of One Shilling, and no more, shall be payable to the Person so appointed as aforesaid, and his Successors, for every Search made for Matter so entered of Record as aforesaid.

Where Second or other Commission against One or more Partners, Proceedings under it may form Part of First.

LXXXV. And be it enacted, That if, after a Commission issued against One or more Members of a Firm, any other Commission or Commissions shall be issued against any other Member or Members of such Firm, immediately after the Adjudication under such other Commission or Commissions, all the Estate, Real and Personal, of such Person or Persons declared bankrupt under such other Commission or Commissions, shall become vested in and transferred to the Assignees under the First Commission or Commissions, in the same Manner as if they had been appointed Assignees under such other Commission or Commissions, according to the Provisions of this Act or any other Act in force concerning Bankrupts, and all separate Proceedings under such other Commission or Commissions shall be stayed, and such other Commission or Commissions shall, without affecting the Validity of the First Commission, be annexed to and form Part of the same: Provided always, that the Lord Chancellor may direct such other Commission or Commissions to be proceeded on either separately or in conjunction with the First Commission.

LXXXVI. And

Three Fifths in Number and Value of Creditors of Bankrupt may accept a Composition.

LXXXVI. And be it enacted, That at any Meeting of Creditors after the Schedule of a Bankrupt shall have been furnished, and placed on the File of Proceedings, (of which Meeting, and of the Purport of which, Notice shall be given as herein-after directed,) if the Bankrupt or his Friends shall make an Offer of Composition or Security for such Composition, which Three Fifths in Number and Value of the Creditors assembled at such Meeting (personally or by some Person authorized to vote by Letter of Attorney), and who shall have proved a Debt amounting to at least Twenty Pounds, shall agree to accept, another Meeting for the Purpose of deciding upon such Offer shall be appointed, whereof such Notice as is herein-after directed shall be given; and if at such Second Meeting Three Fifths in Number and Value of the Creditors then present, or represented by Attorney, and who have proved Debts as aforesaid, shall also agree to accept such Offer, the Lord Chancellor shall and may (upon such Acceptance being testified by them in Writing, and the Acceptance thereof, and that Notice of each of such Meetings was duly given, certified by the said Commissioners of Bankrupt or One of them,) supersede the said Commission.

Mode of voting in deciding upon such Composition.

LXXXVII. And be it enacted, That in deciding upon such Offer as aforesaid any Creditor whose Debt is below Twenty Pounds shall not be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Commissioner that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to obtain such Assent as aforesaid.

How Notice shall be given to the Creditors.

LXXXVIII. And be it enacted, That Notice of each of such Meetings shall be inserted in the *Dublin Gazette* Twenty-one Days before the Day of Meeting; and a Copy of such Notice shall be served Twenty-one Days at least before the Day of Meeting upon every Schedule Creditor, as well as upon every Creditor who has proved a Debt, and who shall be resident in *Dublin* or within Ten Miles thereof, or whose Debt shall amount to One hundred Pounds or upwards, wheresoever resident; and Notice to every Creditor whose Debt shall not amount to One hundred Pounds, and who shall not be resident in *Dublin* or within Ten Miles thereof, shall be given by Advertisement in the *Dublin Gazette* as aforesaid, and by sending, addressed to every such last-mentioned Creditor, by the General Post, prepaid, a true Copy of each such Notice, Twenty-three Days at least before the Day appointed for such Meeting, the Address and Delivery of which Copies respectively at the Post Office into which the same respectively shall be put being verified by the Affidavit of an Attorney of One of Her Majesty's Courts of Law at *Dublin*, and the Name and Address of the Attorney sending the same being inserted at Foot of every such Copy.

Creditors who have received Notice bound to accept the Composition.

LXXXIX. And be it enacted, That every Creditor named in the Schedule of the Bankrupt (to whom Notice of each of such Meetings shall have been given in manner herein-before provided), and whether he shall or shall not have proved his Debt under the Commission, shall be bound to accept of such Composition so agreed to.

Any Debtor unable to meet his Engagements with his Creditors, and unable to obtain their Consent to a Deed of Composition, may, with the Concurrence of Two Thirds in Number and Value, petition the Commissioners.

XC. 'And whereas it is desirable to facilitate Arrangements between Debtors and their Creditors:' Be it enacted, That any Debtor unable to meet his Engagements with his Creditors, and unable to obtain the Consent of the whole of his Creditors to any Deed of Composition, may, with the Concurrence of Two Thirds in Number and Value of his Creditors (testified by their signing his Petition), present a Petition to the said Commissioners of Bankrupt, setting forth a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him, and also setting forth that he is unable to meet his Engagements with his Creditors, and the true Cause of such Inability, and that he is unable to obtain the Consent of all his Creditors to a Composition, and setting forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and that Two Thirds in Number and Value of his Creditors have assented to such Proposal, and praying that such Proposal (or such Modification thereof as by the Majority of his Creditors shall be determined) shall be carried into effect under the Superintendence and Control of the said Commissioners, and that he may in the meantime be protected from Arrest.

Petition to be in Form in Schedule (I.), and supported by Affidavit.

XCI. And be it enacted, That every such Petition shall be in the Form in Schedule (I.), and be filed with the Registrars of the said Court of Bankruptcy, and the Date of filing shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form in Schedule (K.); and on filing of each of such Documents there shall be paid to the said Registrars a Fee of Five Shillings.

Commissioners privately to examine into Matter of Petition, and if satisfied may allow the same de bene esse, and appoint Meeting of Creditors, and may grant Protection during Examination,

XCII. And be it enacted, That upon the filing of any such Petition the said Commissioners, or One of them, shall privately examine into the Matter thereof, and for that Purpose shall have Power to summon and examine upon Oath such Petitioning Debtor, or any Creditor concurring in his Petition, or any Witness produced by him, or any Person claiming to be a Creditor of such Petitioning Debtor, or any other Person or Persons whom it shall appear advisable to examine; and if the Commissioner shall be satisfied of the Truth of the several Matters alleged in such Petition, and that the Debts of such Petitioning Debtor have not been contracted by reason of any manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, Malicious Arrest, Malicious Prosecution of a Bankruptcy, or Malicious Trespass, and that such Petitioning Debtor has made a full Disclosure of his Debts and Credits, Estate and Effects, and is desirous of making a *bonâ fide*

and after Allowance de bene esse of Petition.

Arrangement with all his Creditors, and that his Proposal to that Effect is reasonable and proper to be executed under the Direction of the said Commissioners, it shall be lawful for the said Commissioners, or One of them, to allow such Petition *de bene esse*, and in such Case the said Commissioners or Commissioner shall cause Notice of the filing of such Petition, and of the Allowance thereof *de bene esse*, to be advertised in the *Dublin Gazette*, and to direct that a Meeting of all the Creditors of such Petitioning Debtor shall be held, at such Time and Place as the said Commissioners or Commissioner shall appoint, and Notice of such Meeting shall be given to every such Creditor not less than Twenty-one Days before the same is held, such Notice to be sent or given in manner herein-after directed.

How Notice shall be given to the Creditors.

XCIII. And be it enacted, That Notice of such Meeting shall be inserted in the *Dublin Gazette* Twenty-one Days before the Day of Meeting, and a Copy of such Notice shall be served Twenty-one Days at least before the Day of Meeting upon every Creditor who shall be resident within Ten Miles of the Town or Place where the Petitioning Debtor last carried on Trade or Business, or whose Debt shall amount to One hundred Pounds or upwards, wheresoever resident; and Notice to every Creditor whose Debt shall not amount to One hundred Pounds, and who shall not be resident within Ten Miles of the Place of Business of the Petitioning Debtor, shall be given by Advertisement in the *Dublin Gazette* as aforesaid, and by sending, addressed to every such last-mentioned Creditor, by the General Post, prepaid, a true Copy of each such Notice, Twenty-three Days at least before the Day appointed for such Meeting, the Address and Delivery of which Copies respectively at the Post Office into which the same respectively shall be put being verified by the Affidavit of an Attorney of One of Her Majesty's Courts of Law at *Dublin*, and the Name and Address of the Attorney sending the same being inserted at Foot of every such Copy.

Commissioner to examine into Matter of Petition.

If Resolution of Creditors not confirmed, Petition shall be dismissed, and Protection cease.

XCIV. And be it enacted, That the said Commissioners, or One of them, both during the Examination into the Matter of the Petition and after the Allowance thereof *de bene esse*, shall have Power to grant such Petitioning Debtor Protection from Arrest for such Time as the said Commissioners or Commissioner shall think fit; and if it shall appear to the said Commissioners or Commissioner, on such Examination into the Matter of the Petition, or at any Time before the Confirmation by the said Commissioners or Commissioner of the Resolution of Creditors, as herein-after provided, that such Petition is within any of the Terms of Disqualification above mentioned, or if the Proposal of the Petitioner, or some Modification thereof, be not agreed to by the required Number of Creditors at the Meetings, and in manner herein provided and approved of, and confirmed by the said Commissioners, or One of them, such Petition shall be dismissed, and any Protection granted to the Petitioner shall thereby cease and determine.

Commissioners may renew Protection, and if Petitioning Debtor be in Custody may order Release, &c.

XCV. And be it enacted, That the said Commissioners or Commissioner may renew such Protection from Time to Time as they or either of them shall think fit, and if the Petitioning Debtor be in Prison or in Custody for Debt may order his immediate Release, or may, by Warrant under their or his Hand, directed to the Person in whose Custody such Petitioning Debtor is confined, cause such Petitioning Debtor to be brought before them, or One of them, at any Sitting or before the Person presiding at any Meeting of the Creditors of such Petitioning Debtor, and the Expense of bringing him up shall be paid out of his Estate; and such Warrant of the said Commissioners or Commissioner shall be a lawful Authority for bringing up such Petitioning Debtor.

Commissioners to appoint a President.

XCVI. And be it enacted, That the said Commissioners, or One of them, shall appoint a fit and proper Person, being a Registrar or Official Assignee of the said Court of Bankruptcy, or One of the principal Creditors of the Petitioning Debtor, to preside at any Meeting of the Creditors of the Petitioning Debtor, and to report the Resolutions thereof to the said Commissioners.

If at First Meeting major Part in Number and Value, or Ninth Tenths in Value, or Nine Tenths in Number whose Debts exceed 20*l*., assent, another Meeting to be called.

XCVII. And be it enacted, That if at such Meeting of Creditors whereof Notice shall have been given as herein-before directed the major Part in Number and Value, or Nine Tenths in Value or Nine Tenths in Number whose Debts exceed Twenty Pounds, shall personally, or by their Attorneys thereto duly authorized, assent to the Proposal of such Petitioning Debtor or to any Modification thereof, the President shall appoint another Meeting of the Creditors, to be held not earlier than Fourteen nor later than Twenty-eight Days from such First Meeting, of which Second Meeting, and of the Purpose thereof, and of the Place of holding same, Notice in Writing shall be personally served on every Creditor who was not present by himself or his Attorney duly authorized at such First Meeting, Seven clear Days at least before the Day appointed for such Second Meeting: Provided always, that the said Commissioners of Bankrupt, or One of them, may order in any special Case that Service of such Notice at the last Place of Abode or Business of any Creditor shall be deemed good Service.

If at Second Meeting a Proportion of all the Creditors present agree to accept, &c., Resolution to be binding on all, provided One Third in Number and Value be present.

XCVIII. And be it enacted, That if at the Second Meeting of Creditors Three Fifths in Number and Value, or Nine Tenths in Number or Nine Tenths in Value whose Debts exceed Twenty Pounds, present personally or by Attorneys thereto duly authorized, shall agree to accept such Arrangement or Composition as was assented to at the First Meeting, and shall reduce the Terms thereof into Writing, and sign the same, such Resolution or Agreement (subject to such Confirmation as is next herein-after mentioned) shall thenceforth be binding and of full Force as well against the Petitioning Debtor as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Meetings of Creditors: Provided, however, that such Resolution or Agreement shall not be valid unless One full Third in Number and Value of all the Creditors of such Petitioning Debtor were present at such Second Meeting, either in Person or by their Attorneys duly authorized.

Creditors to vote according to Balance due

XCIX. And be it enacted, That in all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised, in pursuance of or in carrying into effect this Act, in relation to

any Arrangement between a Debtor and his Creditors, every Creditor shall be accounted such (in Value) in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property, and other such available Securities and Liens, as shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall, upon Application duly made in that Behalf, be examined into by the said Commissioners, or One of them, who shall have Power to determine the same, and, if it seem fit, to refer the Examination thereof to an Official Assignee: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

to them on Account fairly stated.

C. And be it enacted, That within Fifteen Days next after the passing of such Resolution or Agreement the same shall be submitted to the said Commissioners of Bankrupt, and if the said Commissioners, or One of them, if they or he shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their Counsel or Attorneys, as may desire to be heard, either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed with the Registrars of said Court of Bankruptcy, and shall grant to the Petitioning Debtor a Certificate of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioning Debtor shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioning Debtor at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioning Debtor, shall be liable to such Penalty as is by this or any other Act in force in *Ireland* provided respecting Bankrupts in the like Case: Provided always, that no such Protection shall be valid in favour of any Petitioning Debtor who shall be proved to have been about to abscond from *Ireland*, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Petition, nor against any Creditor whose Debt has been contracted by reason of any manner of Fraud or Breach of Trust.

Resolution to be submitted to the Commissioners, and the Commissioners, if they think it reasonable, after hearing Creditors for and against, to approve and confirm the same, and to cause it to be filed, and to grant Certificate of Protection.

CI. And be it enacted, That from and after the Date of the Approval and Confirmation of such Resolution or Agreement all the Estate and Effects of the Petitioning Debtor shall vest in the Trustee (if any such shall be appointed) by virtue of such Resolution, as fully as if such Trustee were an Assignee under any Bankruptcy; and every such Trustee may sue and be sued as if he were such Assignee.

Estate to vest in Trustee, if any be appointed.

CII. And be it enacted, That such Resolution shall be entered of Record in the Office for the Enrolment of Matters relating to Bankruptcy, and the same, when so enrolled, shall be as effectual, and a certified Copy thereof as admissible in Evidence, as is now a Certificate of Appointment of an Assignee or a certified Copy thereof.

Resolution to be enrolled, and Copy of it to be Evidence.

CIII. And be it enacted, That every such Trustee shall, once at least in every Six Months, or oftener if the said Commissioners or One of them shall require it, produce to the said Commissioners or Commissioner, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Debtor which have come to his Hands, and of the Disposal thereof; and the said Commissioners or Commissioner shall examine the same, and shall certify the Result of such Examination, and, if need be, order Payment to the Creditors of such Petitioning Debtor, according to the Terms of the Resolution or Agreement.

Trustee to file Account every Six Months, or oftener, if required.

CIV. And be it enacted, That if it shall at any Time appear to the said Commissioners or Commissioner, on the Representation of the Trustee or of any Two Creditors, that the Petitioning Debtor has not made a true Discovery of his Estate and Effects, or has not duly accounted for any subsequently acquired Property (if required by the true Intent and Meaning of the Resolution or Agreement), or has wilfully made any false Return of Creditors, it shall be lawful for said Commissioners, or either of them, to summon such Petitioning Debtor, and to examine him upon Oath touching such Matters; and such Summons and Examination shall be enforced in such Manner as the summoning and Examination of Bankrupts.

If Petitioning Debtor has not made a true Discovery, &c., he may be summoned and examined.

CV. And be it enacted, That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the said Commissioners, or One of them, to cause a special Meeting of the Creditors to be assembled at such Time and Place, and on such Notice given or advertised, as such Commissioners shall appoint; and the Resolution of the Majority of the Creditors at such Meeting, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Debtor do not attend such Meeting, the Resolution thereof shall not be valid unless the same is approved and confirmed by One of the said Commissioners.

If any Difficulty arise as to Execution of Resolution, &c., a Special Meeting may be called.

CVI. And be it enacted, That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of the Petitioning Debtor shall have been satisfied according to the Tenor thereof, the said Commissioners, or One of them, shall, after such Notice to the Creditors, by Advertisement in the *Dublin Gazette* or otherwise, as the said Commissioners or Commissioner shall think fit to direct, give to the Petitioning Debtor a Certificate under the Hand and Seal of the said Commissioners or Commissioner in the Form in Schedule (L.), setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect, and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

When Resolution, &c. is carried into effect, Petitioning Debtor shall receive a Certificate thereof, which shall operate as a Certificate of Conformity.

CVII. And be it enacted, That the said Commissioners, or One of them, on being satisfied that the Trustee has fully performed his Trust, shall give to him a Certificate thereof in the Form in the Schedule

Commissioners to give a Certificate, which shall

be a full Release and Acquittance.

dule (M.), and such Certificate shall be a full Release and Acquittance to such Trustee, both in Law and Equity, for all Matters done by him as such Trustee; and it shall be lawful for such Trustee to receive for his Services in the Execution of his said Trust such Sum of Money as the major Part in Number and Value of the Creditors shall appoint, subject to the Approval and Allowance of the said Commissioners.

Nothing contained in 3 & 4 Vict. c. 105. shall entitle a Judgment Creditor to any Preference.

CVIII. And be it declared and enacted, That nothing contained in an Act passed in the Session held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Advancement of Justice in* Ireland, shall operate or extend to give any Preference or Priority to any Judgment Creditor of or to any Security or Securities by Judgment obtained against any Person or Persons who has or have become or may hereafter become bankrupt.

Saving such Judgments as have been the Subject of some legal Decision before the passing of this Act.

CIX. Provided, however, and be it enacted, That nothing herein contained shall extend or be construed to extend to or affect any Act done before the passing of this Act under the Authority of any Court, or to render valid or invalid any Judgment or Security by Judgment declared valid or invalid by any Court of competent Jurisdiction before the passing of this Act, or to affect any Security or Securities by Judgment obtained before the First Day of *July* in the Year of our Lord One thousand eight hundred and thirty-six, and before the Bankrupt became a Trader liable to become a Bankrupt.

Judgments shall before 1st Day of November 1849 be entered on all Warrants of Attorney executed on or before 1st Nov. 1840, if not already entered.

CX. 'And whereas by the said last-mentioned Act it is enacted, that from and after the First Day of '*November* One thousand eight hundred and forty every Warrant of Attorney to confess Judgment in 'any personal Action, or a true Copy thereof, and of the Attestation thereof, and of the Defeazance and 'Endorsement thereon (if any), shall be filed in manner therein directed, or Judgment thereon entered, 'within Twenty-one Days after the Execution of such Warrant of Attorney: And whereas Doubts have 'arisen whether it is necessary that any Warrants of Attorney should be filed or Judgments thereon 'entered unless such Warrants were executed on or subsequent to the said First Day of *November* One 'thousand eight hundred and forty:' Be it therefore enacted, That Judgment shall on or before the First Day of *November* One thousand eight hundred and forty-nine be entered in One of Her Majesty's Courts of Record in *Dublin* upon all Warrants of Attorney which were executed on or before the said First Day of *November* One thousand eight hundred and forty, and which have not been filed in manner aforesaid within Twenty-one Days after the Execution thereof, or on which Judgment has not already been entered; and in case Judgment is not entered upon any such Warrant of Attorney before said First Day of *November* One thousand eight hundred and forty-nine, any Judgment entered thereupon subsequent thereto, and any Execution issued thereon, shall be deemed fraudulent and void against the Assignees appointed or to be appointed under any Commission of Bankrupt issued or to be issued against the Person who shall have given such Warrant of Attorney, and against the Provisional or other Assignee or Assignees of such Person, if an Insolvent Debtor; and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Otherwise such Warrants of Attorney shall in certain Cases be deemed fraudulent and void.

Pleas of Confession and Consents for Judgment to be filed within 21 Days.

CXI. And be it enacted, That from and after the Commencement of this Act the Provisions, Regulations, and Directions contained in the said Act of the Third and Fourth Years of Her present Majesty, in reference to the filing of Warrants of Attorney to confess Judgments, or Copies thereof, and the numbering, entering, and searching for the same, shall be applicable and deemed and construed to apply equally to any Plea of Confession, Cognovit actionem, and all manner of Acknowledgments or Consents for Judgments, and Copies thereof respectively, in any Suit or Proceeding in any of the Superior Courts of Law in *Ireland*, and to the numbering and entering of and searching for the same, as fully and effectually as if such Pleas of Confession, Cognovits, Acknowledgments, and Consents for Judgments, or the Copies thereof, had been expressly mentioned in the said Act, and required to be filed; and if at any Time after Twenty-one Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment, or Consent for Judgment, a Commission of Bankrupt shall be issued against the Person who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment, under which he shall be duly found and declared a Bankrupt, or if any such Person shall be imprisoned for Debt, and upon a Petition to the Court for the Relief of Insolvent Debtors in *Ireland* a Vesting Order shall be made under the Provisions of any Act for the Relief of Insolvent Debtors in *Ireland*, then and in such Case, unless such Plea, Cognovit, Acknowledgment, or Consent for Judgment, or a Copy thereof, shall have been (within Twenty-one Days from the Execution or signing thereof, or within Twenty-one Days from the Commencement of this Act,) duly filed, pursuant to the Provisions of the said herein-before recited Act of the Third and Fourth Years of Her present Majesty's Reign, or of this Act, or unless within the said Twenty-one Days Judgment shall have been entered thereon, and such Judgment duly registered in the Office of the Registrar of Judgments, according to the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in* Ireland; *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees under such Commission, and against the Provisional or other Assignee of such Prisoner, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

In what Case Pleas of Confession, &c. deemed fraudulent and void.

7 & 8 Vict. c. 90.

Fee of only One Shilling to be paid on searching.

CXII. And be it enacted, That from the Commencement of this Act, instead of the Fee of Sixpence hitherto payable to the Masters of the said Superior Courts for every Search against each Person, there shall be payable a Fee of One Shilling and no more for each Search, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

All other Judgments shall be registered.

CXIII. And be it enacted, That if at any Time after Twenty-one Days from the entering or signing of any Judgment whatever in any of the said Superior Courts (save and except Judgments entered up on or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, which Warrants of Attorney, Pleas of Confession, or Consents for Judgments, or Copies thereof, shall have been duly filed, under the Provisions of this Act or of the herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty,) a Commission of Bankrupt shall be issued against the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if such Person shall be imprisoned for Debt, and upon a Petition to the Court for Relief of Insolvent Debtors in *Ireland* a Vesting Order shall be made, under the Provisions of any Act for the Relief of Insolvent Debtors in *Ireland*, then and in such Case, unless such Judgment shall have been duly registered within Twenty-one Days from the entering or signing thereof in the said Office of the Registrar of Judgments, such Judgment, and any Execution thereon, shall be deemed fraudulent and void, against the Assignees under such Commission, and against the Provisional or other Assignee of such Prisoner, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Petitions of Appeal to be filed within 21 Days. Evidence on Hearing.

CXIV. And be it enacted, That every Petition of Appeal from any Judgment, Order, or other Decision of either of the said Commissioners of Bankrupt shall be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, within Twenty-one Days next after the Day on which such Judgment, Order, or other Decision is made or pronounced, and not afterwards; and that on the Hearing of each Petition of Appeal the only Documents or Evidence to be relied on or admissible shall be such as were produced or given before the Commissioner whose Judgment, Order, or Decision is appealed from.

Affidavits, &c. not liable to Stamp Duty.

CXV. And be it enacted, That all Affidavits and other Writings whatsoever, and all Advertisements inserted in the *Dublin Gazette* relating to any Proceedings under or in pursuance of this Act, shall not be liable to any Stamp Duty or other Duty whatsoever.

Lord Chancellor to settle Fees, &c.

CXVI. And be it enacted, That it shall and may be lawful for the Lord Chancellor from Time to Time to settle and regulate the Fees which shall be taken and paid upon all Matters and Proceedings done, had, or taken, or to be done, had, or taken, under or in pursuance of this Act, or of any of the Powers hereby given, or in the Execution thereof, other than such Fees as are hereby ordered to be paid, and, if he shall think fit, to direct that any of the said Fees shall be paid into the "Bankruptcy and Compensation Fund Account."

Secretary of Bankrupts, Registrars, and other Officers to be deemed Officers of the Court of Chancery.

CXVII. And be it enacted, That the Secretary of Bankrupts, Registrars, Provisional Assignees, and all other Officers appointed or to be appointed under the said recited Acts or this Act, except the Commissioners of Bankrupt, shall, from and after the passing of this Act, be deemed and considered to be Officers of the Court of Chancery in *Ireland*, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

Construction of Act.

CXVIII. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Words "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Words "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being; the Words "Commissioners" and "Commissioner" shall mean "Commissioners of Bankrupt," or One of them; and the Word "Month" shall mean a Calendar Month; and the Word "Oath" or "Affidavit" shall include Affirmation and Declaration where by Law such Affirmation or Declaration is required or allowed to be taken in place of an Oath; and the Word "Creditor" shall mean and include all Joint Stock Banking Companies and Corporate Bodies; and every Affidavit or Oath necessary to be made by any Creditor may be made by the Public Officer authorized to sue or be sued or to make Oaths by and on behalf of such Joint Stock Banking Company, or by the Secretary or Deputy Secretary of any Corporate Body; and the Schedules hereto annexed shall be considered and construed as Part of this Act; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that this Act shall apply to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that this Act shall not extend to either *England* or *Scotland*, except where the same are expressly mentioned; and that this Act, and all other Acts in force or to be in force concerning Bankrupts, shall be construed together as Parts of one and the same Statute, in the most beneficial Manner for promoting the Benefit of Creditors of Bankrupts, and the Ends thereby and hereby intended.

Act may be amended, &c.

CXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES referred to by the foregoing Act.

Section XI.

SCHEDULE (A.)

No. 1.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* of [*describe fully*] is justly and truly indebted to this Deponent in the Sum of Pounds for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Statutes relating to Bankrupts or some or one of them, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of Pounds, with a Notice thereunder written in the Form prescribed by the Statute in that Case made and provided, purporting to require immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or* last] personally serve the said *E.F.* with a true Copy of said Account and Notice.

Sworn, *&c.*

No. 2.

Particulars of Demand and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of Pounds [*here copy Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of Pounds. Dated this Day of in the Year of our Lord .

(Signed) *A.B.*

No. 3.

Summons of Trader Debtor.

THESE are to will and require you to whom this Summons is directed personally to be and appear before the Commissioners of Bankrupt, or One of them, at the Court of Bankruptcy at the Four Courts Inns Quay, Dublin, on the Day of at o'Clock; and you are hereby informed, that the Purpose for which you are thus summoned to appear before the said Commissioners or Commissioner is to ascertain, in Manner and Form prescribed by the Statute in that Case made and provided, whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of Pounds for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence to the said Demand, or to any and what Part thereof; and hereof you are not to fail, at your Peril. Given under my Hand, the Day of in the Year of our Lord .

(Signed) *J.K.*
Commissioner.

To *E.F.* of

Section XII.

SCHEDULE (B.)

No. 1.

Admission of Debt by Trader Debtor.

Court of Bankruptcy, Dublin.
Day of .

WHEREAS I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by the Statute in that Case made and provided, whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of Pounds for a Debt), or any and what Part thereof, or whether I verily believe that I have a good Defence to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of Pounds [*or* in part of the said Sum of Pounds, that is to say, in the Sum of Pounds].

(Signed) *E.F.*

Admitted before me, *J.K.*
Commissioner.

No. 2.

Deposition by Trader Debtor of Belief of good Answer to Creditors Demand, or some Part thereof.

Court of Bankruptcy, Dublin, Day of A.D.

E.F. of being sworn, on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence to the Demand [*or* to Pounds, Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of Pounds

Pounds for a Debt alleged to be due and owing from the said *E.F.* to said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in the Office of the Lord Chancellor's Secretary of Bankrupts, and bearing Date the Day of

Sworn before me,

E.F. *J.K.*
Commissioner.

SCHEDULE (C.) Section XVII.

Admission of Debt by Trader Debtor, signed out of Court.

I the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of Pounds.

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (D.) Section XXII.

Declaration of Insolvency by Trader.

I the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements.
Dated this Day of in the Year of our Lord

(Signed) *E.F.*

Witness,
G.H., Attorney of the Court of

SCHEDULE (E.) Section XLIX.

Warrant of Committal of Bankrupt or other Party for unsatisfactory answering, or for refusing to sign his Examination.

Court of Bankruptcy, Dublin.

In the Matter of Bankrupt. } WHEREAS *E.F.* the said Bankrupt [*or C.H.* of in the County of] was on the Day of duly sworn and examined in this Court before me, the Commissioner of Bankrupt whose Name and Seal are hereunto subscribed and affixed:

And the said was again on the Day of duly sworn and examined before me the same Commissioner, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you my Messenger to whom this my Warrant is directed, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Commissioners of Bankrupt, and sign and subscribe his said Examination and Deposition, [*or* and full Answers make,] to the Satisfaction of said Commissioners to such Questions as shall be propounded to him.

Done at the said Court, this Day of 18 .

J.K.
Commissioner.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (F.) Section XLIX

Warrant for refusing to be sworn or to answer.

Court of Bankruptcy, Dublin.

In the Matter of Bankrupt. } WHEREAS *E.F.* of *or C.H.* of being present in this Court on this Day of was by me, the Commissioner of Bankrupt whose Name and Seal are hereunto subscribed and affixed, required to submit to be duly sworn and examined, pursuant to the Statutes relating to Bankrupts but the said then and there refused to be sworn [*or* refused to answer the Questions put to him by the said Commissioner]:

These are therefore to authorize and require you my Messenger to whom this my Warrant is directed, immediately upon Receipt hereof, to take into your Custody the said and him safely to convey

convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Commissioners of Bankrupt to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Done at the said Court, this Day of 18

J.K.
Commissioner.

To
Messenger, and his Assistants,
and to Governor of
the said Prison, or to his Deputy
there.

Section XLIX. SCHEDULE (G.)

Warrant of Committal for disturbing or interrupting the Court, 6 W. 4. Cap. 14. Sec. 158.

Court of Bankruptcy, Dublin.

In the Matter of Bankrupt. } WHEREAS at a Sitting in this Matter duly holden in the said Court on the Day of 18 , before me, the Commissioner of Bankrupt whose Name and Seal are hereunto subscribed and affixed, *E.F., &c.* [*or G.H., &c.*] was guilty of Riot [*or* of Disturbance,] [*or* did interrupt me the said Commissioner in the Exercise of my Duty]:

These are therefore to authorize and require you my Messenger to whom this my Warrant is directed, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody, and him safely keep and detain for One Calendar Month [*or* for Days from this Date].

Done at the said Court, this Day of 18 .

J.K.
Commissioner.

To
Messenger and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

Section XLII. SCHEDULE (H.)

Search Warrant.

Court of Bankruptcy, Dublin Day of A.D.

In the Matter of a Bankrupt. } WHEREAS by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me, the undersigned Commissioner of Bankrupt acting in the Prosecution of a Commission of Bankruptcy now in Prosecution against *A.B.* of in the County of bearing Date the Day of that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House of one *C.D.* of in the County of such House not belonging to the said Bankrupt:

These are therefore, by virtue of the Act intituled "An Act for the Amendment of the Law of "Bankruptcy in Ireland," to authorize and require you, with necessary and proper Assistants, to enter in the Daytime into the House and Premises of the said *C.D.* situate at aforesaid, and there diligently to search for the said Property, and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, and keep Possession thereof until it be disposed of and dealt with according to the Provisions of the Laws made and in force concerning the Disposition of the Estate and Effects of Bankrupts.

Done at the said Court, this Day of in the Year of our Lord 18 .

J.K.
Commissioner.

To
W.W., Assistant Messenger of the
Court of Bankruptcy, and his
Assistants.

Section XCI. SCHEDULE (I.)

Petition for Arrangement to the Commissioners of Bankrupt.

The humble Petition of

Showeth,

That your Petitioner, being a Debtor unable to meet his Engagements with his Creditors, petitions the Commissioners of Bankrupt under the Provisions of the "Act for the Amendment of the Law of Bankruptcy in Ireland," with the Concurrence of Two Thirds in Number and Value of his Creditors, as is testified by their signing this his Petition:

That the following is a full Account of your Petitioner's Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of your Petitioner's Estate and

and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him; viz.

Name of Creditor.	Residence.	Occupation.	When Debt contracted, and Consideration thereof.	Amount of Debt.

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

That for the future Payments or Compromise of such Debts and Engagements your Petitioner proposes

and Two Thirds in Number and Value of your Petitioner's Creditors have assented to such Proposal:

Your Petitioner therefore prays, that such Proposal (or such Modification thereof as by the Majority of his Creditors may be determined) may be carried into effect under the Superintendence and Control of the Commissioners of Bankrupt, and that he may in the meantime be protected from Arrest.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the
Presence of
Solicitor in the Matter of this Petition.

CONCURRING CREDITORS.

Signature.	Amount.

SCHEDULE (K.) Section XCI.

Affidavit in support of Petition for Arrangement.

Court of Bankruptcy, Day of A.D.
of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.
Sworn at this Day of One thousand eight hundred and forty before me,

SCHEDULE (L.) Section CVI.

Certificate to Petitioning Debtor.

Court of Bankruptcy, Dublin, Day of A.D.
WHEREAS of a Debtor unable to meet his Engagements with his Creditors, did on the Day of with the Concurrence of Two Thirds in Number and Value of his Creditors, present his Petition to the Commissioners of Bankrupt under the Provisions of "the Act for the Amendment of the Law of Bankruptcy in Ireland," praying that a certain Proposal therein contained, or such Modification thereof as by the Majority of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Commissioners, and the said Petition has been duly filed with the Registrars of said Court: And whereas One of the said Commissioners acting in the Matter of the said Petition, caused such Meetings of the Creditors of the said to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Meetings of the Creditors, which the said Commissioners, thinking the same to be reasonable and proper to be executed, under the Direction of the said Commissioners, caused to be filed and entered of Record as by said Act directed: And whereas I am satisfied that the said has fully performed his Part of the said Resolution and Agreement, I hereby certify the several Matters aforesaid, under my Hand and Seal, this Day of 18 .

J.K.
Commissioner.

Section CVII.

SCHEDULE (M.)

Certificate to Trustee.

Court of Bankruptcy, Dublin, Day of A.D.

WHEREAS of a Debtor unable to meet his Engagements with his Creditors, did on the Day of with the Concurrence of Two Thirds in Number and Value of his Creditors, present his Petition to the Commissioners of Bankrupt under the Provisions of "the Act for "the Amendment of the Law of Bankruptcy in Ireland," praying that a certain Proposal therein contained should be carried into effect, under the Superintendence and Control of the said Commissioners, and the said Petition has been duly filed with the Registrars of said Court: And whereas One of the said Commissioners acting in the Matter of the said Petition, caused certain Meetings of the Creditors of the said to be held pursuant to the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Meetings of Creditors, which the said Commissioners, thinking the same to be reasonable, and proper to be executed, under the Direction of the said Commissioners, caused to be filed and entered of Record as by said Act directed: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Trustee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust, I hereby certify the same under my Hand and Seal, this Day of 18 .

J.K.
Commissioner.

C A P. CVIII.

An Act to amend the Joint Stock Companies Winding-up Act, 1848. [1st *August* 1849.]

11 & 12 Vict. c. 45.

'WHEREAS it is expedient to amend as after mentioned the Joint Stock Companies Winding-up Act, 1848:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding anything in the said Act contained importing a more limited Application thereof, the same shall apply to all Partnerships, Associations, and Companies whereof the Partners or Associates are not less than Seven in Number, whether incorporated or unincorporated, and whether formed or subsisting before or after the passing of the said Act or this Act, other than and except Railway Companies incorporated by Act of Parliament, to which Companies such Act shall not apply: Provided always, that upon the Hearing of any Petition for the Dissolution of any such Partnership, Association, or Company, the Court shall, in considering the Necessity or Expediency of any such Dissolution, or the Terms or special Directions subject to which it may think fit to allow such Dissolution, have regard to any Articles of Partnership or other Contract which shall be subsisting between the Members of such Partnership, Association, or Company: Provided nevertheless, that nothing herein contained shall affect the Jurisdiction of the Court of Stannaries in *Cornwall;* and that nothing in this Act nor in any Act herein referred to contained shall extend or be construed to extend to any Partnership, Association, or Company formed for the working of Mines on the Principle commonly called the Cost Book Principle, within the said Stannaries and Jurisdiction of the said Court, unless the Owner or Owners of One Tenth in Value of the Shares in any such Mine, as shall appear on the Cost Book, shall present a Petition to the Lord Chancellor or to the Master of the Rolls for the Dissolution and winding up, or for the winding up, of the Affairs of such Company, which Petition, and the Parties thereto, and all Proceedings thereupon, shall be subject to the Provisions of this Act and the Acts herein referred to; and that on such Petition being so presented, and Notice thereof being given to the Vice Warden by the Party petitioning, the Court of the said Vice Warden, and the Registrar and Officers thereof, shall cease from entertaining and dealing with any Cause touching such Mine, except so far as may be allowed and directed by Order of the Court of Chancery, in regard to any Cause then or to be thereafter brought in the Court of the said Vice Warden, or in regard to any Proceeding to be taken in furtherance of the said Petition and the Purposes of this Act and the Acts herein referred to; and that the said Vice Warden and Registrar, in taking such Proceedings, shall have all the Powers which any District Commissioner of the Court of Bankruptcy now has in any Matter which by virtue of this Act and the Acts herein referred to may be brought before him.

The 11 & 12 Vict. c. 45. to extend to all Partnerships, Associations, and Companies consisting of not less than 7 Members.

Petition for Dissolution, &c. to be advertised in Newspapers besides Advertisement in Gazette.

II. And be it enacted, That when any Petition for Dissolution and winding up, or for winding up, the Affairs of any Company, under the said recited Act, shall have been presented, every subsequent Petition relating to the Affairs of such Company shall be addressed to and marked for the same Judge, and such Petitions shall, in addition to the Advertisement thereof in the *London Gazette* or in the *Dublin Gazette* directed by the said Act, be advertised at least Seven clear Days before the hearing thereof, and once at least in Two *London* Daily Morning Newspapers, or in Two *Dublin* Daily Newspapers, (as the Case may be,) and also (in case the Head or only Office of the Company be not in *London*, *Westminster*, or *Southwark*, or in *Dublin*,) once at least in some Newspaper in general Circulation in the County, City, or Borough where the Head or only Office, or the last known Head or only Office of the Company, is or was situate, and such Advertisement may be in the Form or to the Effect set out in the Schedule (A.) annexed to this Act; and every Contributory shall be entitled to be furnished by the Solicitor presenting any Petition with a Copy thereof within Twenty-four Hours after requiring the same, on paying at the Rate of Four-pence *per* Folio of Ninety Words for such Copy.

III. And

Petition for Dissolution, &c. may be verified by Affidavit.

III. And be it enacted, That every Petition for Dissolution and winding up, or winding up, may be verified by Affidavit annexed thereto, or subscribed at the Foot thereof, at the Time of presenting and filing the same, in the Form or to the Effect set out in the Schedule (B.) annexed to this Act; and that no Costs of any further or additional Affidavit in Verification shall be allowed, unless specially allowed by the Court.

On winding up on Suit, Court may order a Resort to the Act.

IV. And be it enacted, That the Provision in the said Act contained for empowering Her Majesty's High Court of Chancery in *England* and *Ireland* respectively, in any Decree or Order for the Dissolution of a Company or of any other Association or Partnership, as therein mentioned, to be made in any Suit then pending or thereafter to be instituted, and also, by any Order to be made after a Decree for the Dissolution of a Company, Association, or Partnership in any such Suit, to order that the Affairs of such Company, Association, or Partnership should be wound up under the Provisions of the said Act, and that the Costs of winding up the same should be paid and recovered according to the Provisions of the said Act, and for that Purpose to give Directions as therein-mentioned, any Decree or Order so to be made to be deemed, if the said Court should so direct, an Order absolute under the said Act, shall extend in all respects to any Decree or Order of the Court for or relating to the winding up of the Affairs of any such Company, Association, or Partnership as therein mentioned made in any Suit now pending or hereafter to be instituted, and also to any Order made after a Decree for or relating to the winding up of the Affairs of a Company, Association, or Partnership in any such Suit.

Extension of Provision as to Official Managers Sureties; Withdrawal, Increase, or Diminution of Security; vacating of Recognizances.

V. And be it enacted, That it shall be lawful for the Master for the Time being acting in the winding up of any Company under the said Act in respect of which an Official Manager has been or shall be appointed, if he think fit so to do, from Time to Time to allow any Surety of such Official Manager to withdraw from his Suretyship, or to become bound in a smaller Sum, from Time to Time, upon his procuring another Surety or Sureties to become bound in a competent Amount, and also to allow any Surety from Time to Time to become bound in a larger Sum, and to direct any new Recognizances to be entered into accordingly; and also that it shall be lawful for the Master, in any Case arising under the present Provision, and also upon the Death, Bankruptcy, or Insolvency of any Surety, and the Appointment of any new Surety in his Place, to order any Surety's Recognizance to be vacated: Provided always, that nothing herein contained shall authorize the Master at any Time to allow the total Amount of the Recognizances of all the Sureties of any Official Manager for the Time being to fall short of the Sum in which such Official Manager is bound.

Remuneration of Official Manager to be fixed by Master according to the Scale herein mentioned.

VI. And be it enacted, That, notwithstanding the Provision in the said Act contained for empowering the Court to allow, increase, or diminish from Time to Time the Salary or Remuneration of the Official Manager, it shall be lawful for the Master to exercise the said Powers and Discretions so given to the Court, and that whether as respects any Official Manager already appointed or hereafter to be appointed: Provided always, that such Salary or Remuneration shall not, if it be by Per-centage, unless the Court otherwise direct, exceed (in addition to any Allowances or Salaries to Clerks or Officers employed by such Official Manager in or about the winding up of the Company, such Allowance or Salary to be also fixed or approved by the Master) the Rates or Sums herein-after mentioned; that is to say,

In respect of all Monies arising from the Estate of such Company received by the Official Managers, and paid or divided among the Creditors or Contributories of the same under the Provisions of the said Act, which shall not exceed One hundred thousand Pounds, Five Pounds *per Cent.*;

In respect of all such further Monies which shall exceed One hundred thousand Pounds but shall not exceed Two hundred thousand Pounds, Four Pounds *per Cent.*;

And in respect of all further Monies so divided which shall exceed Two hundred thousand Pounds, Three Pounds *per Cent.*;

Provisions as to Remuneration, &c. of Official Manager to apply to Provisional Manager.

VII. And be it enacted, That the Provision herein contained with respect to the Remuneration of an Official Manager, and the Provisions in the said Act contained with respect to passing the Accounts of the Official Manager, and the Inspection of his Books, by the Contributories, and the Evidence of his Books, Accounts, and Documents, and all other the Powers and Duties of the Official Manager, shall apply in all respects to the Remuneration of any Interim or Provisional Manager to be appointed as in the said Act mentioned, and to the passing of his Acconnts, and the Inspection of his Books, and the Evidence of his Books, Accounts, and Documents, and the Powers and Duties of the Interim or Provisional Manager.

Official Manager may endorse Bills and Notes, and raise Money on Security of Assets.

VIII. And be it enacted, That for better getting in the Estate of any Company in respect of which an Order absolute has been or shall be made under the said Act, and discharging the Debts thereof, and winding up the Affairs thereof, it shall be lawful for the Official Manager of such Company, under the Direction of the Master for the Time being acting in the winding up thereof, and on behalf of the Company, to draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time such Sum or Sums of Money and in such Manner as the Master shall from Time to Time direct; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof.

"Contributory" to include alleged Contributories as respects the Attendance and Representation of Parties.

IX. And be it enacted, That the Word "Contributory" as used in the said Act or in this Act with respect to the Persons who are to attend the Proceedings before the Master, and to the Representation of Classes of Contributories, and to the Representation of Contributories being Minors or Lunatics, and to the Appointment by the Master of next Friends, Guardians, or Representatives, and with respect to determining and resolving Questions of Law or of Fact, or Matters in contest arising in or about the winding up of the Affairs of any Company, shall be taken to include alleged Contributories.

Authority of Official Manager where more than One appointed.

X. And be it enacted, That if more than One Official Manager of any Company shall have been or shall be appointed under the said Act, any One of the Official Managers so to be appointed shall have Power to bind and conclude his Co-Managers to the same Extent and in the same Manner in all respects as any One Assignee of the Estate and Effects of a Bankrupt has Power to bind and conclude his Co-Assignees.

Master may fix Remuneration of Official Manager's Solicitor.

XI. And be it enacted, That it shall be lawful for the Master to make or allow any Arrangement which he may think fit from Time to Time with respect to the Remuneration of any Attorney or Solicitor to be appointed by the Official Manager, and that such Remuneration may be either by way of Per-centage or otherwise; provided that such Remuneration, if it be by Per-centage, shall not, unless the Master shall otherwise specially direct, exceed (in addition to actual Payments) the Rates or Sums hereby authorized to be allowed to the Official Manager for his Salary or Remuneration.

Master may award Costs.

XII. And be it enacted, That the Costs of all Proceedings which shall take place in and about the winding up, as to which the Court shall have made no Order, shall be in the Discretion of the Master; and that it shall be lawful for the Master to award a single Sum or Fee for any Costs awarded by him, or otherwise to settle the Principle and the Scale of Fees upon or according to which such Costs shall be ascertained and settled.

Acts of Official Manager to be valid as respects Third Parties, though not approved of.

XIII. And be it enacted, That all Acts and Things by the said Act or by this Act required or authorized to be done by the Official Manager, with the Leave or Approbation or under the Direction of the Master, shall, so far as respects the Safety and Protection of Debtors and other Persons not being Contributories of the Company, and not affected with Notice of any Fraud, be valid and conclusive, notwithstanding such Leave or Approbation have not been obtained or such Direction have not been given.

Bankrupt may attend by Assignees.

XIV. And be it enacted, That if any Contributory or alleged Contributory be a Bankrupt or Insolvent, he shall be entitled to attend by his Assignees, and in all Proceedings against his Estate under the said Act shall be sufficiently represented by such Assignees.

Master may adjourn Proceedings generally, &c.

XV. And be it enacted, That, notwithstanding anything in the said Act contained, it shall be lawful for the Master to adjourn any Proceedings before him under the said Act without fixing any Time or Place, and to take up again and continue any Proceedings under the said Act from Time to Time, although the same have not been formally adjourned.

Master may dispense with Advertisements.

XVI. And be it enacted, That it shall be lawful for the Master, in such Cases as he thinks fit, to dispense with any Advertisements required by the said Act to be made of any Call or of any other Proceedings by or before the Master; provided that the said Master shall not dispense with the Advertisement of an intended Call or other Proceeding until he is satisfied that Notice has been given to each of the several Contributories intended to be included in such Call or affected by such Proceeding, that it is intended to include him therein or affect him thereby; and that, notwithstanding anything in the said Act contained, no Proceedings in any Action by a Creditor shall be stayed by reason that an Advertisement has not been published under the said Act requiring Creditors to come in and prove their Debts and Demands before the Master.

Master may review his Orders and Proceedings.

XVII. And be it enacted, That it shall be lawful for the Master from Time to Time to reconsider and review any Order or Proceeding which may have been made by or may have taken place before him under the said Act, upon such Terms and in such Manner as he thinks fit.

List of Contributories, &c., as prepared by Official Manager, to be Evidence.

XVIII. And be it enacted, That as between the Contributories or alleged Contributories, the Lists of Contributories, and all other Lists required by the said Act, as the same shall have been prepared by the Official Manager, and before the same shall have been settled by the Master, shall, except so far as the Master shall otherwise direct, be *primâ facie* Evidence of the Truth of all Matters therein contained and purporting to be therein recorded.

Master may require any Evidence to be given which might have been obtained in a Suit by the Company.

XIX. And be it enacted, That it shall be lawful for the Master, under the Powers of the said Act, to require any Evidence to be given or Discovery to be made before him respecting the Estate, Dealings, or Affairs of any Contributory or deceased Contributory of the Company, or respecting any other Matter in which the Company may be interested, and which might have been compelled or obtained in any Suit in Equity at the Instance or on the Behalf of the Company; and that any Person who shall be summoned before the Master for the Purpose of giving any such Evidence shall be deemed to be within the Provisions and Penalties of the said Act with respect to Witnesses.

District Commissioners of Bankruptcy, and County Court Judges in England, and Commissioners of Bankrupt and Assistant Barristers in Ireland, and in certain Cases Vice Warden or Registrar of Stannaries Court, to be Commissioners for receiving Evidence.

XX. And be it enacted, That the District Commissioners of the Court of Bankruptcy, and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in *Ireland*, and in all Cases relating to Mines within the Jurisdiction of the Stannaries Court in *Cornwall* the Vice Warden or the Registrar of the said Court, shall be and they are hereby appointed Commissioners for the Purpose of taking and receiving Evidence under the said Act and this Act; and it shall be lawful for the Master, by any Order under his Hand, to refer the whole or any Part of the Examination of any Witnesses under the said Acts to any such Commissioner, although such Commissioner be out of the Jurisdiction of the Court by which the Order absolute was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as the Vice Warden or the Registrar of the Stannaries Court, have and exercise, in the Matter so referred to him, all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, and allowing Costs and Charges to Witnesses, as are given by the said Act or this Act to any Master charged

with the winding up of any Company under the same; and the Examinations so to be taken shall be returned to the Master as he shall direct.

Master may order the Examination of Persons in Scotland, whether Contributories to the Company or not, as to the Estate, Dealings, &c. of or with such Company.

XXI. And be it enacted, That it shall be lawful for the Master, by any Order under his Hand, to direct the Examination in *Scotland* of any Person within *Scotland*, whether a Contributory of the Company or not, in regard to the Estate, Dealings, or Affairs of such Company, or in regard to the Estate, Dealings, or Affairs of any Person, being a Contributory of the Company, so far as the Company may be interested therein in respect of his being such Contributory; and such Order shall be directed to the Sheriff of the County in which the Person to be examined shall reside or be for the Time; and the Sheriff shall summon such Person to appear before him at such Time and Place as shall be specified in the Summons, for Examination upon Oath as a Witness or as a Haver, and to produce the Books, Papers, Deeds, or Documents called for which may be in his Possession or Power, and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Master, and shall transmit with such Report the Books, Papers, Deeds, or Documents produced, if the Originals thereof shall be required and specified by the Order, or otherwise such Copies thereof or Extracts therefrom authenticated by the Sheriff as shall be necessary; and in case any Person so summoned shall fail to appear at the Time and Place specified, or appearing shall refuse to be examined or to make the Production required, the Sheriff shall proceed against such Person as a Witness or Haver duly cited and failing to appear, or refusing to give Evidence or make Production, may be proceeded against by the Law of *Scotland*; and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as Sheriffs when acting as Commissioners under Appointment from the Court of Session, and as Witnesses and Havers, are entitled to, in the like Cases, according to the Law and Practice of *Scotland*: Provided always, that if any Objection shall be stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, it shall be competent for the Sheriff, if he shall think fit, to report such Objections to the Master, and to suspend the Examination of such Witness until such Objection shall be disposed of by the Master.

Witnesses to be within Provisions, &c. of Act, and Costs to be Costs in the winding-up.

XXII. And be it enacted, That any Person summoned as a Witness before any Commissioner under this Act shall be deemed to be in all respects within the Provisions and Penalties of the said recited Act with respect to Witnesses; and that all Costs and Expenses of and incident to any Commission, or any Examination before any Commissioner, under this Act, shall be in the Discretion of the Master, and shall be in all respects within the Provisions of the said Act as to the Costs of winding up the Affairs of any Company.

Summonses from England good in Ireland, and vice versâ.

XXIII. And be it enacted, That any Summons of a Witness to be made by the Master or any Commissioner under this or the said recited Act in *England* shall be valid and effectual, and shall be enforceable in *Ireland*, and that any such Summons so made in *Ireland* shall be valid and effectual in *England*.

Affidavits, &c. may be sworn in Ireland, Scotland, or the Colonies, before any competent Court or Person.

XXIV. And be it enacted, That any Affidavit, Affirmation, or Declaration which shall require to be sworn or made under the Provisions or for the Purposes of this or the said recited Act shall and may be lawfully sworn in *Great Britain* or *Ireland*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice Consuls in any Foreign Parts out of Her Dominions, and that all Courts, Judges, Justices, Masters, Commissioners judicially acting, and other Officers in any Parts of Her Majesty's Dominions, shall take judicial Notice of the Seal or Signature (as the Case may be) of any such Court, Judge, Person, Consul or Vice Consul, attached, appended, or subscribed to any such Affidavit or Declaration, or to any other Document to be used for the Purposes of this Act.

As to Settlement by Official Manager.

XXV. And be it enacted, That, notwithstanding anything in the said Act contained, no Deed of Grant by the Official Manager shall require to be approved or certified by the Master, unless the Parties differ about the same.

Statement of Interest in Notices of Inclusion in or Exclusion from List.

XXVI. And be it enacted, That, notwithstanding anything in the said Act contained, it shall be sufficient, in any Notice to be given to any Person included in or proposed to be excluded from the List of Contributories, or in any Variation therein or Addition thereto, to state for what Interest such Person is included or excluded, specifying the Amount of the Interest for which any such Person is included therein, without specifying the Number of Shares or the Amount of such Shares.

Powers of Inclusion or Exclusion may be exercised so long as any Shares remain unadjudicated upon.

XXVII. And be it enacted, That the Power by the said Act given to Contributories to summon any other Person to show Cause why his Name should not be included in or specially excluded from the List, and the Power of the Master to declare such Person included in or excluded from the List, shall and may be exercised from Time to Time so long as the List has not been wholly settled, although the Person so to be summoned have been already included or specially excluded (as the Case may be) as respects any other Share or Interest in the Company than the Share or Interest in respect of which he is proposed to be included in or specially excluded from the List.

Repeal of Section 84. of 11 & 12 Vict. c. 45.

XXVIII. And be it enacted, That so much of the said recited Act as is contained in the Section thereof numbered Eighty-four in the Copy of the said Act printed by the Queen's Printer shall be and the same is hereby repealed; and in lieu thereof, that, when the Master shall think proper to raise any Money by means of a Call, he shall make such Call from Time to Time upon the Contributories of the Company, or any of them, appearing for the Time being on the List of Contributories, although it may then be under Consideration, or uncertain, whether other Persons ought or ought not to be included in the

Master to make Calls on Contributories for the Time being on the List, and to

have regard to any probable Default of Payment.

the List; and in making any such Call it shall be lawful for the Master to fix such an Amount *per* Share for the same as shall in his Judgment be likely to supply and bring in the whole Sum for the Time being intended to be raised, after taking into consideration the Probability that some of the Contributories upon whom the said Call shall be made should partly or wholly fail to pay their respective Proportions of the same.

Official Manager may compound Claims, &c. of unascertained Amount.

XXIX. And be it enacted, That the Power by the said Act given to the Official Manager to give Time or compound, or take Security for or to abandon any Balance or Claim as against any of the Contributories of the Company, shall be deemed to extend to any Claim of doubtful or unascertained Amount, including the Liability of any Contributory to any future Calls or Contributions.

Official Manager may prove against Estate, &c.

As to Payment of Dividends to Official Manager, &c.

XXX. And be it enacted, That where any Contributory of the Company is a Bankrupt or Insolvent, it shall be lawful for the Official Manager to prove in the Matter of such Bankruptcy or Insolvency for any Balance ordered by the Master to be proved against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance in the Matter of the Bankruptcy or Insolvency as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors: Provided always, that if any Creditors of the Company, not being such Petitioning Creditor under the Fiat as after mentioned, shall have proved or shall prove against the Estate of such bankrupt or insolvent Contributory in respect of any Debt due from the Company, then the Dividends received by the Official Manager from the Estate of such bankrupt or insolvent Contributory shall be paid and distributed by the Official Manager, under the Direction of the Master, in the first instance, rateably amongst the Creditors of the Company so proving against the Estate of such bankrupt or insolvent Contributory as aforesaid, until the Debts due to such Creditors respectively be fully paid, and, subject thereto, such Dividends shall be applied by the Official Managers towards the general Purposes of the winding up of the Affairs of the Company: Provided also, that in case any such Fiat shall have been issued on the Petition of a joint Creditor of the said Company in respect of his joint Debt, and he shall have proved such joint Debt for the Purpose of receiving Dividends under such Fiat, then any Dividends paid to such Petitioning Creditor under such Proof shall be set against the Dividends payable to such Official Manager in respect of the Proof so made by him as aforesaid, so far as the same will extend.

Masters to have Powers to order Special Juries, new Trials, and Interpleaders.

XXXI. And be it enacted, That it shall be lawful for the Masters, in directing any Issue or Question of Fact to be decided by a Jury under the Powers of the said Act, to determine whether such Issue or Question shall be decided by a Common or by a Special Jury; and that it shall also be lawful for the Master to direct a new Trial of any such Issue or Question; and also that it shall be lawful for the Master to require any Contributories or alleged Contributories to interplead before him in any Question of Liability or other Matter in difference between such Contributories or alleged Contributories in which the Company is interested, or which is necessary to be determined in order to the complete winding up thereof, and thereupon to decide the same.

Master may make Orders in the Presence of Parties, though varying from the Notice.

XXXII. And be it enacted, That it shall be lawful for the Master in any Proceeding before him to make any Alteration in the Lists of Contributories or in the Accounts of the Company, or to make any other Order which may seem to him just as respects Parties present before him, although the same may vary from the Notice, if any, which may have been given with respect thereto.

Rehearings not to be moved for after Three Weeks.

XXXIII. And be it enacted, That no Notice of Motion for a Rehearing before the Lord Chancellor of *Great Britain* or *Ireland* respectively of any Order of the Master of the Rolls in *England* or *Ireland*, or of any of the Vice Chancellors in *England*, under the said Act or this Act, shall be given after the Expiration of Three Weeks after the Order complained of shall have been made.

Order not to be reversed on Appeal for Want of Form.

XXXIV. And be it enacted, That where any Appeal shall be brought or Rehearing moved for under the said Act or this Act it shall not be incumbent on the Court before which such Appeal is brought or Rehearing moved for to reverse the Order or other Proceeding complained of for Want of Form only, nor unless such Court be of opinion that the substantial Merits of the Case require such Reversal.

Per-centage to be taken in lieu of Fees to Suitors Fee Fund.

XXXV. And be it enacted, That in lieu of all Fees to be received or charged in aid of the Suitors Fee Fund in respect of any Proceedings, Orders, or other Matters under the said Act or this Act, the Interim or Provisional Manager or the Official Manager of any Company the Affairs of which shall be wound up under the said Act shall pay into the Bank of *England*, with the Privity of the Accountant General of Her Majesty's High Court of Chancery in *England* or *Ireland* respectively, to be there placed to the Credit of the Suitors Fee Fund Account, such Amount by way of Per-centage as shall be certified by the Master upon the Monies received by the Official Manager, and paid or divided amongst the Creditors or the Contributories of such Company in winding up the Affairs thereof, not exceeding the Sums following; that is to say,

Upon the first Monies so paid and divided, not exceeding Fifty thousand Pounds, the Sum of Ten Shillings *per* One hundred Pounds:

Upon all further Monies above Fifty thousand Pounds and not exceeding One hundred thousand Pounds, so paid and divided, the Sum of Five Shillings *per* One hundred Pounds:

Upon all further Monies above One hundred thousand Pounds and not exceeding Two hundred thousand Pounds, so paid and divided, the Sum of Three Shillings and Four-pence *per* One hundred Pounds:

Upon all further Monies exceeding Two hundred thousand Poands, so paid and divided, the Sum of One Shilling and Three-pence *per* One hundred Pounds:

Provided always, that it shall be lawful for the Lord Chancellor of *Great Britain* or the Lord Chancellor of *Ireland*, by such Rules or Orders as herein-after mentioned, to alter and vary from Time to Time the Rates herein specified.

XXXVI. And

XXXVI. And be it enacted, That no Service under the said Act shall be deemed invalid by reason of the Christian Name or any of the Christian Names of the Person upon whom Service is sought to be made having been omitted, or designated by initial Letters, in the List of Contributories, or in the Summons, Notice, Order, or other Document wherein the Name of such Contributory is contained, if the Court or Master be satisfied that such Service has been in other respects sufficient; and that any Summons, Notice, Order, or other Document sent by Post shall be pre-paid, except so far as the Rules of the Post Office shall not allow of Pre-payment; and that in proving any such Service by Post it shall not be necessary to show that the Document was not returned. As to Omission of Christian Names in Notices, Pre-payment and Return of Letters sent by the Post.

XXXVII. And be it enacted, That the Powers by the said Act given to the Lord Chancellor of *Great Britain* and the Lord Chancellor of *Ireland* respectively, with such Advice and Consent as therein mentioned, of making, varying, and discharging Rules and Orders for the Objects therein mentioned, shall extend to authorize and empower the said Lord Chancellors respectively, with the like Advice and Consent as in the said Act mentioned, to make all such Rules and Orders as from Time to Time shall seem necessary or expedient for better carrying into effect the Purposes of the said Act or of this Act, by Her Majesty's High Courts of Chancery in *England* and *Ireland* respectively, and from Time to Time to alter, vary, and discharge any such Rules or Orders. Extension of Lord Chancellor's Power to make Rules and Orders.

XXXVIII. And be it enacted, That this Act shall be taken and construed (so far as practicable) as a Part of the said Joint Stock Companies Winding-up Act, 1848. Act to be Part of 11 & 12 Vict. c. 45.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Amendment Act, 1849." Short Title.

XL. And be it enacted, That this Act shall not apply to *Scotland*, except so far as by this Act or by the said Joint Stock Companies Winding-up Act, 1848, is specially provided. Act not to apply to Scotland.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Advertisement in Newspapers of Petition for Dissolution and winding up, or winding up.

In the Matter of the Joint Stock Companies Winding-up Acts, 1848 and 1849, and of the Company.

NOTICE is hereby given, That a Petition for the Dissolution and winding up [*or* for the winding up, *as the Case may be,*] of the above-named Company was, on the Day of 184 , presented to the Lord Chancellor [*or* Master of the Rolls, *as the Case may be, specifying whether in England or Ireland*], by [*Names of the Petitioner or Petitioners*], and that it is expected such Petition will be heard before the [Master of the Rolls, *or* the Vice Chancellor, *as the Case may be, specifying the Name or Title of the Vice Chancellor*], on the Day of 184 , and any Person desirous to oppose the making of an Order absolute for the Dissolution and winding up [*or* winding up, *as the Case may be,*] of the said Company under the said Acts should appear at the Time of hearing, by himself or his Counsel, for that Purpose, and a Copy of the Petition will be furnished to any Contributory of the said Company requiring the same by the undersigned, on Payment of the regulated Charge for the same.

A.B., or C. and *D.*, Solicitors for the Petitioners [*adding their Place of Business*].

SCHEDULE (B.)

Affidavit verifying Petition for Dissolution and winding up, or winding up.

In the Matter of the Joint Stock Companies Winding-up Acts, 1848 and 1849, and of the Company.

I *A.B.*, the Petitioner in the above-written [*or* annexed, *as the Case may be,*] Petition, make Oath and say, That so much of the above-written [*or* annexed, *as the Case may be,*] Petition as relates to my own Acts and Deeds is true, and so much thereof as relates to the Acts and Deeds of any other Person I believe to be true.

Sworn, *&c.*

CAP. CIX.

An Act to amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court. [1st *August* 1849.]

'WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common Law Side of that Court, and the Enrolment Office of the said Court:* And whereas it is expedient to repeal some of the Provisions of the said Act, and to enact other Provisions in lieu thereof:' Be it therefore 11 & 12 Vict. c. 94.

therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, except so much thereof as relates to abolishing the Offices of the Senior, Second, and Third Clerks, of the Petty Bag of the said High Court of Chancery, and providing Compensation to the said Senior and Second Clerks, to the Appointment of an Officer of the said Court to be and be called "The Clerk of the Petty Bag," and to the Appointment of *Francis George Abbott* as such Clerk of the Petty Bag, shall be and the same is hereby repealed: Provided nevertheless, that the Repeal of the said Act shall not revive any of the Offices or authorize the taking of any Fees thereby abolished, or invalidate or affect any Appointment, Proceeding, Enrolment, Act, Matter, or Thing already made or done, or any Proceeding already commenced or instituted, under the said Act, but all such Appointments, Proceedings, Enrolments, Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes, as if the said Act had not been repealed, and all such Proceedings shall be carried on, prosecuted, and conducted (in any Case in which the same may be inconsistent with the Provisions of or not provided for in this Act) in the same Manner as they would have been carried on, prosecuted, or conducted if the said Act had not been repealed.

Recited Act repealed.

Clerk of the Petty Bag to execute his Duties in Person, except in case of Sickness, &c., when he may appoint a Deputy, with Consent of the Master of the Rolls.

II. And be it enacted, That the Clerk of the Petty Bag for the Time being shall execute and perform the Duties of his Office in Person, and not by Deputy: Provided always, that whenever the Clerk of the Petty Bag for the Time being, by reason of Sickness or other unavoidable Cause, shall be unable to perform the Duties of or shall have occasion to be absent from the Business of his Office, it shall be lawful for such Clerk, by any Writing under his Hand, with the Approbation of the Master of the Rolls, in Writing under his Hand, to appoint to be his Deputy such Person, and for such Time, to be limited in such Appointment and Approbation, as the Master of the Rolls shall or may approve of as fit and proper for that Purpose: Provided also, that whenever the said Clerk for the Time being shall from any Cause be unable to execute or perform or be absent from the Attendance upon the Duties of his Office, without having appointed, or renewed the Appointment of a Deputy in manner aforesaid, it shall be lawful for the Master of the Rolls, by any Writing under his Hand, to appoint such Person to be and act as the Deputy of such Clerk during such Inability or Absence of the said Clerk for the Time being as the said Master of the Rolls shall think fit; and every Deputy appointed in manner aforesaid, and who shall accept of such Appointment, shall during the Time for which he shall be appointed have and possess all and every of the same or the like Powers and Authorities as the Clerk of the said Petty Bag for the Time being, and shall perform and be subject to all and every of the like Duties and Regulations as the said Clerk for the Time being; and every Deputy appointed in manner aforesaid shall be paid such Sum out of the Salary of his Principal as the Master of the Rolls shall by any Writing under his Hand direct; and the Appointment and Approbation of every such Deputy as aforesaid shall be filed of Record, and preserved in the Office of the Petty Bag, or such other Office as the Master of the Rolls shall order or direct.

Clerk of Petty Bag to hold Office during good Behaviour, and on Vacancy to be filled up by the Master of the Rolls.

III. And be it enacted, That whenever and so soon as any Vacancy shall occur in the Office of the said *Francis George Abbott* or any future Clerk of the Petty Bag, whether by Death, Resignation, Removal, or otherwise, the Master of the Rolls shall, by some Writing under his Hand, appoint some fit and proper Person to be Clerk of the Petty Bag, every Person so appointed being a Person who for the Space of Five Years has been an Attorney of One of Her Majesty's Superior Courts of Common Law, or a Solicitor of the High Court of Chancery, and has during that Period actually practised as such Attorney or Solicitor, and for whose Appointment no pecuniary or other Consideration whatsoever shall be directly or indirectly paid, given, or received; and the said *Francis George Abbott*, and every qualified Person so appointed as aforesaid, shall hold his Office during good Behaviour, and shall or may be removed from his Office by the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, for such Misconduct or other Cause as by him shall be deemed sufficient to justify such Removal; and every such Appointment of a Clerk as aforesaid, and every Order for the Removal of a Clerk from his Office, shall be filed of Record in the said Office, or such other Office of the said Court as the said Master of the Rolls shall order or direct.

Clerk of the Petty Bag to perform all the Duties and be subject to all the Regulations of the Senior and other Clerks, but not to be an Attorney of the Court.

IV. And be it enacted, That the Clerk of the Petty Bag for the Time being appointed by or in pursuance of the said recited Act or of this Act shall have, possess, and exercise all and every of the Powers, Authorities, Rights, and Privileges which before the passing of the said recited Act have been held, possessed, or exercised by the said Senior, Second, and Third Clerks; and the said Clerk of the Petty Bag for the Time being shall also perform and be subject and liable to all and every of the Services, Duties, and Regulations which the said Senior, Second, and Third Clerks, or any of them, but for the passing of the said recited Act, would have been bound to perform or be subject or liable to: Provided always, that the said Clerk of the Petty Bag for the Time being shall not by virtue of his Office be an Attorney of the said Court, and shall not, directly or indirectly, by himself or together with any Partner, in his own Name or in the Name of any other Person, practise, be, or act as the Attorney, or the Agent of any Attorney, of any Person whomsoever, in, about, or for the Purpose of any Action, Suit, Writ, Proceeding, Matter, or Thing in the said Office of the Petty Bag, or upon or in the Common-Law Side of the said Court of Chancery.

Clerk of the Petty Bag not to act as Attorney or Solicitor.

V. And be it enacted, That no Person to be appointed to the Office of Clerk of the Petty Bag at any Time after the said *Francis George Abbott* shall have ceased to hold the said Office shall at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, in his own Name or in the Name of any other Person, practise or act as an Attorney

Attorney or Solicitor, or as the Agent of the Attorney or Solicitor, in any Court of Law or Equity: Provided also, that in case the Salary payable to the said *Francis George Abbott* in pursuance of this Act shall at any Time hereafter be increased so as to amount to Eight hundred Pounds *per Annum*, then and in such Case the said *Francis George Abbott* shall not at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, or other Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of any Attorney or Solicitor, in any Court of Law or Equity.

Salary of Clerk of Petty Bag.

VI. And be it enacted, That out of the Fund standing to the Credit of the Accountant General of the Court of Chancery intituled "The Suitors Fee Fund Account" there shall be paid (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are directed or authorized to be paid thereout) by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders to be made from Time to Time by the Lord Chancellor, to the said Clerk of the Petty Bag the yearly Sum or Salary of Six hundred Pounds, such yearly Sum or Salary to be payable free from all Taxes, Deductions, and Abatements whatsoever out of the same or any Part thereof, the said Salary to commence and be computed from the First Day of *January* One thousand eight hundred and forty-nine, and to be payable and paid by equal quarterly Payments on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year: Provided always, that in case the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls for the Time being, at any Time or Times hereafter, transfer to the said Office of the Petty Bag any further or other Portion of the Business of or in the said Court of Chancery, or shall assign any Business or Service for the Suitors of the said Court of Chancery to be done or transacted by the said Clerk of the Petty Bag, then and in every such Case it shall be lawful for the said Lord Chancellor (if he shall think fit) to order and direct that the Salary of the said Clerk of the Petty Bag shall be increased to such Amount not exceeding Eight hundred Pounds *per Annum*, and shall be payable and paid out of the said Fund intituled "The Suitors Fee Fund Account" (but subject as aforesaid), as the Lord Chancellor shall think proper and reasonable, having due Regard to the whole of the Duties to be performed by such Clerk; and that in the event of the Death, Resignation, or Removal of the said *Francis George Abbott*, or of any Officer appointed under this Act, in the Interval between any of the quarterly Days of Payment on which his Salary is hereby made payable, the Officer so resigning or being removed, or the Executors or Administrators of the Officer so dying, shall be entitled to receive and shall be paid such proportionate Part of his said Salary as shall have accrued from the next preceding quarterly Day of Payment to the Day of such Death, Resignation, or Removal, and the Person who shall be appointed to succeed any such Officer so dying, resigning, or being removed as aforesaid shall be entitled to receive and be paid such Portion of the said Salary as shall accrue from the Day of his Appointment to the next succeeding quarterly Day of Payment.

Clerk of Petty Bag may appoint such Clerks to assist him as the Master of the Rolls may direct, to be paid by Salary.

VII. And be it enacted, That the Clerk of the Petty Bag may appoint to assist him in the Business of his Office such Clerk or Clerks as the Master of the Rolls shall from Time to Time by any Order direct, and may from Time to Time remove any such Clerk, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and that every such Clerk shall be entitled under this Act to such Salary as the Lord Chancellor shall, with such Advice and Assistance as aforesaid, by any Order direct; provided that if there shall be only One such Clerk his Salary shall not exceed the Sum of Two hundred and fifty Pounds *per Annum*, and that if such Clerks shall be more than One at the same Time the Amount of such Salaries shall not in any One Year exceed the Sum which, if equally divided between them, would admit of a Salary of Two hundred and fifty Pounds for each such Clerk, and that such Salary or Salaries shall be paid and payable out of the said Fund intituled "The Suitors Fee Fund Account," by virtue of any Order or Orders to be made from Time to Time by the Lord Chancellor, the said Salary or Salaries to commence and be computed from the said First Day of *January* One thousand eight hundred and forty-nine, and to be payable and paid by equal quarterly Payments on the said quarterly Days as herein-before mentioned.

Salaries and Expenses to be paid out of the Suitors Fee Fund.

VIII. And be it enacted, That it shall be lawful for the Lord Chancellor, by virtue of any Order made for that Purpose, to order Payment, at such Times and in such Manner, and out of the said Fund intituled "The Suitors Fee Fund Account," (but subject as aforesaid,) of all such Sums as shall appear to him to be reasonable and proper to be paid for the writing and copying of Office Copies of Records, and engrossing Patents, Writs, and other Documents to be prepared in the said Office, and for the drawing and copying of Plans attached to such Office Copies, and for Books, Stationery, Coals, Candles, and other necessary Articles for the said Petty Bag Office, and for Payment of Wages to a Laundress and Office Keeper for the Care and cleaning of the said Petty Bag Office, and for all Expenses incident to the Discharge of the Duties of the said Office.

Penalty on Officers for taking Gratuities, &c.

IX. And be it enacted, That if any Officer or Clerk of the said Court, appointed or to be appointed under or by virtue of the said recited Act or of this Act, shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining thereto, demand or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in trust for him, or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value other than and except the lawful Fees of his Office for which he is accountable, and the Salary or Remuneration allowed or to be allowed to such Officer or Clerk, it shall be lawful for the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, and he is hereby empowered and required, in every such

such Case upon his being satisfied that any such Officer or Clerk charged with any such Offence is guilty thereof, to remove him from his Office or Employment; and every Person so removed shall be and he is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in any of the Courts of Law or Equity in the United Kingdom, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever; and every Order for removing any such Officer or Clerk as aforesaid shall be filed of Record in such Office as the Master of the Rolls shall order or direct.

Power to Lord Chancellor and Master of the Rolls to regulate the Transfer of Business from Time to Time.

X. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls for the Time being, from Time to Time to transfer any of the Business heretofore done in the said Office of the Clerk of the Petty Bag to any other Office of the High Court of Chancery, and to transfer any Portion of the Business of any other Office of the High Court of Chancery to the Office of the Clerk of the Petty Bag, and thereupon the Officers respectively charged with the Duties of such Offices to which such Business shall be transferred shall do and perform the Duties consequent on such Transfer in like Manner as if the same had been theretofore performed in such Office to which the same shall be transferred, subject to such Regulations, as to the Payment of Fees and otherwise, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall order or direct.

Seal of Office to be provided and kept, and may be cancelled or altered from Time to Time.

XI. And be it enacted, That a Seal shall be provided and kept for the said Court, which shall be and be called the Chancery Common Law Seal, and such Seal shall be in such Form as the Lord High Chancellor, with the Advice and Assistance of the Master of the Rolls, shall or may from Time to Time order or direct; and the said Lord Chancellor, with such Advice and Assistance as aforesaid, shall or may from Time to Time order or direct that any Seal for the Time being so provided or kept as aforesaid shall be cancelled or laid aside, and another Seal substituted, kept, and used in lieu thereof; and all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever shall take notice of the said Seal, and receive Impressions thereof in Evidence, in like Manner as Impressions of the Great Seal are received in Evidence, and shall also take notice of and receive in Evidence, without further Proof, all and every of such Writs, Proceedings, Instruments, Documents, and Writings whatsoever which shall purport or appear to be sealed or stamped with the said Chancery Common-Law Seal for the Time being, in like Manner as if the same had been sealed with the Great Seal.

Certificates of Enrolment in the Petty Bag Office.

XII. And be it enacted, That the Clerk of the Petty Bag shall, upon Request, and Payment of the proper Fees payable in respect thereof, endorse or write upon every Specification which at any Time heretofore has been enrolled in the Petty Bag Office (provided the Enrolment shall then be in his Custody), and upon every Deed, Instrument in Writing, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the Petty Bag Office, a Certificate stating that such Specification, Deed, Instrument in Writing, or Document has been or was enrolled in the said Petty Bag Office, and the Day of such Enrolment, and shall cause such Certificate to be sealed or stamped with the said Chancery Common-Law Seal; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, and other Persons whomsoever, without further Proof, and as sufficient *primâ facie* Evidence that the Specification, Deed, Instrument in Writing, or Document therein mentioned was duly enrolled in the Petty Bag Office on the Day mentioned in such Certificate.

Copies of Documents sealed to be received as Evidence without further Proof.

XIII. And be it enacted, That every Office Copy issued from the Petty Bag Office shall be sealed with the said Chancery Common-Law Seal for the Time being; and every Document sealed with such Seal, and purporting to be a Copy of any Record or other Document of any Description, shall be deemed to be a true Copy of such Record or other Document, and shall, without further Proof, be admissible and admitted and received in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Record or other Document would or might be admissible or admitted or received if tendered in Evidence, as well for the Purpose of proving the Contents of such Record or other Document, as also proving such Record or other Document to be a Record or Document of or belonging to the said Court of Chancery, but not further or otherwise.

Writs, &c. issued out of Petty Bag Office to be sealed with the Chancery Common-Law Seal.

XIV. And be it enacted, That all Rules and Orders issued out of the Petty Bag Office, and all such Writs, Records, Instruments, Documents, Proceedings, and Writings as are or have been usually issued or delivered out of the Petty Bag Office, and made under or sealed with the Great Seal, except the Congé d'elire, Royal Assent, Patent of Assistance, and Writs of Restitution of Temporalities on the Election of an Archbishop or Bishop, Special Commissions of Inquiry, Writs of Mittimus to the Lord Chancellor of *Ireland*, Exemplifications, and Writs of Summons and Writs of Election issued on the calling of a new Parliament, shall be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being; and every Writ, Record, Document, Instrument, Proceeding, and Writing which shall, or may be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being shall be of the like Validity and shall have the same Force and Effect as if the same had been or were made or sealed with the Great Seal.

Specifications to be enrolled in the Enrolment Office.

XV. And be it enacted, That every Specification or Instrument in Writing for describing or ascertaining any Invention, and to be enrolled in Chancery in pursuance of Letters Patent under the Great Seal, shall be enrolled in the Enrolment Office of the Court of Chancery; and every Disclaimer and Memorandum of Alteration to be enrolled in pursuance of an Act passed in the Sixth Year of the Reign

of

of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, shall also be enrolled in the said Enrolment Office, whether the Specification of the Invention to which such Disclaimer or Memorandum of Alteration shall relate shall or shall not have been enrolled in the said Enrolment Office; and the Enrolment of every such Disclaimer and Memorandum of Alteration in the said Enrolment Office shall be and be deemed to be the Enrolment thereof in the proper Office in pursuance of the Provisions of the said Act. 5&6 W.4. c.83.

For enlarging Offices of the Six Clerks. 15 G.3. c.56. 5 & 6 Vict. c. 103.

XVI. 'And whereas by an Act passed in the Fifteenth Year of the Reign of King *George* the Third, 'intituled *An Act for applying the Funds provided for rebuilding the Offices of the Six Clerks of the 'King's Court of Chancery by an Act made in the Fourteenth Year of the Reign of His present Majesty, 'intituled 'An Act for rebuilding the Office of the Six Clerks of the King's Court of Chancery, and for '' erecting Offices for the Register and Accountant General of the said Court, for the better preserving '' the Records, Decrees, Orders, and Books of Account kept in such Offices,' in building Offices for the 'said Six Clerks in the Garden of* Lincoln's Inn, *instead of rebuilding the present Six Clerks Office in* 'Chancery Lane, *and for other Purposes*, a Piece of Ground belonging to the Honourable Society of '*Lincoln's Inn*, containing in Length from East to West on the South Side thereof Fifty-four Feet 'Six Inches of Assize, abutting South on a Piece of Ground then sold by the said Society for the 'Purpose of the Six Clerks Office and an Enrolment Office being erected thereon, East on *Chancery 'Lane*, North on the North Wall of the Garden of the said Society, and West on Ground belonging to 'the said Society, was vested in the said Six Clerks, to hold to them and their Successors for ever, 'but it was thereby provided and enacted (amongst other things) that no Building whatsoever should 'be erected within Thirty Feet of the Western Boundary of such Piece of Ground: And whereas by an 'Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for 'abolishing certain Offices of the High Court of Chancery in* England, the Ground and Hereditaments 'by the last-recited Act vested in the Six Clerks were vested in the Accountant General of the said 'Court of Chancery, and his Successors in the said Office for ever: And whereas the said Enrolment 'Office now forms the Southern Boundary of that Portion of the said Piece of Ground whereon no 'Building was to be erected as aforesaid, and which Portion has ever since remained and still is vacant: 'And whereas it has become requisite, for the due Performance of the Business of such Office, that the 'same should be enlarged; but such Enlargement cannot be conveniently effected without building upon 'such vacant Piece of Ground: And whereas the said Society have consented to the same being built 'upon, in manner herein-after mentioned:' Be it therefore enacted, That it shall be lawful for the Lord High Chancellor to cause to be erected on that Part of the said vacant Piece of Ground adjoining to the said Enrolment Office a Room or Building according to the Plan and Dimensions following; that is to say, the Height thereof is not to exceed Twelve Feet, the Length thereof is not to exceed Twenty-three Feet, and the Width thereof is not to exceed Sixteen Feet, the Flue or Chimney Shaft of the Building is to be carried at the Back, and to form Part of and to be uniform with and not to exceed in Height the Stack of Chimnies now standing at the North End of the said Enrolment Office, and the Windows thereof are to face the North, and no Flue, Chimney, or Windows are to be made on any other Side or Part thereof, and the Western Wall thereof is to be not less than Four Feet from the Western Boundary of the said Piece of Ground: Provided nevertheless, that, save as aforesaid, the Provisions and Restrictions contained in the said recited Act of the Fifteenth Year of the Reign of King *George* the Third respecting the said Piece of Ground shall continue in force, to all Intents and Purposes and in like Manner as if this Act had not been passed; and it shall be lawful for the Lord Chancellor, by virtue of any Order made for that Purpose, to order Payment, at such Times and in such Manner, and out of the said Fund entitled "The Suitors Fee Fund Account," but subject as aforesaid, of all such Sums as shall appear to him to be reasonable and proper to be paid for or in respect of the Erection of such Room or Building as aforesaid.

Seal as approved by Master of the Rolls to be provided for the Enrolment Office.

XVII. 'And whereas it is expedient to facilitate the Proof of the due Enrolment of Specifications, 'Deeds, and other Instruments in the said Enrolment Office, and also of Copies of the Enrolments 'thereof:' Be it therefore enacted, That such a Seal or Stamp as the Master of the Rolls shall approve of shall be provided and kept in the said Enrolment Office; and from Time to Time, when the Master of the Rolls shall think fit, a new Seal or Stamp shall be provided in place of any Seal or Stamp for the Time being kept and used in the said Office, and whenever any new Seal or Stamp shall be so provided the old Seal shall be forthwith cancelled; and the Seal for the Time being kept and used in the said Enrolment Office in pursuance of this Act shall be and be called the Seal of the Enrolment Office in Chancery, and all Courts and other Tribunals, Judges, Justices, Officers, and other Persons whomsoever, shall take notice of the said Seal of the Chancery Enrolment Office, and shall take notice of and receive in Evidence every Instrument and Writing purporting or appearing to be sealed or stamped therewith, without Proof that the same has been so sealed or stamped.

Certificates of Enrolment to be given, and, when sealed, shall be admitted as Evidence.

XVIII. And be it enacted, That the Clerk of the said Enrolment Office, or his Deputy or Assistant, shall, upon Request, and Payment of the proper Fees payable in respect thereof, endorse or write upon every Deed, Specification, Instrument in Writing, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the said Enrolment Office, a Certificate that such Deed, Specification, Instrument in Writing, or Document has been or was enrolled in Chancery, and the Day on which such Enrolment was made, and shall cause such Certificate to be sealed or stamped with the said Seal of the Chancery Enrolment Office; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence by all Courts and other Tribunals, Judges,

Justices, and others, without further Proof, and as sufficient *primâ facie* Evidence that the Deed, Specification, Document, or Instrument in Writing therein mentioned was duly enrolled in the Court of Chancery on the Day and at the Time mentioned in such Certificate.

Copies of Enrolments stamped with Seal of Enrolment Office to be admitted in Evidence.

XIX. And be it enacted, That every Document or Writing sealed or stamped or purporting or appearing to be sealed or stamped with the said Seal of the Chancery Enrolment Office, and purporting to be a Copy of any Enrolment or other Record, or of any other Document or Writing of any Description whatsoever, including any Drawings, Maps, or Plans thereunto annexed or endorsed thereon, shall be deemed to be a true Copy of such Enrolment, Record, Document, or Writing, and of such Drawing, Map, or Plan (if any) thereunto annexed, and shall, without further Proof, be admissible and admitted Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Enrolment, Record, Document, or Writing could or might be admissible or admitted in Evidence, as well for the Purpose of proving the Contents of such Enrolment, Record, Document, or Writing, and the Drawing, Map, or Plan (if any) thereunto annexed, as also proving such Enrolment, Record, Document, or Writing to be an Enrolment, Record, Document, or Writing of or belonging to the said Court of Chancery, and that such Enrolment, Record, Document, or Writing was made, acknowledged, prepared, filed, or entered on the Day and at the Time when the original Enrolment, Record, Document, or Writing shall purport to have been made, acknowledged, prepared, filed, or entered.

Punishment for forging or altering any Seal or Document.

XX. And be it enacted, That if any Person shall falsely make, forge, or counterfeit any Seal made, provided, used, or kept in pursuance of this Act, for or in the said Court or any Office thereof, or shall falsely make or alter any Seal so as to resemble, purport, or appear to be a Seal made, provided, used, or kept in pursuance of this Act or for or in the said Court or any Office thereof, or shall use or tender in Evidence or utter any Impression made by any Seal so falsely made, forged, counterfeited, or altered as aforesaid, knowing the same to have been so falsely made, forged, counterfeited, or altered as aforesaid, or shall forge or shall unlawfully and falsely make or alter any Writ, Record, Document, Instrument, Proceeding, or Writing, of or belonging to or made or prepared in or issuing out of, or appearing or purporting to be of or belonging to or made or prepared in or issuing out of, any such Office as aforesaid, or out of the said Court of Chancery, or shall use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely made or altered as aforesaid, knowing the same to have been so unlawfully or falsely made or altered, or shall unlawfully and falsely seal or stamp with any Seal made, prepared, kept, or used for or in any of the said Offices, or for or in the said Court of Chancery, any Writ, Record, Document, Instrument, Proceeding, or Writing purporting or appearing to be or resembling, or intended to purport or appear to be or resemble, a Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of any of the said Offices or the said Court of Chancery, or shall fraudulently use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely sealed or stamped as aforesaid, then and in every such Case every Person so offending, and every Person knowingly and willingly aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony.

Power to Lord Chancellor, &c. to fix a Table of Fees.

XXI. And be it enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, from Time to Time, to establish and ordain a Table of Fees to be thereafter taken by the said Clerk of the Petty Bag, and for the Lord Chancellor, with such Advice and Assistance as aforesaid, from Time to Time afterwards to vary and modify the same as he shall think fit, and the Fees so for the Time being established or ordained shall be deemed and taken to be the lawful Fees of the Petty Bag Office: Provided always, that no Fees whatever shall be demanded or received by the Clerk of the Petty Bag, or by any Person employed by him in the said Office, for or in respect of any Act, Duty, or Service required to be done, performed, or rendered by him, them, or any of them in the course of any Proceedings carried on in the said Office directly at Her said Majesty's Instance, Suit, and Charge, except such Fees as have been heretofore payable out of the Hanaper for the Writs of Summons and Writs of Election and other Fees on the calling of a new Parliament; and the said Clerk of the Petty Bag, and the several Persons employed by him in the said Office, are hereby authorized and required to perform and render such Acts, Duties, and Services as may be required in the course of such last-mentioned Proceedings, without Payment of any Fee whatsoever in respect thereof, except as aforesaid.

No Fees to be taken in respect of Duties performed at Her Majesty's Suit.

Clerk of Petty Bag to receive and pay over certain Monies.

XXII. And be it enacted, That nothing herein contained shall prohibit the said Clerk of the Petty Bag from receiving the annual Payments or Allowances heretofore receivable by the Clerks of the Petty Bag from the Hanaper, or any Sum or Sums of Money which shall from Time to Time become payable out of the Fees on the Admission of Solicitors, by virtue of any Order or Orders to be made in respect thereof; and all such Monies shall be taken to be Fees received by the said Clerk in his Office, or by virtue thereof, to be accounted for as herein-after mentioned.

Clerk of Petty Bag to keep Accounts of Fees received, and pay the same into the Suitors Fee Fund.

XXIII. And be it enacted, That the said Clerk of the Petty Bag shall cause a true and accurate Account to be kept of all Fees received in his Office or by virtue thereof, and shall pay the full and just Amount of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any Order direct.

XXIV. And

XXIV. And be it enacted, That every Person who has heretofore been admitted a Solicitor of the said Court of Chancery, and who is now a Solicitor of the said Court, shall by virtue of his Admission and this Act become and be an Attorney of the said Court, and every Person hereafter to be admitted a Solicitor of the said Court shall by virtue of such Admission become an Attorney of the said Court, and the Solicitor of Her Majesty, the Solicitor of each of the several public Boards of this Realm, and every Person so to become an Attorney of the said Court as aforesaid, shall be allowed and entitled to practise as an Attorney on the Common-Law Side of the said Court of Chancery, any Law or Usage to the contrary notwithstanding, upon Payment, nevertheless, of such Fees as shall or may be payable in respect of the Business transacted by the said Attornies; and all such Documents, Proceedings, Writings, Acts, Duties, Services, Matters, and Things as before the passing of the said recited Act were or ought to be prepared, conducted, done, or performed by the said Senior, Second, and Third Clerks of the Petty Bag respectively, as the Attornies of or for their Clients respectively, shall or may from and after the passing of this Act be prepared, conducted, done, and performed by such Clients respectively in their own proper Persons, or by some Person who shall become or be admitted and actually be an Attorney of the said Court by virtue of this Act, and not by any other Person whomsoever.

Solicitors to be entitled to practise as Attornies in the Common-Law Side of Chancery.

XXV. And be it enacted, That every Attorney or Party practising on the Common-Law Side of the Court of Chancery shall be entitled to charge and be paid and allowed such Costs, Fees, and Charges for the Transaction of Business on the Common-Law Side of the said Court as is or are allowed to Attornies or Parties for Business of a similar Nature in Her Majesty's Superior Courts of Common Law.

Same Costs to be allowed as in Courts of Common Law.

XXVI. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag shall or may be issued or tested on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Writ so issued or tested on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Court of Chancery, ought to be tested on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day of the issuing or testing of such Writ was actually a Day in Term-Time.

Writs may be tested in Term-Time or in Vacation.

XXVII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag, whether the same shall or may be returnable in the same Court or in any other of Her Majesty's Superior Courts of Common Law, shall or may be made returnable and returned on any Day certain to be in such Writ mentioned (not being a *Sunday*, *Good Friday*, or *Christmas Day*), whether such Day shall be in Term-Time or in Vacation, or forthwith after the Execution thereof; and every such Writ which shall be made returnable or returned on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Office of the Petty Bag, ought to be made returnable or to be returned on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same Writ shall or may be returned or made returnable was actually a Day in Term-Time: Provided always, that in every Case in which any particular Period of Time ought to elapse between the Teste and Return of any Writ, such Writ, if made returnable forthwith after the Execution thereof, shall be returned immediately after the Execution thereof, and after such Period shall have elapsed.

Writs may be made returnable in Term-Time or in Vacation.

XXVIII. And be it enacted, That every Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in or by the said Court of Chancery at any Time after the passing of this Act, shall or may be so made, taken, transacted, done, or performed on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing as aforesaid, which shall be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Vacation, or on any Day in Term-Time or in Vacation, and which, according to any present Law, or any present Practice or Usage of the said Office of the Petty Bag, can or ought only to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, or as in Term-Time, or as on any or some particular Day or Days in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same shall or may be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed, was actually a Day in Term-Time, and as if the same was actually made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time and not in Vacation, and the Day or One of the Days in Term-Time required by any such Law, Practice, or Usage as aforesaid.

Proceedings of the Court may be either in Term-Time or in Vacation.

XXIX. And be it enacted, That any Writ of Scire facias for repealing, cancelling, or vacating any Letters Patent or Charter, which shall or may at any Time hereafter be issued in any Action at the Suit of Her Majesty, hereafter to be commenced, shall or may be directed and sent to the Sheriff of any County in *England* or *Wales*, although the Record upon which such Writ shall be founded or issued may be or remain in the County of *Middlesex* or any other County, and that it shall not be necessary that any such Writ which at any Time hereafter may be issued and directed to the Sheriff of any such County as aforesaid shall be a Testatum Writ, or founded upon any previous Writ directed or sent to the Sheriff of *Middlesex* or any other County.

Writs of Scire facias may be directed to Sheriff of any County.

XXX. And be it enacted, That in case any Defendant in any Action, Suit, or Proceeding already or hereafter to be commenced shall appear on the Common-Law Side of the Court of Chancery, in Person or by Attorney, to answer in such Action, Suit, or Proceeding, it shall not be necessary to file any Declaration, but the Plaintiff or Prosecutor, or his Attorney, shall deliver the Declaration to such Defendant

Declarations to be delivered, and not filed.

Defendant or his Attorney, and shall also at the same Time, in any Action of Scire facias to repeal Letters Patent for Inventions, deliver to such Defendant or his Attorney the Notice of Objections (if any) required by the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions,* and it shall not be necessary at any Time hereafter to file any Notice of Objections required by the said last-mentioned Act, but only to deliver the same to the Defendant or his Attorney, as required by this Act; and that on the Traverse of an Inquisition found the Traverse shall be filed in the Petty Bag Office, and the Traverser or his Attorney shall deliver a Copy thereof to the opposite Party or his Attorney.

5 & 6 W. 4. c. 83.

Pleadings to be delivered and not filed.

XXXI. And be it enacted, That in any such Action, Suit, or Proceeding as aforesaid no Demurrer, nor any Plea or Pleading subsequent to the Declaration or Traverse, shall be filed in the said Office of the Petty Bag or otherwise in the said Court of Chancery; and that in every such Action, Suit, or Proceeding every such Demurrer, Plea, and subsequent Pleading shall be delivered by the Party demurring or pleading, or his Attorney, to the opposite Party or his Attorney, and that the Issue in any such Action, Suit, or Proceeding shall be delivered only, and not filed, and shall or may be made up and delivered by either Party or his Attorney to the opposite Party or his Attorney.

Issues may be tried in any of the Superior Courts.

XXXII. And be it enacted, That in case any Issue respecting any Matter of Fact to be tried by the Country has at any Time heretofore been or shall at any Time hereafter be joined in any Action, Suit, or Proceeding on the Common-Law Side of the Court of Chancery, then and in every such Case the Record shall be made up and filed in the Office of the Petty Bag; and it shall and may be lawful to try such Issue in Fact in any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas; and in every such Case the Writ of Venire facias juratores for summoning a Jury to try such Issue shall or may be made returnable and returned in such of the said Three Courts as the Issue is intended to be tried in; and a Transcript of the said Record in Chancery, containing such Issue, shall or may thereupon be sent or taken into the Court in which such Writ of Venire facias shall be made returnable, in like Manner as Records containing Issues may now be sent, or taken from the Common-Law Side of the said Court of Chancery into the Court of Queen's Bench, and it shall not be necessary to issue any Writ of Mittimus or other Writ for the sending or taking such Transcript into either of the said Courts; and in case such Writ of Venire facias shall be made returnable in either of the said Courts of Common Pleas or Exchequer of Pleas such Court shall upon the Transcript of the said Record being brought into such Court, proceed to try such Issue either at Bar or at Nisi Prius, as such Court shall think fit, and in like Manner as such Issue would or might have been tried in the Court of Queen's Bench in case such Writ of Venire facias had been made returnable in that Court, and the said Transcript, or the original Record, had been taken or deemed to be taken by the Lord Chancellor into that Court; and upon any such Transcript as aforesaid being taken or brought into either of the said Courts of Common Pleas or Exchequer of Pleas such Court shall or may issue such Writs, make such Rules, and proceed therein in all respects for the Trial or other lawful Determination of the Issue therein contained, in like Manner as the Court of Queen's Bench could or might have done if such Transcript or the original Record had been taken into the Court of Queen's Bench, and with full Power to set aside or vacate any Trial, Verdict, or other Proceeding, in like Manner as could or might have been done by the said Court of Queen's Bench.

Record of Issue to be filed in the Office of the Petty Bag.

XXXIII. And be it enacted, That in case any Issue or Issues in Law, or Issues both in Fact and in Law, shall be joined in any Action, Suit, or Proceeding on the Common-Law Side of the Court of Chancery, then and in such Case the Record of such Issue or Issues shall be made up and filed in the Office of the Petty Bag, and a Transcript of the said Record shall or may thereupon be sent or taken into any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer; and such Court shall, upon the Transcript being brought into any such Court, proceed to hear and determine the same, in like Manner as Issues in Law or Issues in Law and Fact from the Common-Law Side of the said Court of Chancery have heretofore been heard and determined in the Court of Queen's Bench.

Superior Courts of Common Law to have same Powers as in Actions pending in their Courts.

XXXIV. And be it enacted, That the said Courts of Queen's Bench, Common Pleas, and Exchequer, and the Judges thereof respectively, shall have the same Power and Authority in respect of the Transcript of any Record brought before them as aforesaid, and the Pleadings, Issues, and Matters therein contained, as they have in respect of the Record in any Action, Suit, or Proceeding commenced or pending in such Court, and the Pleadings, Issues, and Matters in such Record contained: Provided always, that nothing herein contained shall authorize the giving final Judgment in any Case in which the Court of Queen's Bench has not heretofore had such Authority.

Superior Courts to give same Judgment as Queen's Bench.

XXXV. And be it enacted, That upon the Trial or Determination of any such Issue or Issues as aforesaid had or completed in any Action, Suit, or Proceeding from the Common-Law Side of the Court of Chancery, the Court in which such Issue or Issues shall be so tried or determined shall proceed to give Judgment thereon, and execute such Judgment, in like Manner as could or might have been done by the Court of Queen's Bench before the passing of the said recited Act or of this Act.

A Transcript of Proceedings in Courts of Common Law may be taken into Chancery.

XXXVI. And be it enacted, That upon the Trial or Determination of any Issue or Issues by the said Superior Courts of Common Law, or upon any Rule or Order being made or Judgment given in any Action, Suit, or Proceeding in which the Transcript of the Record shall be brought before them as aforesaid, a Transcript of such Judgment, Rule, or Order, and of the Proceedings of the Court of Common Law upon such Issue or Issues, may be taken into the said Court of Chancery, to the end that Judgment may be given or such other Proceeding had in Chancery according to the Law and Custom of *England;* and no Writ of Mittimus or other Writ shall be necessary for the Purpose of remanding

manding or taking a Transcript of the Proceedings in the Superior Courts of Common Law into the said Court of Chancery.

Costs to be taxed.

XXXVII. And be it enacted, That in all Cases where any Party shall be entitled to the Costs of any such Issues, or of any other Proceedings or Matters provided for by this Act, in any of the said Courts, such Costs shall be taxed and regulated by One of the Masters of the said Court respectively, who shall endorse his Allocatur on the Rule or Order, as the Case may be, or upon the Postea, before the same shall be taken or returned into the Court of Chancery as aforesaid.

Writs and Proceedings to be prepared by Parties or their Attornies.

XXXVIII. And be it enacted, That every Writ which shall or may, at any Time after this Act shall come into operation, lawfully issue out of the said Office of the Petty Bag, under the said Chancery Common-Law Seal, and every Record and Proceeding whatsoever on the Common-Law Side of the said Court of Chancery, shall be prepared, engrossed, and issued by the Party requiring or conducting the same, subject nevertheless to such Rules and Regulations as shall or may be made and for the Time being in force, by virtue of this Act or otherwise, for regulating the Practice of the Common-Law Side of the said Court of Chancery, and also subject to the Payment of such lawful Fees as shall or may be payable for or in respect thereof; and upon Payment of such Fees, and complying with such Rules, such Writs, Records, and Proceedings shall (when necessary, and if lawful and regular,) be duly sealed.

Judges may dispose of Matters raising or incident to any Action on the Common-Law Side of the Court of Chancery.

XXXIX. And be it enacted, That in every Action, Suit, and Proceeding now pending or which at any Time hereafter shall be commenced or pending in the said Court of Chancery on the Common-Law Side thereof, it shall be lawful for the Superior Courts of Common Law, and the Judges thereof respectively, and they are hereby respectively required, to hear and determine all such Matters or Applications arising in or incident to any such Action, Suit, or Proceeding as aforesaid, as before the passing of this Act might have been heard and determined by the Lord Chancellor and the Master of the Rolls, or either of them, and also to transact, do, and perform all such Business, Matters, and Things in, about, touching, or concerning any Action, Suit, or Proceeding on the Common-Law Side of the said Court of Chancery as by virtue of any Orders or Regulations for the Time being in force by virtue of this Act may be transacted, done, or performed by such Judge; subject nevertheless and according to the Provisions of this Act, and the Laws, Rules, and Regulations for the Time being in force for the Regulation of the said Court and the Practice and Proceedings thereof.

Master of the Rolls may make Orders for the Custody, &c. of the Records.

XL. And be it enacted, That it shall and may be lawful for the Master of the Rolls to make such Rules, Orders, and Regulations from Time to Time for the Transfer, Care, and Custody of the Records, Enrolments, Indexes, Books, Documents, or other Proceedings now or hereafter to be filed, lodged, or be in the said Office of the Petty Bag, or in the Custody of the said Clerk of the said Office, and the Endorsement thereof, and the filing of Writs and other Proceedings, and all other Matters and Things relating to the Matters aforesaid, as to the Master of the Rolls shall seem fit and proper.

General Rules and Orders may be made.

XLI. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time hereafter to make such Alterations, Orders, Rules, and Regulations as he shall, with such Advice and Assistance as aforesaid, think fit, in and respecting the said Office of the Petty Bag, and the Business and Practice thereof, the Duties of the said Clerk, and the Transaction, Management, and Conduct of the Business thereof, and also in and respecting the Modes of suing out, preparing, engrossing, issuing, sealing, signing, serving, executing, and returning Writs, Process, Rules, Notices, and other Instruments issuing out of or authorized or required by the said Court or the Practice thereof, and also from Time to Time to rescind, alter, or vary such Alterations, Orders, Rules, and Regulations: Provided always, that no such Alterations, Orders, Rules, or Regulations as aforesaid shall be contrary to or inconsistent with the Provisions of this Act.

Officers Privilege of suing abolished.

XLII. And be it enacted, That no Person whomsoever who now is or at any Time hereafter shall be an Officer of the said Court of Chancery shall at any Time after the passing of this Act have or be entitled as such Officer to any Privilege of suing or being sued on the Common-Law Side of the said Court of Chancery.

Proviso as to existing Actions by or against Officers.

XLIII. Provided always, and be it enacted, That nothing herein-before contained shall hinder or prevent any Action or Suit already commenced by or against any Officer of the said Court of Chancery from being prosecuted, and that the Parties in or to every such Action or Suit shall or may, by themselves or by their Attornies respectively (to be by them respectively appointed), prosecute and defend such Action or Suit, and that Judgment shall or may be given in such Action or Suit, or such Action or Suit otherwise disposed of, in like Manner as if this Act had not been passed; subject nevertheless to such Rules, Orders, and Regulations as shall or may be made in pursuance of this Act.

Parties or Attornies to cause Names to be entered in a Book at the Petty Bag Office.

XLIV. And be it enacted, That every Person, Party to any Action, Suit, or Proceeding now pending in the said Court of Chancery on the Common-Law Side thereof, shall, before taking any fresh Step in or about any such Action, Suit, or Proceeding, cause to be entered in a Book to be kept in the said Petty Bag Office, if he intends to act in Person and not by Attorney therein, his own Name and Address, and if he intends to act by Attorney and not in Person, then the Name and Address of his Attorney: and if any such Person or Attorney resides more than Three Miles from the said Office, some Place within that Distance shall be mentioned and entered in the said Book, at or to which Pleadings, Notices, and other Proceedings may be left or sent for such Person or his Attorney; and every Attorney shall, before he acts as the Attorney of any Person in the said Court, cause to be entered in such Book as aforesaid his Name and also his Address, or some Place at or to which Pleadings, Notices, or other Proceedings may be left for or sent to him.

XLV. And

Affidavits may be sworn before Clerk of Petty Bag.

XLV. And be it enacted, That any Affidavit, Affirmation, or Declaration to be sworn or made or taken, and read or used, in the said Court, shall or may be sworn, made, or taken by or before the Clerk of the Petty Bag for the Time being, who is hereby authorized and required to administer, receive, or take the necessary and proper Oath, Affirmation, or Declaration to every Person desirous of swearing, making, or taking any such Affidavit, Affirmation, or Declaration as aforesaid; and every Person who shall wilfully and corruptly swear, affirm, or declare falsely in any such Affidavit, Affirmation, or Declaration shall be guilty of Perjury, and shall be prosecuted and punished accordingly.

Saving the Jurisdiction of Lord Chancellor and Master of the Rolls.

XLVI. And be it enacted, That nothing in this Act expressed or contained shall take away or in anywise diminish or prejudice the Jurisdiction or any of the Powers, Rights, or Privileges of the Lord Chancellor, as Judge of the said Court of Chancery, or otherwise howsoever, or the Jurisdiction or any of the Powers, Rights, or Privileges of the Master of the Rolls, as the Keeper of the Records of the said Court, or as a Master or Judge of the said Court, or otherwise.

Forms of Writs to be settled and approved by Lord Chancellor, &c.

XLVII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time to ordain, settle, and approve of the Form of any Description of Writ or Writs which may be deemed necessary to be issued for the Purpose of giving effect to any Description of Judgment, Order, Proceeding, or Matter of or pending in or to be taken in the said Court of Chancery, or for the Furtherance of the Business of or originating in the said Court of Chancery.

Courts of Common Law to take cognizance of Writs.

XLVIII. And be it enacted, That every of Her Majesty's Courts of Common Law, and all other Courts, Judges, Officers, and others, shall take cognizance of all and every of the Writs and Proceedings so brought before them as aforesaid, and give effect thereto in such Manner as may be requisite, and, if necessary, the Judges of such Courts respectively shall and they are hereby required to make such Rules and Regulations for the Practice of their respective Courts thereupon as to them respectively shall seem fitting, which shall be signed by the Judge or by the major Part in Number of the Judges of the said Courts respectively, and if there be more than One Judge of any such Court the Chief Judge of such Court (if there be a Chief Judge) shall be One.

Monies paid into Court for Her Majesty's Use shall continue to be received as heretofore, &c.

XLIX. And be it enacted, That all Monies paid into the said Court for Her Majesty's Use shall continue to be received as heretofore by the said Clerk of the Petty Bag, and the several Accounts of Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of Her Majesty in the said Office of the Petty Bag, required by any Act now in force to be rendered and made by the said Clerk of the Petty Bag, and all other Acts, Duties, and Services now done, performed, and rendered by the said Clerk of the Petty Bag touching the Receipt and Payment of Monies to or for the Use of Her Majesty, and the Accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Clerk of the Petty Bag.

Construction of Terms in this Act.

L. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall extend to, include, and mean, not only Her present most Excellent Majesty, but also Her Heirs and Successors; the Expression "Lord High Chancellor," and also the Expression "Lord Chancellor," shall extend to, include, and mean, as well the Lord High Chancellor of *Great Britain* for the Time being as also the Lord Keeper of the Great Seal for the Time being, and also the Lords Commissioners for the Time being for the Custody of the Great Seal of this Realm, and the major Part in Number of such Commissioners; and that the Expression "Court of Chancery" shall mean the High Court of Chancery held before the said Lord Chancellor or Lords Commissioners, or major Part of the said Lords Commissioners; the Expression "Great Seal" shall mean the Great Seal of the United Kingdom of *Great Britain* and *Ireland;* and the Expression "Master of the Rolls" shall mean the Master of the Rolls for the Time being; and also that Words importing Persons only shall extend to Corporations; that Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number; save and except where there shall or may be something in the Subject or the Context repugnant to or inconsistent with any such Construction as aforesaid.

Short Title.

LI. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, Notices, written Instruments, or otherwise, it shall be sufficient to use the Expression "The Petty Bag Office and Enrolment in Chancery Amendment Act, 1849."

Act may be amended, &c.

LII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. CX.

An Act for suspending, until the First Day of *June* One thousand eight hundred and fifty, the Operation of an Act passed this Session, intituled *An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases.* [1st *August* 1849.]

12 & 13 Vict. c. 26.

'WHEREAS an Act was passed in this Session of Parliament, intituled *An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases:* And whereas 'it is expedient to suspend the Operation of the said Act as herein-after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Recited Act not to come into operation until 1st June 1850.

the said Act shall be and the same is hereby rendered wholly inoperative until the First Day of *June* One thousand eight hundred and fifty, in the same Manner as if it had been originally enacted by the said Act that the same should not come into operation until that Time.

CAP.

CAP CXI.

An Act to amend the Nuisances Removal and Diseases Prevention Act, 1848.

[1st *August* 1849.]

11 & 12 Vict. c. 123.

'WHEREAS it is expedient that the Nuisances Removal and Diseases Prevention Act, 1848, should 'be amended, and that the Powers of the General Board of Health in relation to certain of the 'Purposes of that Act should be extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall be deemed to be Part of the Nuisances Removal and Diseases Prevention Act, 1848, and shall be construed accordingly.

This Act to be construed with Nuisances Removal and Diseases Prevention Act, 1848, as One Act.

II. And be it enacted, That it shall be lawful for the General Board of Health, or any Two of the Members thereof, from Time to Time as such Board shall see Occasion, to require, by Summons under the Seal of the said Board, or if by Two only of the Members of such Board, then under the Hands of such Two Members and the Seal of the said Board, (according to the Form in the Schedule annexed to this Act, or as near thereto as the Case will permit,) any Person to appear before such Board to testify on Oath the Truth touching any Matters respecting which the said Board are now or may hereafter be authorized to inquire (which Oath any Member of the said Board is hereby empowered to administer); and every Person who, after Tender of reasonable Expenses in that Behalf, shall not appear pursuant to such Summons, or shall not assign some reasonable Excuse for not so appearing, or refusing to be sworn or examined, shall, upon being convicted thereof before One of Her Majesty's Justices of the Peace or the Sheriff for the County or Place at and within which such Person shall have been by such Summons required to appear and give Evidence shall be situate, for every such Neglect or Refusal forfeit a Sum not exceeding Twenty Pounds.

Power to summon Witnesses, &c. in certain Cases.

III. And be it enacted, That the Secretary of the General Board of Health may, on the Order of the said Board, sealed with the Seal of such Board, and signed by any Two Members thereof, prosecute any Person for wilful Violation or Neglect of any Direction or Regulation issued by such Board under the Nuisances Removal and Diseases Prevention Act, 1848; and all Penalties sued for and recovered by such Secretary shall, notwithstanding anything contained in the last-mentioned Act, be paid to him, and be applied in defraying the Costs and Expenses incurred by him in such Prosecutions, and the Balance (if any) shall be applied in such Manner as the Lords Commissioners of Her Majesty's Treasury shall direct; and if the Penalties so recovered shall be insufficient to defray such Costs and Expenses, the Deficiency shall be defrayed out of any Monies which may be from Time to Time provided by Parliament for that Purpose.

Secretary of Board of Health may institute and carry on Prosecution for Violation or Neglect of Regulations.

IV. And be it enacted, That the Guardians, Directors, Wardens, Governors, or Overseers of the Poor, or Parochial Board, or other like Officers having the Management of the Poor, or acting under the Authority of any Local Act of Parliament for the paving, cleansing, drainage, or lighting any Town or Parish may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any Direction or Regulation issued by the General Board of Health, or in *Ireland* Commissioners of Health, under the Nuisances Removal and Diseases Prevention Act, 1848, and may defray the Expenses of such Prosecutions or Proceedings out of the Funds in their Hands applicable to the Relief of the Poor.

Guardians of the Poor, &c. may direct Prosecutions in certain Cases.

V. And be it enacted, That Justices of the Peace being *ex-officio* Guardians of the Poor may in all Cases, notwithstanding their holding the Office of Guardian, exercise in Petty Session the Jurisdiction vested in them as Justices of the Peace, under the Nuisances Removal and Diseases Prevention Act, 1848.

Ex-officio Guardians may act as Justices.

VI. And be it enacted, That Guardians, Directors, Wardens, Governors, Overseers, or Parochial Board, or other like Officers having the Management of the Poor, or acting under such Authority as aforesaid, upon the Receipt of a Certificate of any Medical or Relieving Officer of the Union or Parish for which any such Guardians, Directors, Governors, Overseers of the Poor, or Parochial Board, or other Officers, act, stating the Existence of any of the Cause or Causes of Complaint specified in the Sections numbered I. and II. in the Copies of the Nuisances Removal and Diseases Prevention Act, 1848, printed by Her Majesty's Printers, or in *Ireland* upon the Receipt of a like Certificate of any such Medical or Relieving Officer, or of any Two Constables of the Constabulary Force of the District or Place or of any Two Constables of the *Dublin* Police within the *Dublin* Police District, shall take all such Proceedings as by the said Sections respectively are required to be taken upon the Receipt of a Notice in Writing signed by Two Inhabitant Householders, and in the same Manner (as nearly as may be) as if such Notice had been given.

Guardians of the Poor, &c. may take certain Proceedings upon the Certificate of Medical or Relieving Officer.

VII. 'And whereas it is enacted by the Nuisances Removal and Diseases Prevention Act, 1848, that 'all Costs and Expenses reasonably incurred in carrying into effect certain Provisions therein contained, 'and not recovered from any Owner or Occupier of the Premises in respect of which such Expenses 'shall have been incurred, shall, upon an Order in Writing, specifying the Sum to be paid, under the 'Hands and Seals of Two Justices, or in *Scotland* under the Hands of the Sheriff or Magistrate, or 'Two Justices, be retained, paid, or defrayed by the Treasurer of the Guardians of the Poor, or Parochial Board, or by the Overseers of the Poor or other proper Officers, out of the Funds in their Hands 'applicable to the Relief of the Poor; and it is expedient that such Costs and Expenses should be 'retained, paid, and defrayed in certain Cases without an Order of Justices, Sheriff, or Magistrates:' Be

Guardians of the Poor, &c. may defray certain Expenses without an Order of Justices, Sheriff, or Magistrates.

it therefore enacted, That whenever any such Costs and Expenses shall have been or shall be reasonably incurred by any Guardians, Directors, Wardens, Governors, Overseers of the Poor, or Parochial Board, or other like Officers having the Management of the Poor, and the same shall not have been recovered from the Owner or Occupier of the Premises in respect of which such Costs and Expenses shall have been incurred, such Costs and Expenses may, where an Order shall have been made by the Justices for the Removal or Abatement of the Nuisance, or in any Case where the Amount shall not exceed Twenty Shillings, be retained, paid, and defrayed by the Treasurer of such Guardians, or by such Directors, Wardens, Governors, Overseers, or Parochial Board, or other like Officers, (as the Case may be,) out of the Funds in their Hands applicable to the Relief of the Poor, without the Order of any Justice or Justices of the Peace, anything in the said Act to the contrary notwithstanding, and be charged as in the said Act directed.

Guardians of Unions or Parochial Boards may charge Expenses of removing Nuisances on Parish, &c. where Premises situated.

VIII. And be it enacted, That where the Guardians of a Union, or Parochial Board, shall, in the Execution of any Order or Regulation of the Board of Health issued under the Authority of the said herein-before mentioned Act, expend any Money in the Removal or Abatement of a Nuisance from any private Premises or Land, or from any public Place, they may, if they think fit, charge the same, where the Expenses do not exceed Twenty Shillings, to the Parish or Place or Electoral Division in the Union or Combination wherein the Premises shall be situated in respect whereof such Expenses shall have been incurred, and where they exceed Twenty Shillings, and the Guardians or the Majority of the Guardians, if more than Two Guardians of such Parish, Electoral Division, or Place, object in Writing to the said Expenses being so charged, then only upon an Order in Writing under the Hands and Seals of Two Justices, or in *Scotland* under the Hands of the Sheriff or Magistrates, or Two Justices, who are hereby required to make such Order, upon Application on behalf of such Guardians.

General Board of Health may cause Inquiry to be made into State of Burial Grounds, and may direct Measures of Precaution.

IX. And be it enacted, That it shall be lawful in *England* or *Wales* for the General Board of Health, and in *Ireland* for the Commissioners of Health, to cause Inquiry to be made by a Superintending Inspector, or by such other Ways and Means as the General Board of Health or such Commissioners may deem fit to direct, into the State of the Burial Grounds in any Part of *England* or *Wales* excepted from the Powers of the Public Health Act, 1848, or in any populous City, Town, or Place in *England* or *Wales* to which for the Time being the said Act has not been applied, or in any populous City, Town, or Place in *Ireland*; and if it appear to the General Board of Health or the said Commissioners that any such Burial Ground is in such a State as to be dangerous to the Health of the Persons living in the Neighbourhood thereof, it shall be lawful for the said General Board of Health in *England* and *Wales*, under the Seal of the said Board, and under the Hands of Two or more Members thereof, and the said Commissioners of Health in *Ireland*, under the Hands of Two or more of them, to issue such Orders as the said Board of Commissioners respectively may think fit for the Application of such disinfecting Substances, and for the Adoption of such other Measures of Precaution in relation to the Premises, as may, in the Opinion of the said Board or Commissioners of Health, tend to lessen or remove the Danger to Health; and the Churchwardens and other Persons having the Care and Control of the Burial Grounds to which such Orders shall relate shall do all such Works and Matters in relation thereto as by such Orders may be directed, and all Expenses incurred in the Execution of such Orders shall be defrayed out of the Poor Rates of the Parish: Provided always, that no such Order as aforesaid shall be made after the End of the next Session of Parliament.

Where Churchyard is dangerous to Health Churchwardens may agree for the Burial of Parishioners in the Ground of any Cemetery Company or in the Burial Ground of any other Parish.

X. And be it enacted, That where it appears to the General Board of Health, or the Commissioners of Health in *Ireland*, that the Churchyard or other Burial Ground of any Parish is dangerous to Health as aforesaid, and that temporary Provision for Interment elsewhere is urgently required, the Churchwardens of such Parish, with the Consent of the Bishop of the Diocese and the Approval of such General Board of Health, or Commissioners of Health in *Ireland*, shall, if possible, either agree with any Cemetery Company for the Burial in the Ground of such Company of the Bodies of Persons having Right of Burial in the Churchyard or other Burial Ground of such Parish, or agree for the Burial of such Bodies in the Churchyard or Burial Ground of any other Parish of which the Minister and Churchwardens may consent thereto, and make all proper Arrangements in relation to such Burials: Provided always, that where any such Agreement as aforesaid shall be proposed to be made by the Churchwardens of any Parish, such Churchwardens shall submit such proposed Agreement to a Meeting of the Vestry, or Persons having the Powers of Vestry, in such Parish, and if the Majority of Persons assembled at such Meeting shall disapprove such Agreement the Churchwardens shall not proceed therewith; and the Expenses incurred by such Churchwardens in relation to such Agreement, and in carrying the same into effect, shall be paid out of the Poor Rates of their Parish; provided also, that no such Agreement as aforesaid shall be made after the End of the next Session of Parliament.

General Board of Health may direct Inquiries, where it may be expedient to prohibit Interment.

XI. And be it enacted, That where upon any such Inquiry as aforesaid it appears to the General Board of Health that the State of the Burial Grounds in any Parish, or in any Parishes which may be conveniently united for the Purposes herein-after mentioned, and the Circumstances of such Parish or Parishes render it expedient for the Protection of the Public Health that Interments should be prohibited in such Parish or Parishes, except as after mentioned, and that a Burial Ground or Burial Grounds should be provided for such Parish, or for the common Use of such Parishes, the General Board of Health may direct a Superintending Inspector to make Inquiry, in the Manner directed by the Public Health Act, 1848, or as near thereto as Circumstances will permit, into all the Circumstances connected with the Parochial and other Burial Grounds of such Parish or Parishes, and as to the Place or Places in which any Burial Ground or Burial Grounds might be provided, either within or beyond the Limits of such Parish or Parishes, and

as to the Means which might be provided for the Conveyance of Bodies for Interment, and any other Arrangements which might be practicable for facilitating the convenient Interment of Bodies in the Burial Ground or Burial Grounds to be so provided, and as to the Rights in any Burial Ground in such Parish or Parishes, not being a Parochial Burial Ground, which might be affected by the Prohibition of Interments in such Parish or Parishes, and as to the Proportions in which several Parishes (if more than One) should contribute to the Expense of providing and maintaining a common Burial Ground or common Burial Grounds for such Parishes, and into such other Matters as the General Board of Health may think necessary for the Purpose of enabling them to judge of the Propriety of framing a Scheme to be submitted to Parliament as herein-after mentioned, and of the Provisions which should be inserted therein; and such Superintending Inspector shall report in Writing, in such Manner as the General Board of Health shall direct, the Result of his Inquiries in relation to the Premises.

Upon Report, Board of Health may frame a Scheme for providing new Burial Grounds.

XII. And be it enacted, That upon the Presentation of such Report the General Board of Health shall cause a Copy thereof to be transmitted to the Bishop of the Diocese, and Copies thereof to be published, in such Manner as they may direct, in the Parish or Parishes to which such Report relates, and to be deposited with the Minister and with the Churchwardens of such Parish or each of such Parishes, and the General Board of Health shall receive all such Statements in relation to the Matter of such Report as shall be delivered within a Time to be limited by the said Board in this Behalf, and may, where they think fit, cause further Inquiry to be made in relation to the Matter of such Report; and if after such Inquiry and Report, or further Inquiry as aforesaid, it appear to the said Board expedient so to do, they may frame a Scheme in which shall be set forth such Provisions as to the said Board under the Circumstances of each Case may appear proper for providing a Burial Ground or Burial Grounds for such Parish or Parishes as aforesaid, either within such Parish or any of such Parishes, or beyond the Limits thereof, as the Case may appear to require, to be in Law the Burial Ground for the Parish or for each of the Parishes for the common Use of which the same is or are provided, and for the Maintenance and due Management and Control of such Burial Ground or Burial Grounds; for securing to the Ministers and others having Rights in respect of Burials in the Burial Grounds in which Interment is to be prohibited Compensation by like Rights in respect of Burials in the Burial Ground or Burial Grounds proposed to be provided or otherwise, and for providing and securing Rights in such Burial Ground or Burial Grounds in substitution for other Rights (which in the Opinion of the Board may require to be compensated) in Grounds in which Interment is to be prohibited; for the Election or Appointment of Persons to enter into Contracts for providing such Burial Ground or Burial Grounds, and to maintain and manage the same; for facilitating the Conveyance of the Bodies of the Dead from the Place of Death to such Burial Ground or Burial Grounds; for determining the Proportions in which the Expense of providing, maintaining, and managing such Burial Ground or Burial Grounds, where the same is or are provided for the common Use of any Parishes, shall be defrayed by such Parishes respectively; for prohibiting, after such Burial Ground or Burial Grounds shall be provided, Interment in such Parish or Parishes, except in such Cases as it may appear to the said Board may be specified and excepted; and generally for and concerning all Matters in relation to such Burial Ground or Burial Grounds as aforesaid, and the Arrangements consequent upon the Prohibition of Interments as aforesaid: Provided always, that all Provisions which shall be set forth in such Scheme concerning the Consecration of the Burial Ground or Burial Grounds to be provided, and concerning the Burial of Members of the United Church of *England* and *Ireland*, and the Compensation to be provided for Rights in respect of Burials and other Rights of Ministers of the said United Church which may be affected by the Prohibition of Interment in Parochial and other Burial Grounds, be approved by the Bishop of the Diocese; provided also, that such Scheme, with the Reports of the Superintending Inspectors in relation to the Matters thereof, shall be presented to both Houses of Parliament forthwith after the framing thereof, or, if Parliament be not then sitting, within Fourteen Days after the next Meeting thereof.

Short Title of this Act.

XIII. And be it enacted, That in citing this Act in any Act of Parliament, Deed, Instrument, or other Proceeding it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Amendment Act, 1849."

Act may be amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

Form of Summons.

We, the General Board of Health, [*or* We, whose Names are hereunto set, being Two of the Members of the Board of Health,] do hereby summon and require you personally to appear before the General Board of Health, at in the Parish of in the County of on next, the Day of at the Hour of in the noon of the same Day, and then and there to be examined, and to testify the Truth touching certain Matters with respect to which the Board is authorized to inquire.

Sealed with the Seal of the General Board of Health, [*or* Given under our Hands and Seals, and the Seal of the General Board of Health,] this Day of in the Year of our Lord One thousand eight hundred and

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

The following are all PUBLIC ACTS; *to each of which is annexed a Clause in the Form following:*

" And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall " be judicially noticed as such."

Cap. i.

An Act to enable the *Blackburn* Waterworks Company to raise a further Sum of Money*; and to amend the Act relating thereto. [11th *May* 1849.]

*£ 20,000.

Cap. ii.

An Act for enabling the *Sunderland* Water Company to raise a further Sum of Money*, and for amending and enlarging the Provisions of the Act relating to such Company. [11th *May* 1849]

*£ 19,500.

Cap. iii.

An Act for supplying the District of *Brierley Hill* in the Parish of *Kingswinford* in the County of *Stafford* with Gas. [11th *May* 1849.]

Cap. iv.

An Act for more effectually repairing and maintaining certain Roads in the Counties of *Roxburgh* and *Berwick*. [11th *May* 1849.]

[*Tolls to be taken only once a Day within the Distance of Six Miles*, § 17. *Corn going to Mills or Kilns for the Purpose of being manufactured, or returning therefrom, for the Use of Farmers, their Families and Cottagers, residing within a Mile of any Toll-bar, exempted from Toll*, § 20. *Act to remain in force for Thirty-one Years from its passing*, § 24.]

Cap. v.

An Act to authorize the *Warrington* Waterworks Company to raise a further Sum of Money.* [11th *May* 1849.]

*£ 8,000.

Cap. vi.

An Act for better establishing and maintaining the Market Place and Markets at *Longton*, heretofore called *Lane End*, in the Parish of *Stoke-upon-Trent* in the County of *Stafford*. [11th *May* 1849.]

Cap. vii.

An Act for improving the Drainage of *Feltwell* Second District in the County of *Norfolk*, and for amending the Acts relating to the same. [11th *May* 1849.]

Cap. viii.

An Act for lighting with Gas and supplying with Water the Town and Borough of *Darlington* and the Suburbs thereof in the County of *Durham*. [11th *May* 1849.]

Cap. ix.

An Act for enabling the *Nottingham* Gaslight and Coke Company to raise a further Sum of Money*, and for amending some of the Provisions of the Act relating to such Company. [11th *May* 1849.]

*£ 42,500.

Cap. x.

An Act for more effectually assessing and collecting the Poor Rate and all other Rates and Assessments in the Parish of *Epsom* in the County of *Surrey*, and for the better Management of the Business and Affairs of the said Parish; and for other Purposes relating thereto. [11th *May* 1849.]

Cap. xi.

An Act for making and maintaining Docks near to *Wareham* in the County of *Dorset*, with an Entrance thereto from *Wareham Channel*. [11th *May* 1849.]

[*Saving the Rights of the Corporation of Poole*, § 32.]

Cap. xii.

An Act for better assessing the Poor Rates on small Tenements in certain Parishes and Places within the Union of *Kidderminster*. [24th *May* 1849.]

Cap. xiii.

An Act for the Dissolution of the *Argyll* Canal Company, and for the Abandonment of their Undertaking. [24th *May* 1849.]

Cap. xiv.

An Act to amend an Act for the better regulating and improving the Port and Harbour of *New Ross* in the Counties of *Wexford* and *Kilkenny*. [24th *May* 1849.]

Cap. xv.

An Act to enable the *Edinburgh and Northern* Railway Company to raise a further Sum of Money.* [24th *May* 1849.]

*£ 550,000.

Cap. xvi.

An Act for the Management and Disposal of the Freemen's Pastures in the Parish of *Great Grimsby* in the Parts of *Lindsey* in the County of *Lincoln*; and for other Purposes. [24th *May* 1849.]

Cap. xvii.

An Act for better supplying the Town, Port, and Harbour of *Whitehaven* and other Places with Water. [24th *May* 1849.]

Cap. xviii.

An Act for altering the Mode of assessing the Drainage Rates authorized by the Act for draining and improving *Marshland Smeeth* and *Marshland Fen* in the Country of *Marshland* in the County of *Norfolk*, and to provide for the Repair of Roads within the Limits of the said Act. [24th *May* 1849.]

Cap. xix.

An Act for enabling the *North-western* Railway Company to make an Extension of the *Lancaster* Branch of their Railway, and a new Road to *Settle* Station, and to abandon the *William Lands* Branch; and for other Purposes. [24th *May* 1849.]

Cap. xx.

An Act for authorizing the *Bradford* Waterworks Company to raise a further Sum of Money.* [24th *May* 1849.]

*£ 27,500.

Cap. xxi.

An Act for incorporating the *Bury Saint Edmund's* Gas Company, and for better supplying the Town and Borough of *Bury Saint Edmund's* in the County of *Suffolk* with Gas. [26th *June* 1849.]

Cap. xxii.

An Act to incorporate the *Scottish* Amicable Life Assurance Society; to enable the said Society to sue and be sued, and to take and hold Property; and for other Purposes relating to the said Society. [26th *June* 1849.]

Cap. xxiii.

An Act to amend and equalize the Rates and Duties leviable at the Port and Harbour of *Perth*, to authorize the borrowing of an additional Sum of Money*, and for other Purposes in relation thereto. [26th *June* 1849.]

*£ 30,000.

Cap. xxiv.

An Act to amend an Act of the Twelfth Year of the Reign of King *George* the Third, for embanking, draining, and preserving certain Fen Lands and Low Grounds in the Parish of *Ramsey* in the County of *Huntingdon*, and in the Parishes of *Doddington*, *March*, *Benwick*, *Wimblington*, and *Chatteris*, within the *Isle of Ely* and County of *Cambridge*, so far as relates to the Lower or Fifth District, and to annex other Lands thereto. [26th *June* 1849.]

Cap. xxv.

An Act for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, for lighting with Gas and supplying with Water the Town of *Hartlepool* and the Neighbourhood thereof in the County of *Durham*. [26th *June* 1849.]

Cap. xxvi.

An Act for better supplying with Water the Borough of *Macclesfield* in the County of *Chester*, and for other Purposes connected with the said Borough. [26th *June* 1849.]

Cap. xxvii.

An Act for enabling the *Leeds and Thirsk* Railway Company to raise a further Sum of Money * for the Completion of their Railways, to guarantee Interest on certain Shares, and for other Purposes. [26th *June* 1849.]

* £450,000.

Cap. xxviii.

An Act for making a short Railway to connect the Line of the *Reading, Guildford, and Reigate* Railway with the Line of the *London and South-western* Railway; and for other Purposes. [26th *June* 1849.]

Cap. xxix.

An Act to vest the *Stainforth and Keadby* Canal in the Company of Proprietors of the Navigation of the River *Dun*. [26th *June* 1849.]

Cap. xxx.

An Act for enlarging, improving, and maintaining the Harbour of *Kirkcaldy* in the County of *Fife*, for regulating the Petty Customs of the Burgh of *Kirkcaldy*, and for other Purposes relating to the said Harbour and Burgh. [26th *June* 1849.]

[*Saving the Rights of the Crown*, § 45. *Lands of the Edinburgh and Northern Railway Company not to be taken*, § 46. *Saving the Rights of Parties in Action of Declarator*, § 47.]

Cap. xxxi.

An Act to amend "The *Sunderland* Dock Act, 1846," and for other Purposes. [26th *June* 1849.]

Cap. xxxii.

An Act for defining the Boundaries of the Parishes of *Whittlesey Saint Mary* and *Whittlesey Saint Andrew* in the *Isle of Ely* in the County of *Cambridge* for Ecclesiastical Purposes, for the Union of the said Parishes for other Purposes, and for better paving, lighting, watching, cleansing, and otherwise regulating and improving the Town of *Whittlesey*. [26th *June* 1849.]

Cap. xxxiii.

An Act for extending the Powers of the *London and South-western* Railway Company for purchasing Lands for and completing the Works of the Railways from *Basingstoke* to *Salisbury* and from *Farnham* to *Alton*; and for other Purposes. [26th *June* 1849.]

Cap. xxxiv.

An Act for enabling the *Windsor, Staines, and South-western* (*Richmond* to *Windsor*) Railway Company to make an Extension of their Railway to the Town of *New Windsor*; and for other Purposes. [26th *June* 1849.]

Cap. xxxv.

An Act for the further Improvement of the Borough of *Ashton-under-Lyne*. [26th *June* 1849.]

[*Rights of Lord of Manor, and of Manchester, Sheffield, and Lincolnshire, and Lancashire and Yorkshire, and London and North-western Railway Companies, and of the Ashton Millowners Waterworks Company, reserved*, §§ 52, 53, *and* 54.]

Cap. xxxvi.

An Act to extend the Provisions and enlarge the Powers of the *Staffordshire Potteries* Waterworks Act, 1847. [26th *June* 1849.]

Cap. xxxvii.

An Act for granting further Powers to the *London* Gaslight Company. [26th *June* 1849.]

Cap. xxxviii.

An Act to enable the *Cockermouth and Workington* Railway Company to make a Branch Railway to *Bridgefoot*; and for amending the Act relating to their Railway. [26th *June* 1849.]

Cap. xxxix.

An Act for vesting the *Edinburgh and Glasgow Union* Canal in the *Edinburgh and Glasgow* Railway Company. [26th *June* 1849.]

Cap. xl.

An Act to confer certain Powers on the Railway Passengers Assurance Company. [26th *June* 1849.]

[*Insurance Tickets to be exempt from Stamp Duty; Per-centage Duty on Monies received to be paid in lieu*, § 1. *Company to render quarterly Accounts of Money received. Accounts to be verified*, § 2. *Company to give Security for Payment of the Duties. Penalty for issuing Tickets without giving Security or renewing the same when required*, § 3. *Company's Books to be open for Inspection by Officers. Penalty for refusing to permit Inspection*, § 4. *Company may make Contracts with Railway Companies as to their Clerks, and Clerks of Railway Companies to be considered Agents of the Company*, § 5. *Company not agreeing with Railway Company may issue Tickets from any Office of their own*, § 6. *Directors may fix Premiums of Insurance and vary the same*, § 7. *Ticket issued by Company to be Execution of Policy*, § 8. *Holders of marked Tickets may recover from Company in case of Injury or Death*, § 9. *Who are to be deemed bonâ fide Holders*, § 10. *Ticket not to be transferable*, § 11. *Transferring Ticket to defraud Company treated as a Misdemeanor*, § 12. *Notice of Injury to be given by Assured*, § 13. *Persons injured to submit to Examination of Medical Officer of Company*, § 14. *In case of Death, Company may examine Body*, § 15. *Offer of Compensation to be sent in by Company Thirty Days after Examination*, § 16. *Claimant not dissenting in Twenty-one Days to be considered to have agreed*, § 17. *Claimant may demand an Extension of Time*, § 18. *If Extension of Time desired, Company may amend Offer of Compensation*, § 19. *Claimant not dissenting before Time limited in Notice for further Consideration to be deemed to have agreed*, § 20. *If Assured dissent from Company's Offer, he is to give Notice of Arbitration*, § 21. *Company to appoint Arbitrator within Seven Days after Notice of Arbitration*, § 22. *If the Company fail to appoint an Arbitrator, the Arbitrator named by the other Party may determine the Matter in dispute*, § 23. *Arbitration not to be revoked, and to be deemed a Submission*, § 24. *Vacancy of Arbitrator to be supplied*, § 25. *Appointment of Umpire*, § 26. *Associate of the Chief Justice of the Court of Queen's Bench to appoint an Umpire on Neglect of the Arbitrators*, § 27. *In case of Death of single Arbitrator the Matter to begin de novo*, § 28. *If either Arbitrator refuse to act, the other to proceed ex parte*, § 29. *If Arbitrators fail to make their Award within Twenty-one Days the Matter to go to the Umpire*, § 30. *Power for Arbitrators to call for Books*, § 31. *Arbitrator or Umpire to make a Declaration*, § 32. *The Award not to be set aside for Error in Matter of Form*, § 33. *Costs of Arbitration how to be borne*, § 34. *No one under Twelve to be insured*, § 35. *Claims of Persons at Common Law and under 9 & 10 Vict. c. 93. against any other Company or Person not to be prejudiced*, § 36. *Costs of the Act how to be paid*, § 37. *Interpretation of the Act*, § 38. *Public Act*, § 39.]

Cap. xli.

An Act to enable the *Chester and Holyhead* Railway Company to raise a further Sum of Money *; and for other Purposes. [26th *June* 1849.]

*£325,000.

Cap. xlii.

An Act for making the Parish of *Richmond* in the County of *Surrey* a District Vicarage, by dividing the Vicarage of *Kingston-upon-Thames* and *Sheen* otherwise *Richmond* into Two separate Vicarages, and for providing a Stipend and Residence for the Vicar of *Richmond* aforesaid, and for extinguishing the Vicarial Tithes in the Parish of *Richmond*, and for other Purposes relating to such Vicarages. [26th *June* 1849.]

Cap. xliii.

An Act to authorize the *Newcastle-upon-Tyne and Carlisle* Railway Company to alter the *Alston* Branch of their Railway, to make a Branch Railway therefrom, and for other Purposes. [13th *July* 1849.]

Cap. xliv.

An Act for consolidating the Trusts of the *Truro* Turnpike Roads and the *Penryn* and *Redruth* Turnpike Roads in the County of *Cornwall*, and for making a new Turnpike Road from *Bosvigo Bridge* to the Turnpike Road from *Truro* to *Redruth*, and for making the Road or Highway from *Ferris Town* to *Bosvigo Bridge* a Turnpike Road, and for maintaining all such Roads; and for other Purposes. [13th *July* 1849.]

[*Three full Tolls only to be taken for passing and re-passing between Twelve o'Clock at Night and the same Hour of the next Night through all the Gates*, § 19. *Only One Toll to be taken in Ten Miles*, § 20. *Full Toll to be taken only once a Day for passing the Bridge* § 21.]

Cap. xlv.

An Act for amending an Act passed in the Thirty-fifth Year of the Reign of His Majesty King *George* the Third, for dividing and leasing or letting certain Commons or Waste Grounds within the Borough and Township of *Congleton* in the County of *Chester*, and for applying the Profits of Part of the same in aid of the Poor's Rate or other Taxes or public Expenses within the said Township. [13th *July* 1849.]

Cap. xlvi.

An Act to facilitate the Prosecution of Criminal Offences before Her Majesty's Justices of the Peace in the County of *Renfrew*, and to simplify the Proceedings therein and lessen the Costs thereof. [13th *July* 1849.]

Cap. xlvii.

An Act to alter and amend an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually amending the Road leading from the* Stones End *in* Blackman Street *in the Borough of* Southwark *in the County of* Surrey *to* Highgate *in the County of* Sussex, *and several other Roads therein mentioned, and for other Purposes relating thereto.* [13th *July* 1849.]

[*Act to continue in force for the Remainder of the Term granted by* 9 *G.* 4. *c.* cxx.—§ 7.]

Cap. xlviii.

An Act for the Improvement of the Haven, Bridge, and Navigation of *Great Yarmouth* in the County of *Norfolk*. [13th *July* 1849.]

Cap. xlix.

An Act for rendering valid certain Letters Patent granted to *Joshua Procter Westhead* of *Manchester*, Manufacturer. [13th *July* 1849.]

Cap. l.

An Act to alter, amend, extend, and enlarge some of the Provisions of the several Acts relating to the *Lancashire and Yorkshire* Railway, and for making Extensions of some of the Branches of the said Railway, and for making other Provisions in relation to the said Railway and to the *Lancashire and Yorkshire* Railway Company. [13th *July* 1849.]

Cap. li.

An Act for improving the Approaches to the *Charing Cross Bridge* on the *Surrey* Side thereof, and for amending the Acts relating thereto; for authorizing the raising of a further Sum of Money, and for other Purposes. [13th *July* 1849.]

Cap. lii.

An Act for extending the Time and Powers for making the *Ely and Huntingdon* Railway, and for amending the Act relating to the *East Anglian* Railways. [13th *July* 1849.]

Cap. liii.

An Act for the Dissolution of the *East Lothian Central* Railway Company, and for the Abandonment of the Railway. [13th *July* 1849.]

Cap. liv.

An Act to consolidate the several Acts relating to the *Stockton and Darlington* Railway Company, to enable the Company to alter their Line of Railway in the Parishes of *Egglescliffe* and *Stockton-on-Tees*, and to increase their Capital, and to vest in them the *Middlesbrough* Dock. [13th *July* 1849.]

Cap. lv.

An Act to authorize the *Shrewsbury and Chester* Railway Company to make certain Branches to the River *Dee*, with Wharfs and other Conveniences connected therewith, to enter into Agreements for a joint Station at *Shrewsbury*, and to subscribe towards the *Shrewsbury and Hereford* Railway. [13th *July* 1849.]

Cap. lvi.

An Act regulating and maintaining Markets in the Town of *Torquay* in the County of *Devon*, and for constructing convenient Market Places therein. [13th *July* 1849.]

Cap. lvii.

An Act for repairing the Road leading from *Chatteris Ferry* to *Wisbech*, and from thence to *Tid Gote* in the *Isle of Ely* and to *Downham Bridge* in the County of *Norfolk*, and to authorize the Conversion of the *Wisbech and March* Low Road into Turnpike. [13th *July* 1849.]

[*Tolls not to be applied in repairing Streets*, § 26. *Act to commence on the Third Tuesday after the passing, and to continue in force for Twenty-one Years*, § 35.]

Cap. lviii.

An Act for enabling the *York, Newcastle, and Berwick* Railway Company to make certain Branches in the Counties of *Northumberland* and *Newcastle-upon-Tyne*; and for other Purposes. [13th *July* 1849.]

Cap. lix.

An Act to alter and amend the Provisions of the several Acts relating to the *Black Sluice* Drainage, to extend the Time by "The *Black Sluice* Drainage Act, 1846," limited for the Completion of the Works, to authorize the levying and raising of further Rates and Monies, to alter existing Rates and Tolls, and for other Purposes. [13th *July* 1849.]

Cap. lx.

An Act for enabling the *York and North Midland* Railway Company to divert their Railways between *Market Weighton* and *Beverley* and *Copmanthorpe* and *Tadcaster*, all in the County of *York*; and for other Purposes. [13th *July* 1849.]

Cap. lxi.

An Act for making a Branch from the *Taff Vale* Railway to *Dowlais*, and for other Purposes. [28th *July* 1849.]

Cap. lxii.

An Act to amend the Acts relating to the *Irish South-eastern* Railway. [28th *July* 1849.]

Cap. lxiii.

An Act for maintaining, improving, and keeping in repair certain Roads in the County of *Lanark* to be called "The East and West *Lanarkshire* Turnpike Roads." [28th *July* 1849.]

[*Act to commence from the passing, and to continue in force for Thirty-one Years*, § 24.]

Cap. lxiv.

An Act to extend the present *Tinsley and Doncaster* Turnpike Road from *Tinsley* to *Sheffield*, and for other Purposes. [28th *July* 1849.]

[*Only One full Toll to be taken for passing between Twelve o' Clock at Night and the same Hour of the next Night from Tinsley to Lady's Bridge in Sheffield*, § 20. *Persons having paid Toll to return free*, § 21.]

Cap. lxv.

An Act for more effectually managing and repairing the Road leading from *Flimwell Vent* in the County of *Sussex* to the Town and Port of *Hastings* in the said County. [28th *July* 1849.]

[*Act to commence on the Fourth Friday after the passing, and to continue in force for Twenty-one Years*, § 21.]

Cap. lxvi.

An Act for continuing the Term of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for continuing certain Powers to the Trustees of the* New North Road, *leading from the South End of* Highbury Place, Islington, *to* Haberdashers Walk *in the Parish of* Saint Leonard Shoreditch *in the County of* Middlesex, and for vesting the Management of the said Road in the Metropolis Roads Commissioners, for the Purpose of paying off the Debt due thereon. [28th *July* 1849.]

[3 & 4 *W.* 4. *c.* lxxxiv. *repealed, and this Act to be put in force*, § 1. *Act to commence on the 1st of November next after the passing, and to continue in force for Ten Years*, § 16.]

Cap. lxvii.

An Act to effect the Sale of the *Wishaw and Coltness* Railway to the *Caledonian* Railway Company. [28th *July* 1849.]

Cap. lxviii.

An Act to continue and amend the Powers of an Act for repairing and improving the Roads from *Dublin*, by *Ashbourne*, to *Slane* and *Drogheda*. [28th *July* 1849.]

[*Act to commence from the End of the Session, and to continue in force for Thirty-one Years*, § 68.]

Cap. lxix.

An Act for enabling the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money*; and for amending some of the Provisions of the Acts relating to such Company. [28th *July* 1849.]

* £150,000.

Cap. lxx.

An Act for better enabling the *Rock* Life Assurance Company to sue and be sued, and to alter certain Provisions of their Deed of Settlement, and to give further Powers to the Company. [28th *July* 1849.]

Cap. lxxi.

An Act to amend the Acts relating to the *East Lancashire* Railway Company, and to enable the same Company to make certain Branches at *Preston*. [28th *July* 1849.]

Cap. lxxii.

An Act to authorize the Transfer of the *Wilsontown, Morningside, and Coltness* Railway to, and to vest the same in, the *Edinburgh and Glasgow* Railway Company. [28th *July* 1849.]

Cap. lxxiii.

An Act to extend the Time for the Purchase of Lands required for the widening of the *London and Blackwall* Railway, and to amend the Acts relating to such Railway. [28th *July* 1849.]

Cap. lxxiv.

An Act for vesting in the *Lancashire and Yorkshire* Railway Company and the *London and North-western* Railway Company the *Preston and Wyre* Railway, Harbour, and Dock, and all the Works, Property, and Effects belonging thereto. [28th *July* 1849.]

Cap. lxxv.

An Act to transfer the *Sheffield* Canal to the Company of Proprietors of the Navigation of the River *Dun*. [28th *July* 1849.]

Cap. lxxvi.

An Act for more effectually repairing the *Commercial Road*, and other Roads connected therewith, in the Counties of *Middlesex* and *Essex*. [1st *August* 1849.]

[*No Toll to be taken on the East India Dock or Barking Road for crossing either of those Roads, or passing not more than One hundred Yards thereon, or for crossing or passing not more than Fifty Yards thereon,* § 16. *Act to commence at Twelve o' Clock at Night on* 31*st December next after the passing, and to continue in force for Twenty-one Years,* § 30.]

Cap. lxxvii.

An Act for confirming and carrying into effect an Arrangement made by the Court of Chancery concerning the Proprietors of the *Bowling* Iron Company, and for granting certain Powers to the said Company. [1st *August* 1849.]

Cap. lxxviii.

An Act for regulating and improving the Markets and Fairs in the Borough of *Louth* in the County of *Lincoln*. [1st *August* 1849.]

Cap. lxxix.

An Act to enable the *Edinburgh and Northern* Railway Company to construct a Low-water Pier and other Works at *Granton*; and for other Purposes. [1st *August* 1849.]

Cap. lxxx.

An Act to incorporate the Governors of the Hospital for Consumption and Diseases of the Chest, and to authorize the Establishment of a Chapel in connexion with the said Hospital, and to enable the said Governors the better to carry on their charitable Designs. [1st *August* 1849.]

Cap. lxxxi.

An Act to consolidate into One Act and to amend the Provisions of the several Railway and Dock Acts relating to the *Manchester, Sheffield, and Lincolnshire* Railway Company, and to amend their Canal Acts. [1st *August* 1849.]

Cap. lxxxii.

An Act to amend and extend the Provisions of certain Acts for inclosing Lands in the Parishes of *Binbrooke Saint Mary* and *Binbrooke Saint Gabriel* in the County of *Lincoln*, and to vary the Awards made thereunder, and to unite the said Parishes. [1st *August* 1849.]

Cap. lxxxiii.

An Act to incorporate the *Great Indian Peninsula* Railway Company, and for other Purposes connected therewith. [1st *August* 1849.]

Cap. lxxxiv.

An Act to amend the Acts relating to the *Great Northern* Railway, and to make a Diversion of such Railway at *Bentley-with-Arksey* in the West Riding of *Yorkshire*, and to enlarge the *Boston*, *Lincoln*, and *London* Stations of such Railway. [1st *August* 1849.]

Cap. lxxxv.

An Act to alter and amend some of the Powers and Provisions of the *Shrewsbury and Birmingham* Railway Acts, and to authorize the Formation of certain Branch Railways, a navigable Canal, and other Works connected with the same respectively; and for other Purposes. [1st *August* 1849.]

Cap. lxxxvi.

An Act to authorize a Deviation of the Branch Line of the *Stirling and Dunfermline* Railway to *Alloa* Harbour, and the Diversion of certain Works; to extend the Time for the compulsory Purchase of certain Lands; and for other Purposes. [1st *August* 1849.]

Cap. lxxxvii.

An Act to amend the several Acts relating to the *Lancaster and Preston Junction* Railway Company, and to transfer the Management of the Railway to the *Lancaster and Carlisle* Railway Company. [1st *August* 1849.]

Cap. lxxxviii.

An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Ardrossan* Harbour and to the *Glasgow, Kilmarnock, and Ardrossan* Railway. [1st *August* 1849.]

Cap. lxxxix.

An Act to amend and extend and partly repeal the Provisions of an Act of Parliament for erecting the Town of *Airdrie* into a Burgh; to provide for the Municipal and Police Government of said Burgh, and for the better paving, watching, lighting, and cleansing, and for regulating the Police, and managing the Statute Labour of the said Burgh; for consolidating the Provisions of other Acts; and for other Purposes relating thereto. [1st *August* 1849.]

[*Saving the Rights of the Monkland Railways Company*, § 103.]

Cap. xc.

An Act to effectuate a Lease of the *Glasgow, Barrhead, and Neilston Direct* Railway to the *Caledonian* Railway Company. [1st *August* 1849.]

Cap. xci.

An Act for the Incorporation of the General Land Drainage and Improvement Company, and for facilitating the Execution of Land Drainage and other Improvements. [1st *August* 1849.]

[*Saving the Rights of the Crown*, § 91; *of the Duchy of Cornwall*, § 92; *of the Duchy of Lancaster*, § 93; *and of the Admiralty*, § 94. *Consent of the Admiralty and of the Commissioners of Woods, &c. requisite for Works affecting tidal and navigable Waters*, § 95. *Saving the Rights of Commissioners of Sewers*, § 96. *Act not to affect the Rights of the River Lea Commissioners*, § 97.]

Cap. xcii.

An Act to amend the Acts relating to the *Eastern Union* Railway Company. [1st *August* 1849.]

Cap. xciii.

An Act for incorporating the *East Indian* Railway Company, and for other Purposes connected therewith. [1st *August* 1849.]

Cap. xciv.

An Act to amend an Act passed in the Eleventh Year of the Reign of King *George* the First, for regulating Elections within the City of *London*, and for preserving the Peace, good Order, and Government of the said City. [1st *August* 1849.]

'WHEREAS by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the First, intituled *An Act for regulating Elections within the City of* London, *and for preserving* 11 G. 1. c. 18.
'*the Peace, good Order, and Government of the said City*, it was enacted, that the Right of Election of
'Aldermen and Common Councilmen for the several and respective Wards of the said City should belong
'and appertain to Freemen of the said City of *London*, being Householders, paying Scot, as therein-after
'mentioned and provided, and bearing Lot when required in their several and respective Wards, and
'to none other whatsoever; provided nevertheless, that the Houses of such Householders be respectively
'of the true and real Value of Ten Pounds a Year at the least, and that such Householders be respec-
'tively the sole Occupiers of such Houses, and have been actually in possession respectively of a House
'of such Value in the Ward wherein the Election is made by the Space of Twelve Calendar Months
'next before such Election: And whereas it is expedient that the Right of voting in the Election of

'Aldermen and Common Councilmen for the several and respective Wards of the said City should be 'extended and enlarged, and that the said recited Act should be altered and amended:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as regulates the Right of voting in Elections of Aldermen and Common Councilmen for the several and respective Wards of the City of *London*, and the Time at which the Polling at such Elections shall commence, and the Period during which it shall continue, shall be and the same is hereby repealed.

So much of recited Act as regulates the Right of voting and the Time of polling at Wardmotes repealed.

II. And be it enacted, That at every Election for Alderman or Common Councilman or Ward Officer for any Ward in the City of *London* every Freeman of the said City (not subject to any legal Incapacity) who shall occupy within the said City or the Liberties thereof, either solely or jointly with any other Person or Persons, any House, Warehouse, Counting-house, Office, Chambers, or Shop, and shall, in the Case of a sole Occupation, be rated in respect of such Premises in his own Name to an Amount not less than Ten Pounds *per Annum*, or, in the Case of a joint Occupation, be rated in the joint Names of the Occupiers to an Amount which, when divided by the Number of Occupiers, shall give a Sum of not less than Ten Pounds *per Annum* for each and every such Occupier, to the Police or any other Rate, and who shall be registered in the Register of Voters for the City of *London* in use at Elections for Members to serve in Parliament, and then in force, in respect to such Premises, shall be entitled to vote in any such Election for Alderman or Common Councilman or Ward Officer in the Ward in which such Premises shall be situate.

Right of voting for Aldermen, Common Councilmen, and Ward Officers.

III. And be it enacted, That on the First Day of *November* in every Year the Alderman and Common Councilmen of each Ward shall make or cause to be made out an alphabetical List of all Persons who shall be entitled to vote as Freemen Occupiers under this Act, such List to be duly signed by the Alderman of the Ward; and the Ward Clerk shall keep a true Copy of such List to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the First and Fifteenth Days of *November* in every Year, and shall at all Times deliver a written or printed Copy of such List to any Person requiring the same, on Payment of a reasonable Price for each Copy; and the said List shall be the List of Freemen Occupiers entitled to vote, after the passing of this Act, at any Election for Alderman or Common Councilman or Ward Officer for any Ward.

An alphabetical List of Voters to be made out on 1st Nov. of of every Year, which shall be open to Inspection.

IV. And be it enacted, That the Service at such House, Warehouse, Counting-house, Office, Chambers, or Shop, of any Summons to pay Scot or bear Lot, or execute any Office, shall be good Service upon any Freeman, and be deemed good and sufficient Notice to him.

As to Service of Summons upon Freemen to pay Scot, &c.

V. And be it enacted, That every Freeman of the said City (not subject to any legal Incapacity) who shall occupy within the said City or the Liberties thereof, either solely or jointly with any other Person or Persons, any House, Warehouse, Counting-house, Office, Chambers, or Shop, and shall, in the Case of a sole Occupation, be rated in respect of such Premises in his own Name to an Amount not less than Ten Pounds *per Annum*, or, in the Case of a joint Occupation, be rated in the joint Names of the Occupiers to an Amount which, when divided by the Number of Occupiers, shall give a Sum of not less than Ten Pounds *per Annum* for each and every such Occupier, to the Police or any other Rate, and who shall be registered in the Register of Voters for the City of *London* in use at Elections for Members to serve in Parliament, and then in force, in respect to such Premises, shall be capable of being elected a Common Councilman for the Ward in which such Premises shall be situate, any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Qualification of Common Councilmen.

VI. And be it enacted, That whenever a Poll shall be demanded at any Election for Alderman or Common Councilman or Ward Officer for any Ward within the said City, the Polling shall commence at Ten o'Clock in the Forenoon of the Day next following the Day fixed for the Election, and the Polling shall continue during such One Day only, and such Poll shall not be kept open later than Four o'Clock in the Afternoon of such Polling Day; Provided always, that when such Day next following the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then, in case it be *Sunday*, the Poll shall be on the *Monday* next following, and in case it be *Good Friday* then on the *Saturday* next following, and in case it be *Christmas Day* then on the next following Day, if the same shall not be *Sunday*, and if it be *Sunday* then on the next following *Monday*: Provided also, that in Cases where the Lord Mayor for the Time being shall, by reason of the Illness, Absence, or other Incapacity of any Alderman of the said City, be required to hold a Poll in more than One Ward on the same Day, it shall be lawful for the said Lord Mayor to appoint such Day, although the same may not be the Day next following the Day on which a Poll shall be demanded, as he shall think proper, for taking the Poll in each such Ward, and every Poll which shall be taken on the Day so appointed by the said Lord Mayor shall be as valid and effectual as if the same were taken on the Day next following the Day on which it shall have been demanded.

Regulations as to taking the Poll at Elections of Aldermen, Common Councilmen, and Ward Officers.

VII. And be it enacted, That, instead of the Oath required by the said recited Act to be taken by any Person before he is admitted to poll at any Election of any Alderman or Common Councilman, every Person, before he is admitted to poll at any Election for Alderman or Common Councilman or Ward Officer for any Ward in the City of *London*, shall make the Declaration herein-after mentioned; that is to say,

A Declaration to be made by Voters in lieu of the Oath heretofore taken.

'I DO declare, That I am a Freeman of London, and an Occupier of Premises in the Ward of
'and that I have not polled before at this Election, and that I am on the List of Freemen Occupiers
'entitled to vote for the Ward of .'

And if any Person shall refuse or neglect to make the Declaration hereby appointed to be made, then and in every such Case the Poll or Vote of such Person so neglecting or refusing shall be and the same is hereby declared to be null and void, and as such shall be rejected and disallowed.

Punishment for making false Declaration.

VIII. And be it enacted, That if any Person making any such Declaration as herein-before is mentioned shall wilfully, falsely, and corruptly declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur and be subject to the same Penalties and Forfeitures as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Disqualification of Aldermen and Common Councilmen.

IX. And be it enacted, That if any Person holding the Office of Alderman or Common Councilman for the City of *London* shall declare himself or shall be declared bankrupt or insolvent, or shall apply to take or shall take the Benefit of any Act for the Relief of Insolvent Debtors, or shall make any Composition with his Creditors, or shall altogether absent himself from his Duty for more than Six Calendar Months consecutively, unless prevented by Illness or other reasonable Cause, or shall be convicted of Fraud or of any Crime, then and in every or any such Case such Person shall thereupon immediately become disqualified, and shall cease to hold the Office of Alderman or Common Councilman, as the Case may be, and the Court of Mayor and Aldermen of the City of *London* shall thereupon forthwith adjudge the said Office to be vacant; but any Person becoming disqualified and ceasing to hold such Office by reason of having made any Composition with his Creditors shall, on Payment of his Debts in full, be capable (if otherwise qualified) of being re-elected to such Office: Provided always, that any Act done by any such Alderman or Common Councilman so becoming disqualified as aforesaid, previously to his Office being adjudged by the said Court of Mayor and Aldermen to be vacant, shall have the same Force and Validity as if such Alderman or Common Councilman had not been so disqualified.

Proviso as to Acts done.

A Declaration to be made by Freemen, in lieu of Oath or Affirmation, on taking up the Freedom.

X. And be it enacted, That in lieu of the Oath or Affirmation which every Person being or becoming free of the City of *London* is upon taking up his Freedom now obliged to take, every such Person shall make and subscribe, before the same Parties by whom the said Oath or Affirmation is now required to be administered, a solemn Declaration in the Form or to the Effect following; that is to say,

'I *A. B.* do solemnly declare, That I will be good and true to our Sovereign Lady Queen Victoria; that I will be obedient to the Mayor of this City; that I will maintain the Franchises and Customs thereof, and will keep this City harmless in that which in me is; that I will also keep the Queen's Peace in my own Person; that I will know no Gatherings nor Conspiracies made against the Queen's Peace, but I will warn the Mayor thereof, or hinder it to my Power; and that all these Points and Articles I will well and truly keep according to the Laws and Customs of this City, to my Power.'

Declaration to have the same Effect as the taking of the Oath heretofore by Freemen.

XI. And be it enacted, That the making and subscribing any such Declaration shall confer upon and shall entitle the Person making and subscribing the same to the same Rights and Privileges as he would have been entitled to, and shall subject him to the same Pains, Penalties, and Forfeitures as he would have been subject to in case he had taken the Oath usually taken by Persons upon taking up their Freedom, and shall have the same Force and Effect in Law, and according to the Customs of the City of *London*, as the taking of the Freeman's Oath now hath, and shall be deemed and taken to be a Compliance with the Custom of the said City, as fully and effectually as if the said Oath had been taken.

Public Act.

XII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Cap. xcv.

An Act to amend the "*Norfolk* Estuary Act, 1846," and to enable the *Eau Brink* Commissioners and the Corporation of *King's Lynn* to contribute towards the Undertaking, and for other Purposes connected therewith. [1st *August* 1849.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

"And be it further enacted, That this Act shall be printed by the several Printers to the Queen's "most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy "thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, "and others."

Cap. 1.

AN Act to enable the Trustees of a Society called or known by the Name of "The Society for the Prosecution of Felons and Receivers of Stolen Goods" to distribute the Monies and Funds of the said Society amongst certain charitable Institutions. [26th *June* 1849.]

Cap. 2.

An Act for authorizing the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *Charles Hayes* Esquire, and for authorizing certain Leases to be granted thereof; and for authorizing the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *John Rutherforth Abdy* Esquire, and for enabling the Trustees of this Act to shift the Charges affecting the Inheritance of the last-mentioned Lands and Hereditaments; and for other Purposes. [26th *June* 1849.]

Cap. 3.

An Act to authorize the granting of Building Leases of the Estates devised by the Will of *Richard Morris Griffith* Gentleman, deceased, called *Caemaeslodig*, situate in the Parish of *Bangor* in the County of *Carnarvon*. [26th *June* 1849.]

Cap. 4.

An Act for confirming Two several Indentures of Lease, dated respectively the Twenty-sixth Day of *June* One thousand seven hundred and eighty-six, respectively granted by the Dean and Chapter of the Cathedral and Metropolitical Church of *Christ Canterbury* and *Henry Penton* to *Thomas Clutton*, of Hereditaments situate at *Walworth* in the Parish of *Saint Mary Newington* in the County of *Surrey*, and for settling the Boundaries of the Hereditaments thereby intended to be demised. [13th *July* 1849.]

Cap. 5.

An Act for settling all Questions of disputed Ownership between the Mayor, Aldermen, and Burgesses of the Borough of *Louth* and the Warden and Six Assistants of the Town of *Louth* and Free School of King *Edward* the Sixth in *Louth*, with reference to the Lands, Tenements, Fairs, Markets, Rents, Tolls, Powers, Rights, Privileges, and Property claimed by them respectively; and for vesting the Fairs and Markets within the said Borough in the Mayor, Aldermen, and Burgesses thereof; and for other Purposes. [28th *July* 1849.]

Cap. 6.

An Act to authorize the Sale of Part of the Estates devised by *William Lee Antonie* Esquire, deceased, and for applying the Proceeds in Payment of certain Incumbrances, and in Purchase of Hereditaments to be limited to the Uses declared of certain Estates substituted and settled by an Act of the Second and Third Years of the Reign of King *William* the Fourth, intituled *An Act for vesting the Fee Simple of Part of the Freehold Estates devised by the Will of* William Lee Antonie *Esquire, deceased, in strict Settlement, in his Nephew* John Lee *Esquire, Doctor of Laws, (subject to a Term of Five hundred Years, as an Indemnification against a Sum of Ten thousand Pounds and Interest,) and for substituting Part of the Fee Simple Estates of the said* John Lee *in lieu thereof, and also for appointing new Trustees of the said settled Estates;* and to amend the said Act. [28th *July* 1849.]

Cap. 7.

An Act to enable Leases for Mining Purposes to be granted to *Anthony Hill* Esquire of Parts of the Estate situate in the Parish of *Merthyr Tydvil* in the County of *Glamorgan*, devised by the Will of the Right Honourable *Other Archer* Earl of *Plymouth*, deceased; and for other Purposes. [28th *July* 1849.]

Cap. 8.

An Act to incorporate, by the Name of "The Trustees of the Hospital in *Aberdeen* for Orphan and Destitute Female Children," "The Trustees of the *Aberdeen* Destitute Female Orphan Asylum" acting under a Deed of Constitution granted by the Trustees of *John Gordon* of *Murtle*, Esquire, deceased, and to alter and extend the Powers and Provisions of the said Deed, and to vest the Residue of the Estate and Effects of *John Carnegie* Esquire, deceased, in the Trustees so incorporated. [28th *July* 1849.]

Cap. 9.

An Act to enable the Trustees of the Settlement made in pursuance of the Will of *George Granville* late Duke of *Sutherland* to grant or demise for a long Term of Years to the *Staffordshire Potteries* Waterworks Company certain Springs and Reservoirs of Water in Lands in the Parishes of *Caverswall* and *Stone* in the County of *Stafford* comprised in the said Settlement, and certain Waterworks, Rights, and Privileges for supplying with Water the Towns of *Longton* and *Lane End* in the said County, and several Townships or Places near thereto; and to enable the said Trustees to take Shares in the said Company, and to advance Money to the said Company on Mortgage; and for other Purposes. [28th *July* 1849.]

Cap. 10.

An Act to enable *Marianne Sarah Robertson* of *Ladykirk* to disentail certain detached Portions of the entailed Estate of *Ladykirk*, to be conveyed to *David Robertson* her Husband in lieu of the Lands of *Simprim*, to be added by him to the said entailed Estate; to grant Security upon the said Estate for a certain Sum of Money expended in Improvements; and for other Purposes relating thereto. [28th *July* 1849.]

Cap. 11.

An Act for enabling the Trustees of the Settlement made under Orders of the High Court of Chancery, after the Marriage of *Chaloner Ogle* Esquire and *Eliza Sophia Frances Ogle* his Wife, to grant Building, Improving, and other Leases of certain Estates and Hereditaments situate at *Patcham* in the County of *Sussex*, comprised in the said Settlement. [28th *July* 1849.]

Cap. 12.

An Act for vesting the *Cole* and *Reynolds* Estates, situate at *Doddington*, *Leverington*, *Guyhurn*, *Broughton*, and *Buckden*, in the *Isle of Ely* and Counties of *Cambridge* and *Huntingdon*, in Trustees for Sale. [28th *July* 1849.]

Cap. 13.

An Act to authorize the Trustees of the Will of the late *Anthony Harman* Esquire to grant Building, Improving, and other Leases of certain Freehold Estates devised by the said Will. [28th *July* 1849.]

Cap. 14.

An Act for authorizing the Trustees of the late *Thomas Gordon* to sell his Estates of *Cairness* and others in the County of *Aberdeen*, and to apply the Price thereof in Payment of the Debts and Burdens affecting the same; and for laying out the Residue of the Price in the Purchase of other Lands, to be entailed in Terms of the Trust Deed of Settlement by the said *Thomas Gordon*; and for other Purposes. [28th *July* 1849.]

Cap. 15.

An Act to confirm the Title of the Trustees of the Will of *Philip Hurd* Esquire, deceased, to a Copyhold Estate at *Kentish Town* in the County of *Middlesex*; and to extend the Power to grant Building Leases contained in the said Will; and to empower the Trustees of the said Will to raise Money for the Improvement of the said Estate; and for other Purposes. [28th *July* 1849.]

Cap. 16.

An Act to enable the Trustees of the Will of the late Duke of *Cleveland* to raise certain Monies on the Trust Estates in the County of *Durham* by the said Will devised, and for the Management of the said Estates. [28th *July* 1849.]

Cap. 17.

An Act for enabling the Trustees of the Will of *William Trenchard* Esquire, deceased, to pull down the Mansion or Dwelling House at *Lytchet Matravers* in the County of *Dorset*, and the Stables, Offices, and Outbuildings belonging thereto, Part of the Estates devised by the said Will, and to rebuild a smaller Mansion, Stabling, and Outbuildings suitable to the same; and to pull down Farm Buildings on the said Estates, and to rebuild the same; and to convert Shrubberies and Pleasure Grounds into Arable and Pasture Lands; and to raise Money for these Purposes by the Sale of Part of the Capital of the Personal Estate of the said *William Trenchard* deceased; and for other Purposes. [1st *August* 1849.]

Cap. 18.

An Act for vesting the Real Estates devised by the Will of the late Sir *Hugh Bateman* of *Hartington Hall* in the County of *Derby*, Baronet, in Trustees, upon trust to sell a Part thereof, and to lay out the Monies arising from such Sale in Payment of the Mortgage Debts and other Charges and Incumbrances affecting the said Estates, and in Repairs and substantial Improvements upon the said Estates; and for other Purposes. [1st *August* 1849.]

Cap. 19.

An Act for the better Administration of the Real and Personal Estates of the Right Honourable *James* Lord *Glastonbury* deceased. [1st *August* 1849.]

Cap. 20.

An Act to remove Doubts relative to the Appointment of Mr. *George Bishton* as a Commissioner under the *Pattingham* and *Patshull* Inclosure Act. [1st *August* 1849.]

Cap. 21.

An Act for removing Doubts relative to the Powers of granting Building Leases contained in the Will of the Right Honourable *George Augustus Henry* Earl of *Burlington* deceased; and for other Purposes. [1st *August* 1849.]

Cap. 22.

An Act for supplying the Omission in the Will of the Right Honourable *George Augustus Henry* Earl of *Burlington* deceased of Powers of granting Farming and Building Leases of the Estates in the Counties of *York* and *Derby* devised by the same Will; of Powers of selling and exchanging the same Estates; and for other Purposes. [1st *August* 1849.]

Cap. 23.

An Act to enable Sir *Thomas Maryon Wilson* Baronet to grant the Site of a Church for "The District of *Saint Thomas, Woolwich*," in the County of *Kent*; and for other Purposes. [1st *August* 1849.]

Cap. 24.

An Act for authorizing the Sale of certain Parts of the Estates in the County of *Middlesex* devised by the Will of Sir *George Osborn* Baronet, deceased, for the Purpose of discharging the Incumbrances thereon. [1st *August* 1849.]

Cap. 25.

An Act to authorize the granting of Building Leases of Parts of the Estates devised by the Will of the late *Henry Blundell* Esquire, situate in the Townships of *Heaton* and *Rumworth* in the County of *Lancaster*, and to lease Coal and other Mines, and to grant Farming Leases for Twenty-one Years of Lands within the said Townships; and for other Purposes. [1st *August* 1849.]

Cap. 26.

An Act for the Sale of certain Hereditaments in the Parish of *Barkham* in the County of *Berks* affected by the Settlement made on the Marriage of *Theophilus Clive* Esquire. [1st *August* 1849.]

INDEX

TO THE

PUBLIC GENERAL ACTS, 12° & 13° VICTORIÆ.

The Asterisk (*) signifies that the Act relates exclusively to Ireland.

ACCOUNTS of Turnpike Trusts and Bridges; for requiring the Transmission of the annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges to the Secretary of State to be laid before Parliament - - - Cap. 31

Actions (vexatious), to protect Justices of the Peace from, for Acts done by them in the Execution of their Office - *16

Administration of Justice (Vancouver's Island), to provide for 48

Admiralty Jurisdiction in the Colonies; to provide for the Prosecution and Trial, in Her Majesty's Colonies, of Offences committed within the Jurisdiction of the Admiralty - 96

Advance of Money (Athlone to Galway Railway); to authorize an Advance of Money out of the Consolidated Fund to the Midland Great Western Railway of Ireland Company - *62

Animals, for the more effectual Prevention of Cruelty to - 92

Apprehension of Deserters (Portugal); for giving Effect to the Stipulations of a Treaty between Her Majesty and the Queen of Portugal for the Apprehension of certain Deserters - - 25

Appropriation of Supplies - 98

Arabian Chiefs in the Persian Gulf, for carrying into effect Engagements between Her Majesty and certain, for the more effectual Suppression of the Slave Trade - - - - 84

Army; annual Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - 10

——— for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company - - 43

Artillery and other Ordnance Corps, to limit the Enlistment in 73

Assaults, to continue for Five Years 2 & 3 Vict. c. 77. for the better Prevention and Punishment of - - - Cap. *38

Athlone to Galway Railway, to authorize an Advance of Money to the Midland Great Western Railway of Ireland Company - - - *62

Attornies and Solicitors, for consolidating and amending several of the Laws relating to - *53

Bankrupt Law Consolidation; to amend and consolidate the Laws relating to Bankrupts - - 106

Bankruptcy, to amend the Law of *107

Benefices (Ecclesiastical), to extend the Remedies of Sequestrators of - - - - - 67

Benefit Societies (Regimental), to dissolve, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds - 71

Bills (Private) in the House of Lords, for the more effectual Taxation of Costs on, and to facilitate the Taxation of other Costs on Private Bills in certain Cases 78

Board of Health (General), for confirming certain Provisional Orders of - - - 94

Boroughs, to remove Doubts as to the Appointment of Overseers in 8

——— for the holding of Petty Sessions in, and for providing Places for holding such Petty Sessions in - - - - - 18

——— to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in - 64

——— to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of, which are not liable to such Rates - - - 65

Boroughs Relief; to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure Cap. 82

Bridges. *See* Turnpike Roads and Bridges.

Brighton, to authorize the Sale of the Royal Pavilion at, and the Grounds thereof; and to apply the Money arising from such Sale - - - - 102

British Shipping, to amend the Laws in force for the Encouragement of - - - - - 29

British Subjects resident in Foreign Countries, for facilitating the Marriage of - - 68

Buckingham Summer Assizes; to repeal 21 G. 2. c. 12. for holding the Summer Assizes at Buckingham, and to authorize the Appointment of a more convenient Place for holding the same 6

Chancery (High Court of), to amend 11 & 12 Vict. c. 94. to regulate certain Offices in, the Practice of the Common Law Side, and the Enrolment Office of 109

Chapels of Ease, to encourage Endowment of, and facilitate Assignment of Pastoral Districts thereto - - - *99

Chaplains of certain Gaols in the County of the City of Dublin, increasing the Salaries of *55

Cities, to remove Doubts as to the Appointment of Overseers in 8

——— to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in - 64

Coin (Gold and Silver), for regulating the Currency of - - 41

Collection of Rates (Dublin), to provide for - - - *91

Colonial Legislatures enabled to establish Inland Posts - - 66

Colonies, to provide for the Prosecution and Trial in, of Offences committed within the Jurisdiction of the Admiralty - 96

Commons (House of). *See* House of Commons.
Commons Inclosure; authorizing the Inclosure of certain Lands in pursuance of Fourth Report of Inclosure Commissioners Cap. 7
——— (No. 2.); authorizing the Inclosure of certain Lands in pursuance of a Special Report of Inclosure Commissioners 57
——— further to facilitate the Inclosure of Commons, and the Improvement of Commons and other Lands - - 83
Consolidated Fund, to apply the Sum of 8,000,000*l.* out of, to the Service of the Year 1849 - 3
——— to apply the Sum of 3,000,000*l.* out of, to the Service of the Year 1849 - - - 44
——— to apply the Sum of 10,423,227*l.* 12*s.* 7*d.* out of, and certain other Sums, to the Service of the Year 1849 98
Conveyances and other Instruments, to facilitate the Execution of, by or on behalf of the New Zealand Company in New Zealand 79
Convictions (Summary), to facilitate the Performance of the Duties of Justices of Peace out of Quarter Sessions with respect to - - - - *70
Costs; to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates - - 14
——— for the more effectual Taxation of, on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases 78
Counties, for providing Places for holding Petty Sessions in - 18
County Cess, to make Provision to the End of 1851 relating to the Collection of, and to the Remuneration of the Collectors thereof - - - *36
County Expenditure, to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of - - - 82
County Rates, County Police Rates, and District Police Rates, to provide a more convenient Mode of levying and collecting in Parishes situated partly within and partly without the Limits of Boroughs, which are not liable to such Rates - 65
Courts of General and Quarter Sessions, to amend the Procedure in, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts - - - 45
Courts of Record, to abolish certain Inferior - - Cap. 101
Cruelty to Animals, for the more effectual Prevention of - 92
Customs, to amend the Laws relating to the - - - 90
Debts; to amend 9 & 10 Vict. c. 95. for the more easy Recovery of Small Debts and Demands 101
Defects in Leases made under Powers of leasing, for granting Relief against, in certain Cases - 26
——— suspending Operation of preceding Act until the 1st June 1850 - - - 110
Desertion. *See* Apprehension of Deserters (Portugal). Army. Mutiny and Desertion (India).
Diseases (Epidemic), to make perpetual 10 & 11 Vict. c. 45. for authorizing the Removal of Prisoners from the several Gaols in Cases of - - *19
Diseases Prevention, to amend 11 & 12 Vict. c. 123. for - 111
Distraining for Rates, to enable the Overseers of the Poor and Surveyors of the Highways to recover the Costs of - - 14
Distress; authorizing an Advance of 50,000*l.* for Relief of certain distressed Poor Law Unions *5
——— *See* Relief of Distress.
District Police Rates. *See* County Rates.
Drainage, to authorize a further Advance of Money for the Extension and Promotion of *23
Drainage of Lands, to promote the Advancement of private Money for - - - 100
Dublin, to abolish the Gaol of Newgate in the County of the City of, and provide Compensation for the Officers thereof, and to enable the Grand Jury of, to increase the Salaries of the Chaplains of certain other Goals thereof, and to re-assess certain Arrears of Grand Jury Cess - - - - *55
——— to provide for the Collection of Rates in the City of - *91
——— for the Improvement of - *97
——— to amend 3 & 4 Vict. c. 108. for the Regulation of Municipal Corporations, so far as relates to the Borough of - - *85
East India Company, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of, and for regulating the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service - - 43
Ecclesiastical Benefices, to extend the Remedies of Sequestrators of - - - Cap. 67
Ecclesiastical Jurisdiction, for continuing until 31st August 1850 certain temporary Provisions concerning - - - 39
Electoral Divisions; to make Provision until 31st December 1850 for a Rate in aid of certain distressed - - - *24
Endowment of Chapels of Ease, to encourage and facilitate Assignments of Pastoral Districts thereto - - - *99
Enlistment in the Artillery and other Ordnance Corps, to limit 73
Enrolment Office of the Court of Chancery, to regulate the Practice of - - - 109
Epidemic Diseases, to make perpetual 10 & 11 Vict. c. 45. for authorizing the Removal of Prisoners from the several Gaols in Cases of - - - - *19
Estates (Incumbered), further to facilitate the Sale and Transfer of - - - *77
Exchequer Bills, raising 17,786,700*l.*, for the Service of 1849 - 20
Excise Benevolent Fund Society, to extend to the Officers of Inland Revenue the Privilege of becoming Members of - 58
Excise and Stamps and Taxes, consolidating the Boards of, into One Board of Commissioners of Inland Revenue - - 1
Excise, Duty Allowances on Soap used in Manufactures continued to 31st July 1850 - - 40

Foreign Countries, facilitating the Marriage of British Subjects resident in - - - 68

Gaols; to make perpetual 10 & 11 Vict. c. 45. for authorizing the Removal of Prisoners from the several Gaols in Cases of Epidemic Diseases - - *19
General and Quarter Sessions Courts Procedure, to amend, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts - 45
General Board of Health, for confirming certain Provisional Orders of, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places - - 94
Gold and Silver Plate, to repeal the Allowances for receiving and accounting for the Duties on, and to grant other Allowances in lieu thereof - - 80

Grand Jury Cess, to continue to the End of 1851 certain temporary Provisions relating to the Collection of - - Cap. *32
——— to re-assess on the County of the City of Dublin certain Arrears of - - - *55
Grants of Land (New South Wales), to remove Doubts concerning the Validity of certain - 22
Greenwich Markets, Commissioners of Greenwich Hospital enabled to regulate and manage - 28

Habeas Corpus Suspension; to continue 11 & 12 Vict. c. 35. until 1st September 1849 - *2
Health (General Board of), for confirming certain Provisional Orders of, and for other Matters relative to the Public Health, and the Improvement of Towns and populous Places - 94
Highway Rates, to continue, until 1st October 1850, 4 & 5 Vict. c. 59. for authorizing the Application of, to Turnpike Roads - 54
Highways, for requiring annual Returns of the Expenditure on, to be transmitted to the Secretary of State, and afterwards laid before Parliament - - 35
——— Surveyors of, enabled to recover the Costs of distraining for Rates - - - 14
House of Commons Offices, to amend the Acts relating to - 72
House of Lords Costs Taxation; for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases - - - - 78

Improvement of Landed Property, to authorize a further Advance of Money for - - - *23
——— to amend 10 & 11 Vict. c. 32. for facilitating - - *59
Improvement of Towns. *See* General Board of Health.
Inclosure Act (Extension of Powers); further to facilitate the Inclosure of Commons and the Improvement of Commons and other Lands - - - - 83
Inclosure of Commons, to authorize the Inclosure of certain Lands in pursuance of the Fourth Report of the Inclosure Commissioners - - - 7
——— to authorize, in pursuance of the Special Report of the Inclosure Commissioners - 57
Incumbered Estates, further to facilitate the Sale and Transfer of *77
Indemnity Act, Annual - Cap. 9
Indictable Offences, to facilitate the Performance of the Duty of Justices of Peace out of Quarter Sessions with respect to Persons charged with - - *69
Inland Posts, enabling Colonial Legislatures to establish - - 66
Inland Revenue, consolidating the Boards of Excise and Stamps and Taxes into One Board of Commissioners of, and to make Provision for the Collection of such Revenue - - 1
——— to extend to the Officers of, the Privilege of becoming Members of the Excise Benevolent Fund Society - - - - 58
Insane Persons, for the better Protection of the Property of - 51

Joint Stock Companies Act (1848) Amendment; to amend 11 & 12 Vict. c. 45. - - - 108
Judgments, to amend the Law concerning - - - - *95
Jury Cess (Grand), to continue to the End of 1851 certain temporary Provisions relating to the Collection of - - - *32
Justice, to provide for the Administration of, in Vancouver's Island - - - - - 48
Justice of Peace Small Debt Courts, to amend 6 G. 4. c. 48. - 34
Justices of the Peace, to protect, from vexatious Actions for Acts done by them in the Execution of their Office - - *16
——— to continue for Five Years so much of 2 & 3 Vict. c. 79. as enables Justices to grant Warrants for entering Places in which Spirits are sold without a Licence - - *17
——— to facilitate the Performance of the Duties of, out of Quarter Sessions, with respect to Persons charged with Indictable Offences - - - *69
——— to facilitate the Performance of the Duties of, out of Quarter Sessions, with respect to Summary Convictions and Orders - - - *70
——— to remove Doubts as to the Authority of, to act in certain Matters relating to the Poor in Cities and Boroughs - 64

Labouring Poor Act Amendment; further amending 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for the Relief of Distress, &c. - - *60
Land, to remove Doubts concerning the Validity of certain Grants of, in the Colony of New South Wales - - - Cap. 22
——— to promote the Advance of private Money for Drainage of - - - 100
——— for converting the renewable Leasehold Tenure of, into a Tenure in Fee - - *105
Land Improvement Amendment, to amend 10 & 11 Vict. c. 32. for facilitating the Improvement of Landed Property - *59
Land Improvement and Drainage; to authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility - - *23
Landed Property, to authorize a further Advance of Money for the Improvement of - - *23
——— *See* Land Improvement Amendment. Land Improvement and Drainage.
Larceny, to amend the Laws relative to, and other Offences connected therewith - - 11
Leases, for granting Relief against Defects in, made under Powers of leasing in certain Cases 26
——— suspending until 1st June 1850 the Operation of the preceding Act - - 110
Leasehold Tenure of Lands, renewable, for converting into a Tenure in Fee - - *105
Loan Societies, to continue, until the 1st October 1850, 3 & 4 Vict. c. 110., to amend the Laws relating to - - 37
Loans, to provide additional Funds for, by the Public Works Loan Commissioners, for building Workhouses - - *86
Lord Lieutenant, or other Chief Governor or Governors of Ireland, to continue, until 1st September 1849, 11 & 12 Vict. c. 35., empowering them to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government - *2
Lords (House of). *See* House of Lords.
Lunatic Asylums (Private), to continue, until 31st July 1850, 5 & 6 Vict. c. 123. for amending the Law relative to - *56

Marine Mutiny; annual Act for the Regulation of the Royal Marine Forces while on Shore - 12

Marriages in Foreign Countries; for facilitating the Marriage of British Subjects resident in Foreign Countries - Cap. 68
Marriages, to amend 7 & 8 Vict. c. 81. relative to - - - *99
Marshalsea Court abolished - 101
Merchant Vessels, for regulating the Carriage of Passengers in 33
Metropolitan Sewers; to amend 11 & 12 Vict. c. 112. - - 93
Midland Great Western Railway, to authorize an Advance of Money to, out of the Consolidated Fund - - *62
Militia Ballots Suspension; to suspend, until 1st Oct. 1850, the making of Lists and the Ballots and Enrolments for the Militia - 52
Militia Pay; annual Act for the Pay, Clothing, &c. of the disembodied Militia, to grant Allowances in certain Cases to Subaltern Officers, &c., and to authorize the Employment of the Non-commissioned Officers - 75
Municipal Corporations, to amend 3 & 4 Vict. c. 108., for the Regulation of, so far as relates to the Borough of Dublin - *85
Mutiny; annual Act for the Army 10
——— annual Act for the Regulation of the Royal Marine Forces while on Shore - - 12
Mutiny and Desertion (India); for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service - - 43

Navigation, to amend the Laws in force for the Encouragement of British Shipping and - 29
New Forest and Waltham Forest, to authorize Her Majesty to issue a Commission to inquire into and report upon Rights or Claims over - 81
Newfoundland, to confirm certain Acts of the Legislature of, respecting the rebuilding of the Town of Saint John's, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town 21
Newgate Gaol (Dublin), to abolish, and provide Compensation for the Officers thereof - *55
New South Wales (Colony of), to remove Doubts concerning the Validity of certain Grants of Land in - - 22
New Zealand Land Conveyances; to facilitate the Execution of Conveyances and other Instruments by or on behalf of the New Zealand Company in New Zealand - - Cap. 79
Nuisances Removal and Diseases Prevention Act, 1848 (11 & 12 Vict. c. 123.), to amend - 111

Offences committed within the Jurisdiction of the Admiralty, to provide for the Prosecution and Trial of, in the Colonies - 96
Offenders under Judgment of Death, to remove Doubts concerning the Transportation of, to whom Mercy may be extended *27
Officers and Soldiers in the Service of the East India Company, for punishing Mutiny and Desertion of, and for regulating in such Service the Payment of Regimental Debts, and the Distribution of the Effects of, dying in the Service - 43
Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for - 9
Offices of the House of Commons, to amend the Acts relating to 72
Out-door Paupers, to provide a more effectual Regulation and Control over the Maintenance of - 13
Overseers (Cities and Boroughs), to remove Doubts as to the Appointment of - - 8
Overseers of the Poor enabled to recover the Costs of distraining for Rates - - - 14

Palace Court abolished - 101
Passengers, for regulating the Carriage of, in Merchant Vessels - 33
Pastoral Districts, to encourage Endowment of Chapels of Ease, and facilitate Assignment of, thereto - - - *99
Persian Gulf. *See* Slave Trade (Persian Gulf).
Petty Bag, &c. Offices Amendment, to amend 11 & 12 Vict. c. 94. to regulate certain Offices in the Petty Bag in the High Court of Chancery - - 109
Petty Sessions; for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs - - 18
Peveril Court abolished - 101
Pilotage, to amend the Laws relating to - - - 88
Police Rates (District). *See* County Rates.
Poor; to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish in - - Cap. 13
——— Overseers of, enabled to recover the Costs of distraining for Rates - - 14
——— to amend 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for the Relief of Distress, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings - *60
——— to continue until 1st October 1850 the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of - - - 61
——— to make certain Amendments in the Laws for the Relief of the Poor - - - - 103
Poor Law Union Charges Act Amendment; to continue 11 & 12 Vict. c. 110. for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor - - - 103
Poor Law Unions, authorizing an Advance of 50,000*l.* for the Relief of certain distressed *5
——— authorizing a further Advance of Money for the Relief of certain distressed - *63
——— amending 1 & 2 Vict. c. 56. and 10 & 11 Vict. c. 31. relating to the Appointment of Vice Guardians of - - *4
——— to make Provision until the 31st December 1850 for a General Rate in Aid of certain distressed Unions and Electoral Divisions - - - *24
Poor Relief; to amend the Acts for the more effectual Relief of the destitute Poor - - *104
——— (Cities and Boroughs), to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to - - - *64
Portugal (Queen of), for giving Effect to the Stipulations of a Treaty between Her Majesty and, for the Apprehension of certain Deserters - - 25
Posts (Inland), enabling Colonial Legislatures to establish - 66

Prisoners Removal; to make perpetual 10 & 11 Vict. c. 45. for authorizing the Removal of Prisoners from the several Gaols in Cases of Epidemic Diseases Cap.*19
Private Bills in the House of Lords, for the more effectual Taxation of Costs on, and to facilitate the Taxation of other Costs on Private Bills in certain Cases - - - 78
Protection of Justices from vexatious Actions for Acts done by them in the Execution of their Office - - - - *16
Protection of Women from fraudulent Practices for procuring their Defilement - - - 76
Provisional Orders of the General Board of Health, confirming certain - - - 94
Public Health. *See* General Board of Health.
Public Works Loan Commissioners, to provide additional Funds for Loans by, for building Workhouses - - - *86
Pupils Protection; for the better Protection of the Property of Pupils, absent Persons, and Persons under mental Incapacity - 51

Quarter Sessions, to facilitate the Performance of the Duties of Justices of the Peace out of, with respect to Persons charged with Indictable Offences - *69
——— to facilitate the Performance of the Duties of Justices of the Peace out of, with respect to Summary Convictions and Orders - - - - *70
——— *See* General and Quarter Sessions.
Queen; for giving Effect to the Stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the Apprehension of certain Deserters - 25
——— for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of the Slave Trade - - 84

Rate in Aid; to make Provision until 31st December 1850 for a General Rate in aid of certain distressed Unions and Electoral Divisions - - *24
Rates, to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for - - - 14
——— to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates Cap. 65
Rates, to provide for the Collection of, in the City of Dublin - *91
Recovery of Wages; to amend 54 G. 3. c. 116. for Recovery of small Sums due for Wages - *15
Regimental Benefit Societies, to dissolve, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds - 71
Regimental Debts, for regulating the Payment of, in the East India Service - - - 43
Relief of Distress; authorizing an Advance of 50,000*l.* for certain distressed Poor Law Unions *5
——— to make Provision until the 31st December 1850 for a General Rate in aid of certain distressed Unions and Electoral Divisions - - - *24
——— further to amend 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for - *60
——— to authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions - - - *63
Removal of Prisoners. *See* Prisoners Removal.
Revenue. *See* Inland Revenue.
Roads. *See* Turnpike Roads.
Royal Pavilion (Brighton), to authorize the Sale of, and the Grounds thereof; and to apply the Money arising from such Sale - 102

Saint John's Newfoundland rebuilding; to confirm certain Acts of the Legislature of Newfoundland respecting the rebuilding the Town of Saint John's, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town - - - 21
Sale and Transfer of Incumbered Estates, further to facilitate - *77
Schools, to extend and explain the Provisions of the Acts for granting Sites for - - 49
Sequestrators Remedies; to extend the Remedies of Sequestrators of Ecclesiastical Benefices - 67
Sessions. *See* Petty Sessions. General and Quarter Sessions.
Sewers Acts Amendment; for further amending the Laws relating to Sewers - - - 50
Sewers (Metropolitan); to amend 11 & 12 Vict. c. 112. - Cap. 93
Sheep Stealers; for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep - - *30
Sheriff of Westmoreland, to provide for the Execution of the Office of, for One Year - - 42
Shipping (British), to amend the Laws in force for the Encouragement of - - - - 29
Signatures, to reduce the Number of, required to Instruments issued by the Lords of the Treasury 89
Silver Coinage, to extend 56 G. 3. c. 68. for providing for a new - 41
Silver Plate, to repeal the Allowances for receiving and accounting for the Duties on, and to grant other Allowances in lieu thereof - - - 80
Sites for Schools, to extend and explain the Provisions of the Acts for granting - - - 49
Slave Trade (Persian Gulf), for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of - - 84
Small Debt Courts, to amend 6 G. 4. c. 48, for regulating - 34
Small Debts Act Amendment; to amend 9 & 10 Vict. c. 95. for the more easy Recovery of Small Debts and Demands; and to abolish certain Inferior Courts of Record - 101
Soap Duty Allowances, to continue until 31st July 1850 certain Allowances of the Duty of Excise on Soap used in Manufactures - - - - 40
Soldiers. *See* Officers and Soldiers.
Solicitors, for consolidating and amending several of the Laws relating to - - - *53
Spirits, to continue for Five Years so much of 2 & 3 Vict. c. 79. as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence - - - *17
Stamps, &c. Allowances; to repeal the Allowances on the Purchase of Stamps, and for the receiving and accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof - - - 80
Stamps and Taxes and Excise, consolidating the Boards of, into One Board of Commissioners of Inland Revenue - - 1

Stock in Trade, to continue until 1st October 1850 the Exemption of Inhabitants from Liability to be rated as such in respect of, to the Relief of the Poor - - - Cap. 61
Summary Convictions, to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions with respect to - - - - - *70
Supplies, Appropriation of - 98
Surveyors of Highways enabled to recover the Costs of distraining for Rates - - 14
Sydney, confirming certain Grants of Land in the Town of - 22

Taxes. *See* Stamps and Taxes.
Tenure in Fee, for converting the renewable Leasehold Tenure of Lands into - - *105
Towns, for the Improvement of, by the General Board of Health 94
Transportation for Treason; to remove Doubts concerning the Transportation of Offenders under Sentence of Death to whom Mercy may be extended - *27
Treason. *See* Transportation for Treason.
Treasury Instruments; to reduce the Number of Signatures required to Instruments issued by the Lords of the Treasury Cap. 89
Trustees Relief; for the further Relief of Trustees - - 74
Turnpike Acts Continuance; to continue certain Turnpike Acts in Great Britain, and to make certain Provisions respecting Turnpike Roads in England - 87
Turnpike Roads, to continue certain Acts for regulating - *47
——— to continue, until 1st October 1850, 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to - 54
Turnpike Roads and Bridges (Trustees of), for requiring the Transmission of the annual Abstracts and Statements of, to the Secretary of State, to be laid before Parliament - 31
Turnpike Trusts Union, to facilitate 46

Unions, to continue 11 & 12 Vict. c. 110. for charging the Maintenance of certain poor Persons in, upon the Common Fund - - - 103
Unions. *See* Poor Law Unions.
Vancouver's Island, to provide for the Administration of Justice in - - - Cap. 48
Vexatious Actions, to protect Justices of the Peace from, for Acts done by them in the Execution of their Office - - *16
Vice Guardians of Unions, amending 1 & 2 Vict. c. 56. and 10 & 11 Vict. c. 31. relating to the Appointment of - - *4

Wages, to amend 54 G. 3. c. 116. for the Recovery of small Sums due for - - - *15
Waltham Forest (Essex), to authorize Her Majesty to inquire into and report upon Rights or Claims over - - - 81
Westmoreland (County of), to provide for the Execution of the Office of Sheriff of, for One Year - 42
Women, to protect, from fraudulent Practices for procuring their Defilement - - - 76
Workhouse Loans, to provide additional Funds for Loans by the Public Works Loan Commissioners for building Workhouses - *86

AN

INDEX TO THE STATUTES

OF

THE UNITED KINGDOM,

VOLUME THE NINETEENTH,

Containing the Acts passed 11 & 12 Vict. and 12 & 13 Vict. (1847-8, 1849.)

☞ In this Index the Acts which relate to Ireland or Scotland exclusively are classed under those General Heads; but arranged in Subdivisions according to the several Subjects, with References to and from other Parts of the Index.

The *Local Acts* are inserted under that general Title, and are subdivided into those that relate to Bridges, Canals, Docks, Ferries, Harbours, Piers, Ports, and other Works of the like Nature, to the draining and inclosing of Lands, to Railways and Turnpike Roads, to the watching, paving, lighting, &c. of Towns, and to Miscellaneous Subjects.

The Acts commonly called Estate Acts will be found under the Title *Private Acts.*

The Public Local and Personal Acts are referred to in the Roman Numerals, by which their Series is distinguished in the respective Sessions.

Minute References are also made from one Head to another; and from the various Heads under which the Subject may be looked for, to the Head under which the Statute is actually entered.

(*Pr.*) denotes Private Acts printed by the Queen's Printer, the printed Copies whereof may be given in Evidence.

A.

Administration of Criminal Justice.

1. For the Removal of Defects in the Administration of Criminal Justice, 11 & 12 *Vict.* c. 46.
2. Accessories before the Fact to any Felony may be punished in the same Degree as the Principal, § 1.
3. Trial and Conviction of Accessories after the Fact, § 2.
4. As to Additions of Counts in Indictments for stealing and receiving stolen Property, § 3.
5. Courts of Oyer and Terminer may cause Indictments to be amended in certain Cases, § 4.
6. Not to extend to Scotland, § 5.

See *Criminal Law.*

Admiralty Jurisdiction in the Colonies.

1. To provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty, 12 & 13 *Vict.* c. 96.
2. All Persons charged in any Colony with Offences committed on the Sea, may be dealt with in the same Manner as if the Offences had been committed on Waters within the local Jurisdiction of the Courts of the Colony, § 1.
3. Persons convicted of such Offences shall suffer the like Punishments as on Conviction of like Offences in *England*, § 2.
4. Provision for the Trial of Murder and Manslaughter, where the Death only happens in the Colony or upon the Sea, § 3.
5. Jurisdiction of the Supreme Courts of *New South Wales* and *Van Diemen's Land* preserved, § 4.
6. Interpretation of Terms, § 5.

Aliens.

1. To authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm, 11 & 12 *Vict.* c. 20.
2. Power to Secretary of State or Lord Lieutenant of *Ireland* to order Aliens to depart this Realm. If Aliens wilfully refuse to obey such Order, they may be committed to Gaol until taken in charge for the Purpose of being sent out of the Realm, § 1.
3. Penalty on Aliens disobeying such Order, § 2.
4. Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of *Ireland* to be conveyed out of the Kingdom. Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same. Privy Council shall cause a Summary of Matters alleged against Alien to be delivered to him, &c. § 3.

5. Judges

5. Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause, § 4.
6. Where Alien shall not have been sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where Application has been made, to continue in or discharge such Alien out of Custody, § 5.
7. Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years, § 6.
8. Duration of Act, § 7.

Appropriation. See Revenue.

Artillery and Ordnance Enlistment.

1. To limit the Enlistment in the Artillery and other Ordnance Corps, 12 & 13 *Vict. c.* 73.
2. Soldiers having engaged to serve for a limited Time in the Artillery or Ordnance Corps may, on Expiration of their Term of Service, be re-engaged, § 1.

B.

Bankrupts.

1. To empower Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases, 11 & 12 *Vict. c.* 86.
2. Commissioner may order Release of Bankrupt who may be in Prison for Debt at Time of obtaining Protection, § 1.
3. Commissioner may order Release of Bankrupt in Execution under a Capias after a certain Term of Imprisonment, § 2.

4. To amend and consolidate the Laws relating to Bankrupts, 12 & 13 *Vict. c.* 106.
5. Certain Acts and Parts of Acts repealed, § 1.
6. Short Title of this Act, § 2.
7. Act not to extend to *Scotland* or *Ireland*, § 3.
8. Act to commence 11th *October* 1849; Fiat abolished, and all Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act. Joint Stock Companies Winding-up Act, 1848, &c. not to be affected, § 4.
9. In construing former Acts, &c. with reference to Petition for Adjudication under this Act, Fiat, &c. to be deemed to have issued at the Time of filing Petition, § 5.
10. The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c., § 6.
11. Number of Commissioners acting in *London* to be reduced to Four, § 7.
12. Commissioners may make Rules, subject to Lord Chancellor's Approval, § 8.
13. Limits of the Bankruptcy Districts. Country Districts may be altered or increased, § 9.
14. Sittings of the Court, § 10.
15. Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c., § 11.
16. Primary Jurisdiction of the Court, with Appeal to Vice Chancellor, § 12.
17. Vice Chancellor sitting in Bankruptcy to be a Court of Record, § 13.
18. Appeals to be brought on by Petition, Motion, or Special Case, § 14.
19. Vice Chancellor may direct Question of Fact to be decided by a Jury. New Trial may be moved for, § 15.
20. Decisions, &c. of Vice Chancellor to be subject to Appeal to the Lord Chancellor in certain Cases, § 16.
21. Appeals, &c. to be entered in Office of Chief Registrar, &c., § 17.
22. Appeal to the House of Lords, § 18.
23. Lord Chancellor during Illness, &c. of any Commissioner, may direct another Commissioner to act, § 19.
24. During Vacation, &c. any Commissioner acting in London may act for Senior Commissioner, § 20.
25. Courts to be auxiliary to each other for Proof of Debts and taking Examinations, § 21.
26. Power of Commissioners named in Fiats issued on or prior to 11th *November* 1842 to cease, and Fiats to be removed into Court, § 22.
27. Proceedings, &c. in the Country to be transmitted to Chief Registrar, § 23.
28. Sealing and Signature of Warrants, &c., § 24.
29. Records, Proceedings, &c. to be sealed, § 25.
30. Number of Registrars acting in *London* to be reduced to Four, § 26.
31. In case of Illness, &c. of Commissioner, Registrar may act for him, &c. except in certain Cases, § 27.
32. Court may direct Registrar to take Proof of Debts, &c., § 28.
33. Chief Registrar to provide Seals, § 29.
34. Registrars may act for each other, &c., § 30.
35. Accountant to have Superintendence, &c. of Funds. Salary of Accountant to be in lieu of all Fees, &c., § 31.
36. Names of Accounts to be changed, § 32.
37. Accounts kept at the Bank of *England*, called "The Bankruptcy Fund Account" and "Chief Registrar's Account," to be subject to the Orders of the Lord Chancellor, § 33.
38. Securities may be purchased, § 34.
39. Lord Chancellor may order Securities purchased to be sold in certain Cases, § 35.
40. Returns to Parliament to be made by Accountant, § 36.
41. Duties of the Master, § 37.
42. Official Assignees to give Security, &c., § 38.
43. Their Duty, § 39.
44. To act as sole Assignee till Creditors Assignees chosen, and may sell or otherwise dispose of Property of a perishable Nature, &c. Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c., § 40.
45. Official Assignee not personally liable for Acts done in execution of his Duty, § 41.
46. Court may appoint another Official Assignee on Death, &c., § 42.
47. Power to appoint Official Assignee to act with the existing Assignees under old Fiats, § 43.
48. Remuneration of Official Assignee, § 44.
49. Returns by Official Assignees, § 45.
50. Number of Messengers acting in *London* to be reduced to Four, § 46.
51. Officers, &c. exempt from serving on Juries, &c., § 47.
52. Certain Documents to be written on stamped Vellum, &c. in lieu of Fees, § 48.
53. Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of *England*, § 49.
54. Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps, § 50.
55. Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act, § 51.
56. Documents not to be received unless a Stamp be impressed, § 52.

57. Charge

57. Charge for Office Copies, § 53.
58. Payment of Per-centage by Official Assignees, &c., § 54.
59. If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament, § 55.
60. Salaries of Commissioners, Officers, &c., § 56.
61. Compensations and Annuities under former Acts continued, § 57.
62. Monies paid to the Chief Registrar's Account to be subject to certain Orders heretofore made, and to such Orders as may from Time to Time be made by Lord Chancellor or by the Commissioners Trustees of the Court in *Basinghall Street*, § 58.
63. Accounts for Stationery, &c. to be audited, &c., § 59.
64. Court of Bankruptcy in *Basinghall Street* to vest in *London* Commissioners, § 60.
65. Building to continue to be called "The Court of Bankruptcy," &c., § 61.
66. Such Building to be under the Direction of *London* Commissioners, § 62.
67. Lord Chancellor may order Repayment of Sums advanced by Treasury, for the Purchase of such Building; and "The Chief Registrar's Account" to be thereafter subject to Orders of Trustees for Expenses, &c., § 63.
68. Buildings in which Country Courts are held to vest in the Commissioners of such Courts respectively, § 64.
69. Enumeration of the Traders liable to become Bankrupt. What Persons not to be deemed such Traders, § 65.
70. Trader having Privilege of Parliament, § 66.
71. Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer, § 67.
72. Conveyance of all a Trader's Property not an Act of Bankruptcy, unless a Petition for Adjudication be filed within Three Months, § 68.
73. Lying in Prison and escaping out of Prison, § 69.
74. Filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts, § 70.
75. Compounding with Petitioning Creditor. Adjudication may either be annulled or declared valid, § 71.
76. Trader not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within Seven Days after Notice requiring Payment, § 72.
77. Trader disobeying Order of a Court of Equity, &c. for Payment of Money, after Service of peremptory Order for Payment on a certain Day, § 73.
78. Filing Petition in Insolvent Debtors Court in *England*, § 74.
79. Filing Petition in Insolvent Debtors Court in *India*, § 75.
80. Filing Petition for Arrangement between a Trader Debtor and his Creditors, § 76.
81. Trader having Privilege of Parliament, not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month, § 77.
82. Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader. Delivery, Notice, &c. in Cases of Partnership, § 78.
83. Manner of proceeding upon the Appearance of the Trader, § 79.
84. Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same if recovered in an Action, &c. with Costs, to be an Act of Bankruptcy, § 80.
85. Trader signing Admission and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy, § 81.
86. Trader admitting Part only of a Demand, &c., and the Trader not paying, &c. the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same if recovered in an Action, with Costs, an Act of Bankruptcy, § 82.
87. What shall be deemed a Refusal to admit of Debt. Court may enlarge the Time for Admission or entering into Bond, &c., § 83.
88. Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court, § 84.
89. Court may award Costs to the Creditors, or the Trader summoned, § 85.
90. If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs, § 86.
91. Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c., § 87.
92. No Person liable upon an Act of Bankruptcy committed more than Twelve Months before Fiat, &c., § 88.
93. Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Fiat, &c., § 89.
94. Petition to be filed and prosecuted in the Court for the District in which the Trader shall have resided or carried on Business for Six Months next before Petition, except upon Special Order, § 90.
95. Amount of Petitioning Creditor's Debt. Such Debt may be payable at a future Time, although Security given, § 91.
96. Petition for Adjudication may be made by the public Officer of certain Copartnerships, § 92.
97. Trader may petition for Adjudication of Bankruptcy against himself, § 93.
98. Where Petitions for Adjudication are to be filed. Docket Book. Allotment of Petitions, § 94.
99. Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar, § 95.
100. If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it, § 96.
101. Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more, without affecting the rest, § 97.
102. In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c., § 98.
103. In case Trader against whom a Petition has been filed be about to quit *England*, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized. Trader so arrested may apply to the Court for his Discharge forthwith, § 99.
104. Court may before Adjudication summon Witnesses to prove Trading and Act of Bankruptcy, § 100.
105. Court to make Adjudication, &c. upon certain Proofs, &c., § 101.
106. Appointment of Official Assignee, § 102.
107. In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient, § 103.

108. Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication, § 104.
109. Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause, § 104.
110. Bankrupt to deliver up his Books of Account to the Official Assignee upon Oath; to attend Assignees; to be at liberty to inspect Books, &c.; after Allowance of Certificate, to attend Assignees in settling Accounts. Allowance for Attendance, § 105.
111. Search Warrants may be granted, § 106.
112. No Action to be brought against Persons acting in obedience to Warrant of the Court, § 107.
113. Proof in such Action that Defendant is Petitioning Creditor sufficient to render him liable, § 108.
114. Messenger may break open the Bankrupt's Doors, &c., and seize upon his Body or Property, § 109.
115. Execution of Warrant in *Ireland*, § 110.
116. Execution of Warrant in *Scotland*, § 111.
117. If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release absolutely or conditionally, § 112.
118. If arrested, to be discharged on producing Protection, § 113.
119. Petitioning Creditor to proceed at his own Costs, until Choice of Assignees, § 114.
120. No Fiat to be superseded, &c. by reason only of Concert, § 115.
121. Court may proceed notwithstanding Death of Bankrupt, § 116.
122. Court may summon and examine Bankrupt, § 117.
123. Court may summon and examine the Bankrupt's Wife, § 118.
124. If Bankrupt be keeping out of the way, or be about to quit *England*, &c. Court may issue Warrant, § 119.
125. Court empowered to summon Persons suspected of having Bankrupt's Property, &c., § 120.
126. Service of Summons where Person keeps out of the way, § 121.
127. Power to examine Persons summoned or present at any Sitting, § 122.
128. In a Case of Debts admitted to be due to Bankrupt's Estate, Court may order Payment; and such Order to have Effect of Judgment. Presence of Attorney on behalf of Party making the Admission, § 123.
129. Court may order Letters addressed to Bankrupt to be redirected or delivered to Official Assignee, &c., § 124.
130. Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property. Proviso for Assignments of Vessels under 8 & 9 *Vict. c.* 89.,—§ 125.
131. Power of Court over certain Conveyances, &c. made by Bankrupt, § 126.
132. Court may proceed when the Bankrupt by Fraud makes himself Accountant to the Crown, § 127.
133. Where Bankrupt beneficially entitled to Stock, Court may make Order for Transfer, § 128.
134. Distress not to be available for more than One Year's Rent due; the Landlord to prove for the Residue, § 129.
135. Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee, § 130.
136. Titles to Property sold not to be impeached, unless Proceedings taken to annul and duly prosecuted, § 131.
137. The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt, to deliver all Monies, &c., § 132.
138. Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy; but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference, § 133.
139. *Bonâ fide* Purchases not to be impeached by Notice of Act of Bankruptcy, unless Fiat, &c. be sued out within Twelve Months after the Act of Bankruptcy, § 134.
140. Certain Warrants of Attorney, Cognovits, and Consents to Judge's Order, given within Two Months of filing Petition, to be null and void, § 135.
141. Warrants of Attorney and Cognovits Actionem given by any Trader to be void, unless the same or a Copy thereof be filed, &c. within Twenty-one Days after the Execution thereof, § 136.
142. Judge's Order obtained by Consent given by any Trader Defendant to be void, unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney and Cognovits Actionem, § 137.
143. Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty, § 138.
144. Assignees of the Bankrupt's Estate, when and how chosen. Court may reject or remove any Person chosen as unfit, § 139.
145. Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Choice of Assignees, § 140.
146. Personal Estate to vest in Assignees, § 141.
147. Real Estate to vest in Assignees, § 142.
148. Where a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Assignees shall be registered, § 143.
149. Assignees not to take Crop in any other way than Bankrupt would have been entitled to do, § 144.
150. Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c. any Person entitled may apply to the Court, § 145.
151. Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale, § 146.
152. Assignees may execute Powers previously vested in Bankrupt, § 147.
153. Court may order Bankrupts to join in Conveyances, § 148.
154. Conditional Estates granted by the Bankrupt may be redeemed by Assignees, § 149.
155. Assignees may appoint the Bankrupt to superintend the Management of the Estate, § 150.
156. Assignees to be subject to Orders of the Court, § 151.
157. In case of a Member of a Firm becoming bankrupt, the Court may authorize Action or Suit in Name of the Assignees and of the remaining Partner. Partner to have Notice and be at liberty to show Cause. Court may direct Partner to have Part of Proceeds, § 152.
158. Assignees may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration, § 153.
159. Reference to Arbitration may be made a Rule of Court, § 154.

160. If

160. If Fiat, Petition, or Adjudication be annulled, &c. Persons from whom the Assignees have recovered, or who have *bonâ fide* paid the Assignees, &c., discharged from Claims by the Bankrupt, § 155.
161. If Assignee indebted to Bankrupt's Estate become bankrupt, his Certificate shall not discharge his future Effects in respect of such Debt, § 156.
162. Suits not to abate by Death or Removal of Assignees, § 157.
163. If Assignees commence Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court, § 158.
164. Limitation of Actions. General Issue, § 159.
165. The Bankrupt to prepare and file a Balance Sheet and Accounts, &c., § 160.
166. Bankrupts apprehended by Warrant, § 161.
167. Court may adjourn last Examination *sine die*, § 162.
168. If Bankrupt in Prison or Custody, Court may appoint a Person to attend him with Books, Papers, &c., to enable him to prepare Balance Sheet, § 163.
169. When and how Debts may be proved; by Corporations, &c., Creditor may be examined upon Oath, § 164.
170. *Bonâ fide* Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove, § 165.
171. Payment of Assessed Taxes, § 166.
172. If Bankrupt an Officer of, and have Monies, &c, in his Hands belonging to any Friendly Society, Court to order Payment thereof before any of his other Debts are satisfied, § 167.
173. Court may order Three Months Wages or Salary to Clerks or Servants, § 168.
174. Court may order Wages not exceeding 40*s.* to Labourer or Workman, § 169.
175. Apprentices to Bankrupts discharged from their Indentures. Court may order any Sum to be paid in respect of Apprentice Fees, § 170.
176. Mutual Debts and Credits may be set off, notwithstanding prior Act of Bankruptcy, § 171.
177. Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest, § 172.
178. Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts, § 173.
179. Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and after Loss to prove. Persons effecting Insurances admitted to prove Loss, § 174.
180. Annuity Creditor admitted to prove, § 175.
181. Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in, under the Bankruptcy, § 176.
182. Debt contingent at the Time of the Bankruptcy to be provable for the Value thereof ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after the Contingency has happened, Amount of Debt may be proved, § 177.
183. Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved, § 178.
184. On Bankruptcy of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed, § 179.
185. Interest upon Debts, when provable, though not reserved or agreed for, § 180.
186. Plaintiff or Defendant obtaining Judgment, &c entitled to prove for Costs, &c., § 181.
187. Proving Debt to be an Election not to proceed against the Bankrupt by Action, § 182.
188. Court may expunge Proof of any Debts which, after Investigation, do not appear to be due. Persons requiring Investigation to sign Undertaking for Costs. Application may be made in first instance to Vice Chancellor, § 183.
189. Creditors having Security not to receive more than other Creditors, § 184.
190. Appointment of Sitting for Audit, § 185.
191. Court may direct Money to be invested in Exchequer Bills, § 186.
192. Method of making Dividends. No Dividend without previous Audit, § 187.
193. Final Dividend within Eighteen Months, except where Suit depending, or Estate standing out, &c. Outstanding Debts, &c., may be sold by the Assignees after a certain Time under the Order of the Court, § 188.
194. Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee, &c. before final Dividend, § 189.
195. No Action to be brought for Dividends; but the Remedy to be by Application to the Court, § 190.
196. Unclaimed Dividends, &c. to be paid into the Bank to the Credit of the Accountant in Bankruptcy, and carried to "Unclaimed Dividend Account," § 191.
197. How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of, § 192.
198. Bank of *England* to receive from Assignees, and give a Receipt for any Sum mentioned in a Certificate of the Accountant in Bankruptcy, § 193.
199. Allowance to Bankrupt for Maintenance, § 194.
200. Allowance to Bankrupt, 5 *per Cent.*, but not exceeding 400*l.*, as soon as 10*s.* paid in the Pound; 7½ *per Cent.*, but not exceeding 500*l.*, if 12*s.* 6*d.*; 10 *per Cent.*, but not exceeding 600*l.*, if 15*s.* Allowance not payable till Twelve Months after the Bankruptcy, and then only if requisite Amount of Dividends paid. If at Expiration of Twelve Months the Dividends paid be under 10*s.*, Bankrupt may be allowed not exceeding 3 *per Cent.*, and 300*l.*, § 195.
201. One Partner may receive Allowance, although other not entitled, § 196.
202. If Produce of Estate pay Twenty Shillings in the Pound, and leave Surplus, such Surplus to be paid to Bankrupt after Payment of Interest on Debts, § 197.
203. Mode of obtaining Certificate of Conformity, § 198.
204. Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c. No Certificate allowed before the Commencement of this Act shall require Confirmation, § 199.
205. Certificate to discharge Bankrupt from all Debts due by him when he became Bankrupt, § 200.
206 Bankrupt not entitled to Certificate if he has lost by Gaming 20*l.* in One Day, or 200*l.* within Twelve Months, or 200*l.* by Stockjobbing, or concealed or destroyed Books, &c., or made fraudulent Entries, or concealed any Property, or permitted fictitious Debts to be proved, § 201.
207. Contract or Security to induce Creditor to forbear Opposition void, § 202.
208. Certificate may be recalled, § 203.
209. Bankrupt not liable upon any Promise to pay Debts discharged by Certificate, § 204.
210. Bankrupt having obtained his Certificate, free from Arrest. Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged, § 205.
211. Certificate not to be delivered to Bankrupt until after Expiration of Time for Appeal; and if Appeal duly entered,

entered, Certificate to be further kept by the Court, to abide the Judgment of the Vice Chancellor, § 206.
212. Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless obtained fraudulently, § 207.
213. Clauses in 3 & 4 *W.* 4. *c.* 74., with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication, § 208.
214. Court may make Sale of Copyhold Lands, for the Benefit of Creditors, § 209.
215. Vendees of Copyhold Lands shall compound with the Lord for their Fines, § 210.
216. Any Trader unable to meet his Engagements with his Creditors may petition the Court for Protection, § 211.
217. Petition to be supported by Affidavit, § 212.
218. Court may appoint private Sitting and Official Assignee, &c., § 213.
219. Petitioning Debtor to file Account Ten Days before the Day appointed for private Sitting, and furnish Official Assignee with a Copy, § 214.
220. At first Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation to be appointed, § 215.
221. If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all; and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same, § 216.
222. Persons authorized by Letter of Attorney may vote, § 217.
223. Estate to vest in Official Assignee, and either alone or (if required by Resolution) jointly with any other Person, § 218.
224. Official Assignee to file Account every Six Months, § 219.
225. If any Difficulty arise in the Execution of Resolution, &c., a special Sitting may be held, § 220.
226. When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity, § 221.
227. Court on being satisfied that Official Assignee has fully performed his Trust, to give him a Certificate thereof, § 222.
228. If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at first Sitting Proposal be not assented to, or if Debts contracted by Fraud, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c., § 223.
229. Deed of Arrangement entered into between any Debtor and his Creditors, and executed by Six Sevenths in Number and Value of the Creditors whose Debts amount to 10*l.* and upwards, to be binding on all, § 224.
230. Deed not to be effectual upon Creditor who has not signed, until after Expiration of Three Months from Notice of Suspension and of proposed Deed, &c., unless Court shall otherwise order, § 225.
231. Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed, which Certificate shall be filed, &c., § 226.
232. Account of Debts, &c. to be annexed to such Certificate, and to be verified by Affidavit of arranging Debt, § 227.
233. Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced with respect to their Rights against Third Persons, § 228.
234. In case of improper Administration any Creditor may apply to the Court, § 229.
235. If after Adjudication Nine Tenths in Number and Value of Creditors accept Composition, the same shall bind the rest, § 230.
236. Mode of voting in deciding upon such Composition, § 231.
237. Officer of Court to produce Proceedings and give Copies thereof, § 232.
238. If Bankrupt do not dispute the Fiat or Petition, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt, § 233.
239. In certain Actions by or against any Person acting under the Bankruptcy no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed, § 234.
240. The same in Suits in Equity, § 235.
241. Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence, § 236.
242. Judicial Notice to be taken of Signature of Commissioner or Registrar, and of the Seal of the Court, § 237.
243. Evidence of Declaration of Insolvency, § 238.
244. Copy of Petition, &c. under Insolvent Debtors Act in *England* or in *India*, &c. to be admitted as Evidence, § 239.
245. Advertisements, when Evidence, § 240.
246. Provisions of 6 & 7 *Vict. c.* 85. to be applicable to any Matter in prosecution under this Act, § 241.
247. On Death of Witness, Office Depositions or Copy thereof to be Evidence, § 242.
248. Before whom Affidavits are to be sworn, § 243.
249. Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison, § 244.
250. Evidence may be taken *vivâ voce* or upon Affidavit, § 245.
251. Bankrupt and Bankrupt's Wife to be examined upon Declaration, § 246.
252. Every Solicitor of the High Court of Chancery duly admitted as a Solicitor in the Court of Bankruptcy may practise in the Court, § 247.
253. The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 1 & 2 *Vict. c.* 110. to be applicable to this Act, § 248.
254. Court may in all Cases award Costs, which may be recovered as if they were awarded by Rule of a Superior Court at *Westminster*, § 249.
255. Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance, &c., § 250.
256. Bankrupt not surrendering, or not delivering up Books, &c., or removing, concealing, or embezzling Estate, § 251.
257. Bankrupt destroying or falsifying Books, &c., § 252.
258. Bankrupt, within Three Months preceding his Bankruptcy, obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade, § 253.
259. False Evidence, § 254.
260. Court may direct Prosecution, § 255.
261. If at Sitting for last Examination it appear that Bankrupt has been guilty of certain Offences, further Protection to be refused; and if at Sitting for Allowance of Certificate

Certificate it appear that he has been guilty of any of such Offences, Court to refuse or suspend Certificate, and to refuse further Protection, § 256.
262. Assignees, and Creditors who have proved, to be deemed Judgment Creditors, and Court to grant Certificate thereof, which shall have the Effect of a Judgment of Superior Court at *Westminster*, § 257.
263. Assignees for the Time being may issue Execution on such Certificate, § 258.
264. Bankrupt taken in Execution not to be discharged except by Order of the Court, § 259.
265. Any Person, refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c. may be committed, § 260.
266. Questions to be particularly specified on Warrant, § 261.
267. Assignees under Fiats issued on or prior to 11th *November* 1842 retaining unclaimed Dividends, &c., § 262.
268. Official Assignee not filing Certificate of unclaimed Dividends subject to Penalty, § 263.
269. Such unclaimed Dividends to be paid, or carried to the unclaimed Dividend Account, § 264.
270. Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-Assignee to retain or employ it, to be charged with Twenty *per Cent.*, § 265.
271. Persons disobeying any Rule or Order of Court to be committed to Prison until they conform, or the Court, or Vice Chancellor or the Lord Chancellor, shall otherwise order, § 266.
272. If Debt sworn to by Petitioning Creditor be not due, or if Act of Bankruptcy be not proved, and it appear that the Fiat or Petition was issued or filed fraudulently or maliciously, Court may order Satisfaction, § 267.
273. Petitioning Creditor compounding with Trader after Bankruptcy, § 268.
274. Concealing Bankrupt's Effects. Allowance to Persons making Discovery, § 269.
275. Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Certificate, § 270.
276. Officers, &c. taking Fees improperly, § 271.
277. Inserting Advertisements without Authority, § 272.
278. Forging Signature of Commissioner, or Officer, or the Seal of the Court, § 273.
279. Gaoler suffering Persons committed to escape, &c., § 274.
280. Application of Forfeitures, § 275.
281. Interpretation of Terms. Where any particular Number of Days is prescribed for doing any Act, how Time to be reckoned, § 276.
282. Aliens and Denizens, § 277.

Battersea Park.

1. To enlarge the Powers of an Act empowering the Commissioners of Her Majesty's Woods to form a Royal Park in *Battersea Fields;* to facilitate the raising of Monies authorized to be raised by the said Commissioners for Metropolitan Improvements; and to regulate and simplify the Mode of keeping the Accounts of the Commissioners of Her Majesty's Woods, 11 & 12 *Vict. c.* 102.
2. Commissioners of Woods, &c. empowered to give Securities for Purchase Money. Form of Certificate to be granted of such Security. Certificates to be enrolled in the Office of Land Revenue Records and Enrolments, § 1.
3. Land Revenues charged with the Payment of Principal and Interest of Monies expressed in Certificates, § 2.
4. Delivery of Certificates to be deemed equivalent to Payment of Money awarded for Purposes of first-recited Act, § 3.
5. Loans by Public Works Commissioners to be applied in Redemption of Certificates, § 4.
6. Power to Bank of *England* to advance additional Money not exceeding 300,000*l.*, § 5.
7. Regulations as to Payment of Interest on Loans charged under various Acts on "The *London Bridge* Approaches Fund," § 6.
8. Rights of Mortgagees not to be affected, § 7.
9. Annual Reports of Commissioners of Woods to be made up to the 31st *March* instead of the 5th *January* in every Year, § 8.
10. Treasury empowered to make Rules and Regulations for keeping the Accounts of the Commissioners of Woods, § 9.
11. Power to Treasury to regulate the Mode of drawing Monies, § 10.
12. Extent of Act, § 11.

Beer and other Liquors.

1. For regulating the Sale of Beer and other Liquors on the Lord's Day, 11 & 12 *Vict. c.* 49.
2. Prohibition against the Sale of Beer, &c. on *Sundays*, &c., § 1.
3. 3 & 4 *Vict. c.* 61. *s.* 15. repealed in part, § 2.
4. Licensed Victuallers, &c. not to open House for Sale of any Articles during prohibited Hours, § 3.
5. Restricting the Sale of Liquors before a certain Time on *Sundays*, &c., § 4.
6. Power to Constables to enter Houses opened for Sale of Liquors, § 5.
7. Penalty for offending against this Act, § 6.

Board of Health.

1. For confirming certain Provisional Orders of the General Board of Health, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places, 12 & 13 *Vict. c.* 94.
2. Confirmation of certain Provisional Orders of the General Board of Health, § 1.
3. First Election of Local Board of Health for *Taunton*, § 2.
4. First Election of Local Board of Health for *Croydon*, § 3.
5. First Election of Local Board of Health for *Chatham*, § 4.
6. First Election of Local Board of Health for *Sheerness*, § 5.
7. First Election of Local Board of Health for *Ware*, § 6.
8. First Election of Local Board of Health for *Uxbridge*, § 7.
9. Local Board of Health may contract for lighting, § 8.
10. Printed Copies of Provisional Orders to be delivered to both Houses of Parliament, § 9.
11. Construction of certain Expressions used in the Public Health Act, 1848, § 10.
12. Act incorporated with Public Health Act, 1848, § 11.
13. Short Title of Act, § 12.

Borough Police.

1. For authorizing a Borough Police Superannuation Fund, 11 & 12 *Vict. c.* 14.

2. Councils of Boroughs may establish Police Superannuation Funds, § 1.
3. Superannuation Funds to be supported by Contributions of the Police Force, &c.; and to be kept separate from the Borough Fund. Rates of Superannuation or Retiring Allowances. Rate of Superannuation where Constable has served in different Ranks, § 2.
4. No Superannuation under Fifty, unless unfit for Service, § 3.
5. Superannuation may be ordered by Watch Committee, on Certificate of Police Surgeon, § 4.
6. Constables dismissed or retiring to forfeit Claim to Superannuation, &c., § 5.
7. Monies paid to Superannuation Fund to be employed in aid of Borough Fund. Power to Town Council to invest Monies in Government Securities; and to re-sell and replace same in Borough Fund, § 6.
8. Provisions of this Act may apply to existing Superannuation Funds, § 7.
9. If Fund exhausted, Town Council may advance Money; but if Town Council decline to advance, Superannuations to be reduced *pro ratâ*, § 8.

See *Lock-up Houses.*

Boroughs Relief.

1. To relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure, 12 & 13 *Vict. c.* 82.
2. Boroughs having or providing a Gaol and House of Correction not to be liable to contribute to a County Gaol and House of Correction, except in a certain Manner, § 1.
3. Boroughs having or providing a Lunatic Asylum not to be liable to contribute to County Asylum, § 2.
4. Providing for Cases where Settlement of Pauper Lunatics is unknown, § 3.
5. Interpretation of Act, § 4.
6. Extent of Act, § 5.

Buckingham Assizes.

1. To repeal an Act of the Twenty-first Year of *George* the Second, for holding the Summer Assizes at *Buckingham*; and to authorize the Appointment of a more convenient Place for holding the same, 12 & 13 *Vict. c.* 6.
2. 21 *G.* 2. *c.* 12. and 3 & 4 *W.* 4. *c.* 71. recited. Provisions of the first-recited Act requiring the Summer Assizes to be held in the Town of *Buckingham* repealed, § 1.
3. Provisions of secondly-recited Act extended to the County of *Buckingham*, § 2.

C.

Canada.

1. To repeal so much of an Act of the Third and Fourth Years of Her present Majesty, to re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*, as relates to the Use of the *English* Language in Instruments relating to the Legislative Council and Legislative Assembly of the Province of *Canada*, 11 & 12 *Vict. c.* 56.
2. 3 & 4 *Vict. c.* 35. recited. So much of recited Act as enacts that all Writs, &c. shall be in the *English* Language, repealed, § 1.
3. This Act, or Part thereof, may be repealed, &c., § 2.

Cattle, See Sheep, &c.

Chancery Offices.

1. To amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court, 12 & 13 *Vict.* c. 109.
2. 11 & 12 *Vict. c.* 94. repealed, § 1.
3. Clerk of the Petty Bag to execute his Duties in Person, except in case of Sickness, &c., when he may appoint a Deputy, with Consent of the Master of the Rolls, § 2.
4. Clerk of Petty Bag to hold Office during good Behaviour, and on Vacancy to be filled up by the Master of the Rolls, § 3.
5. Clerk of the Petty Bag to perform all the Duties and be subject to all the Regulations of the Senior and other Clerks, but not to be an Attorney of the Court, § 4.
6. Clerk of the Petty Bag not to act as Attorney or Solicitor, § 5.
7. Salary of Clerk of Petty Bag, § 6.
8. Clerk of Petty Bag may appoint such Clerks to assist him as the Master of the Rolls may direct, to be paid by Salary, § 7.
9. Salaries and Expenses to be paid out of the Suitors Fee Fund, § 8.
10. Penalty on Officers for taking Gratuities, &c., § 9.
11. Power to Lord Chancellor and Master of the Rolls to regulate the Transfer of Business from Time to Time, §10.
12. Seal of Office to be provided and kept, and may be cancelled or altered from Time to Time, § 11.
13. Certificates of Enrolment in the Petty Bag Office, § 12.
14. Copies of Documents sealed to be received as Evidence without further Proof, § 13.
15. Writs, &c. issued out of Petty Bag Office to be sealed with the Chancery Common-Law Seal, § 14.
16. Specifications to be enrolled in the Enrolment Office, § 15.
17. For enlarging Offices of the Six Clerks, § 16.
18. Seal as approved by Master of the Rolls to be provided for the Enrolment Office, § 17.
19. Certificates of Enrolment to be given, and when sealed, shall be admitted as Evidence, § 18.
20. Copies of Enrolments stamped with Seal of Enrolment Office to be admitted in Evidence, § 19.
21. Punishment for forging or altering any Seal or Document, § 20.
22. Power to Lord Chancellor, &c. to fix a Table of Fees. No Fees to be taken in respect of Duties performed at Her Majesty's Suit, § 21.
23. Clerk of Petty Bag to receive and pay over certain Monies, § 22.
24. Clerk of Petty Bag to keep Accounts of Fees received, and pay the same into the Suitors Fee Fund, § 23.
25. Solicitors to be entitled to practise as Attornies in the Common-Law Side of Chancery, § 24.
26. Same Costs to be allowed as in Courts of Common Law, § 25.
27. Writs may be tested in Term-Time or in Vacation, § 26.
28. Writs may be made returnable in Term-Time or in Vacation, § 27.
29. Proceedings of the Court may be either in Term-Time or in Vacation, § 28.
30. Writs of Scire facias may be directed to Sheriff of any County, § 29.
31. Declarations, to be delivered, and not filed, § 30.
32. Pleadings to be delivered, and not filed, § 31.

33. Issues may be tried in any of the Superior Courts, § 32.
34. Record of Issue to be filed in the Office of the Petty Bag, § 33.
35. Superior Courts of Common Law to have same Powers as in Actions pending in their Courts, § 34.
36. Superior Courts to give same Judgement as Queen's Bench, § 35.
37. A Transcript of Proceedings in Courts of Common Law may be taken into Chancery, § 36.
38. Costs to be taxed, § 37.
39. Writs and Proceedings to be prepared by Parties or their Attornies, § 38.
40. Judges may dispose of Matters raising or incident to any Action on the Common-Law Side of the Court of Chancery, § 39.
41. Master of the Rolls may make Orders for the Custody, &c. of the Records, § 40.
42. General Rules and Orders may be made, § 41.
43. Officers Privilege of suing abolished, § 42.
44. Proviso as to existing Actions by or against Officers, § 43.
45. Parties or Attornies to cause Names to be entered in a Book at the Petty Bag Office, § 44.
46. Affidavits may be sworn before Clerk of Petty Bag, § 45.
47. Saving the Jurisdiction of Lord Chancellor and Master of the Rolls, § 46.
48. Forms of Writs to be settled and approved by Lord Chancellor, &c., § 47.
49. Courts of Common Law to take cognizance of Writs, § 48.
50. Monies paid into Court for Her Majesty's Use shall continue to be received as heretofore, &c., § 49.
51. Construction of Terms in this Act, § 50.
52. Short Title, § 51.

Channel Islands, See Newspapers.

Chelsea and Greenwich Out-Pensioners.

1. To amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out-Pensioners, and to extend them to the Pensioners of the *East India* Company, 11 & 12 *Vict. c.* 84.
2. 6 & 7 *Vict. c.* 95. and 9 & 10 *Vict. c.* 9. recited. Recited Acts to apply to Pensioners from such Forces of *East India* Company as may volunteer, § 1.

Churches.

To continue to the Twentieth Day of *July* One thousand eight hundred and fifty-three, and to the End of the then next Session of Parliament, Her Majesty's Commission for building new Churches, 11 & 12 *Vict. c.* 71.

Colonial Posts.

1. For enabling Colonial Legislatures to establish Inland Posts, 12 & 13 *Vict. c.* 66.
2. 5 *G.* 3. *c.* 25., 7 *W.* 4. & 1 *Vict. c.* 33., 3 & 4 *Vict. c.* 96., and 7 & 8 *Vict. c.* 49. recited. Colonial Legislatures may establish Posts, &c., § 1.
3. Provision as to Colonies in which Posts have been established by the Postmaster General, § 2.
4. After Establishment of Posts by Colonial Legislature Powers of Postmaster General, &c. to cease, § 3.
5. Act of Colonial Legislature only to extend to Inland Posts, § 4.
6. Act not to affect Powers of General Assemblies under 9 & 10 *Vict. c.* 103., or any Act concerning the Government of *Australian* Colonies, § 5.
7. Interpretation Clause, § 6.

Commons, See Inclosure.

Controverted Elections.

1. To remove certain Doubts as to the Law for the Trial of controverted Elections, 11 & 12 *Vict. c.* 18.
2. 7 & 8 *Vict. c.* 103. recited. Sitting Members may, in all Cases of Election Petitions presented before the 1st of *March*, object to the Recognizance, on Grounds omitted to be specified in recited Act, § 1.
3. Select Committee appointed to try Election Petition shall inquire first into such preliminary Objection, and if the Recognizance be good proceed to try the Merits of the Return. If Recognizances are invalid through the Neglect of the Petitioners, no further Proceedings to be had on the Petition. If Recognizances are void, but not through the Neglect of the Petitioners, or if of doubtful Effect, Committee may amend the same, or Petitioners may enter into new Recognizances, § 2.
4. Amended or new Recognizances to have the same Effect as when originally entered into, and the Decision of the Committee that the same is good to be final, § 3.
5. Recited Act and this Act to be read as one, § 4.

See *Election Petitions.*

Copper and Lead.

1. To reduce the Duties on Copper and Lead, 11 & 12 *Vict. c.* 127.
2. After passing of this Act the Duties mentioned in Table annexed to be paid, &c. in lieu of those now payable, § 1.
3. All Goods enumerated in Table as have been warehoused without Payment of Duty to be liable, § 2.
4. Duties by this Act imposed to be under Management of the Customs, § 3.

Cornwall and Lancaster, Duchies of.

1. To confirm the Awards of Assessionable Manors Commissioners, and for other Purposes relating to the Duchies of *Cornwall* and *Lancaster*, 11 & 12 *Vict. c.* 83.
2. General Confirmation of the Awards on the Assessionable Manors of the Duchy made under recited Act. Discrepancies to be settled by Reference to the Map, § 1.
3. Awards shall not be held to prejudice Rights of the Lords of the Manors of *Tywarnhaile*, *Tyas*, and *Tywarnhaile* respectively to the Tin Mines, Tin Dues, and Toll of Tin therein respectively. Lords of the Manors of *Tywarnhaile*, *Tyas*, and *Tywarnhaile* respectively may, by Agreement in Writing, determine Questions now pending and make Regulations for working the said Mines, &c. Saving Rights of all Persons, other than the Duke of *Cornwall*, &c., § 2.
4. So much of 5 & 6 *Vict. c.* 2. as provides that no Fines shall be taken on Lease of Mines and Minerals repealed, § 3.
5. Fines taken on Lease, &c. of Mines, to be invested for the permanent Benefit of the Duchy, or applied to the general Improvement of the Duchy Property, under 7 & 8 *Vict. c.* 65.,—§ 4.

6. Certain Provisions of 4 & 5 *Vict. c.* 35. to apply to Manors and Lands of the Duchy of *Cornwall*, § 5.
7. Provisions in 7 & 8 *Vict. c.* 65. as to Enrolments, and examined and certified Copies thereof, being Evidence of original Instruments, to apply to other Instruments duly enrolled, § 6.
8. In Actions for the Recovery of Small Debts or Demands in the Stannary Court, Trials under 6 & 7 *W.* 4. *c.* 106, to be by a Jury of Five instead of Twelve, § 7.
9. Thirty-six Jurors only to be summoned in future. All Powers, &c. as to Jury Process to remain in force, § 8.
10. The Vice Warden to appoint Bailiffs to execute Process. Provisions of 7 & 8 *Vict. c.* 19. to be applicable to Bailiffs so appointed, § 9.
11. Provisions of 1 & 2 *W.* 4. *c.* 58. for the Relief of Sheriffs against adverse Claims, to extend to the Vice Warden's Court and the Bailiffs thereof, § 10.
12. The Office of Prothonotary when vacant to be suppressed, and the Duties to be performed by Two Clerks, § 11.
13. Actions against Officers to be commenced within Three Months, and short Forms of Pleading to be admitted in such Actions, § 12.
14. Property provided for Use of Stannary Court vested in Duchy of *Cornwall*, § 13.
15. Certain of the Provisions in 7 & 8 *Vict. c.* 65. and in this Act relating to Enrolments, and examined and certified Copies thereof, extended to the Possessions of Her Majesty in right of the Duchy of *Lancaster*, § 14.
16. Public Act, § 15.

Costs of Private Bills.

1. For the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases, 12 & 13 *Vict. c.* 78.
2. 7 & 8 *G.* 4. *c.* 64. repealed, § 1.
3. Parliamentary Agent, Attorney, or Solicitor not to sue for Costs until One Month after Delivery of his Bill. Evidence of Delivery of Bill. Power to Judge to authorize Action before Expiration of One Month, § 2.
4. Taxing Officer to be appointed by the Clerk of Parliaments or Clerk Assistant, § 3.
5. The Clerk of Parliaments or Clerk Assistant to prepare List of Charges thenceforth to be allowed, § 4.
6. Taxing Officer empowered to examine Parties and Witnesses on Oath, § 5.
7. Taxing Officer empowered to call for Books and Papers, § 6.
8. Taxing Officer to take such Fees as may be allowed by House of Lords. Application of Fees, § 7.
9. On Application of Party chargeable, or on Application of Parliamentary Agent, Attorney, or Solicitor, the Taxing Officer to tax the Bill. No Application to be entertained by Taxing Officer after Verdict obtained, § 8.
10. Taxing Officer to report to the Clerk of the Parliaments. If either Party complain of Report, they may deposit a Memorial, and the Clerk of the Parliaments may require a further Report. If no Memorial deposited, Clerk of the Parliaments may issue Certificate of the Amount found due. Certificate to have the Effect of a Warrant to confess Judgment, § 9.
11. Taxing Officer of either House may tax Costs not otherwise taxable under the Act by virtue of which any Bill shall be taxed; and may request other Officers to assist him. Such Officers to have the same Powers as in taxing other Costs, § 10.
12. Taxing Officers to include certain Costs in their Reports, and Certificates of the Amount to be delivered, § 11.
13. Officers of other Courts may request the Taxing Officer of either House to tax Parts of Bills, § 12.
14. Taxing Officer of either House may take an Account between the Parties, § 13.
15. Construction of certain Words in this Act, § 14.
16. Form of citing the Act, § 15.

County and other Rates.

1. To provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates, 12 & 13 *Vict. c.* 65.
2. The Overseers of Parishes situated partly within Boroughs and partly without to collect the County Rates, County Police Rates, and District Police Rates leviable on the Part of the Parish not comprised within the Borough, § 1.
3. Similar Provision for the Collection of the Borough Rate in Places similarly situated, § 2.
4. Appeal against the Rate, and Audit of the Accounts, § 3.
5. Mode of procuring the Funds when the Precept is sent to the Guardians of the Union comprising the divided Place, § 4.
6. Where the Amount required for the County or other Rate is small, the making of the Rate for Reimbursement may be postponed, § 5.
7. Repeal of certain Part of 1 *Vict. c.* 81.,—§ 6.

Court of Chancery, See Chancery Offices.

Court of Rome.

1. For enabling Her Majesty to establish and maintain Diplomatic Relations with the Sovereign of the *Roman* States, 11 & 12 *Vict. c.* 108.
2. Her Majesty empowered to establish Diplomatic Relations with the Sovereign of the *Roman* States, § 1.
3. No Person to be received as Ambassador, &c. from the Court of *Rome* who shall be in Holy Orders, &c., § 2.
4. Nothing to affect any Laws now in force for upholding the Supremacy of the Crown, § 3.

Courts, See Small Debts.

Criminal Justice, See Administration of Criminal Justice. Criminal Law.

Criminal Law.

1. For the further Amendment of the Administration of the Criminal Law, 11 & 12 *Vict. c.* 78.
2. Questions of Law may be reserved at Sessions of the Peace for Consideration of Judges, § 1.
3. Questions reserved to be certified to the Judges, § 2.
4. Quorum of Judges; their Judgments to be delivered in open Court, § 3.
5. Case or Certificate may be sent back for Amendment, § 4.
6. When Judgment is reversed on Writ of Error, Record may be remitted to Court below for Judgment, § 5.
7. Punishment for Forgery, § 6.
8. Act not to extend to *Scotland*, § 7.

Crown and Government of the United Kingdom (securing).

1. For the better Security of the Crown and Government of the United Kingdom, 11 & 12 *Vict. c.* 12.
2. After passing of this Act, Provisions of 36 *G.* 3. *c.* 7. and 57 *G.* 3. *c.* 6. repealed, except as to Offences against the Person of the Sovereign, § 1.
3. So much of 36 *G.* 3. *c.* 7., made perpetual by 57 *G.* 3. *c.* 6., as is not repealed, extended to *Ireland*, § 2.
4. Offences declared Felonies by this Act to be punishable by Transportation or Imprisonment, § 3.
5. Time within which Prosecution shall be commenced, Warrant issued, &c., § 4.
6. In Indictments more than One overt Act may be charged. § 5.
7. Nothing herein to affect Provisions of 25 *Edw.* 3. *c.* 2., —§ 6.
8. Indictments for Felony under this Act valid, though the Facts may amount to Treason, § 7.
9. As to the Punishment of Accessaries before and after the Fact, § 8.
10. Felonies under this Act in *Scotland* not bailable, except as provided by 5 & 6 *W.* 4. *c.* 73. Trial to take place in Terms of Act of *Scottish* Parliament of 1701, § 9.
11. No Costs allowed in Prosecutions under this Act, § 10.

Cruelty to Animals.

1. For the more effectual Prevention of Cruelty to Animals, 12 & 13 *Vict. c.* 92.
2. 5 & 6 *W.* 4. *c.* 59. and 7 *W.* 4. & 1 *Vict. c.* 66. repealed, save as to Offences committed before passing of this Act, § 1.
3. Penalty for Cruelty to Animals, § 2.
4. As to Places kept for Bull-baiting, Dog-fighting, &c. § 3.
5. As to Damage done by Persons guilty of Cruelty to Animals, § 4.
6. Persons impounding Animals to provide Food and Water, § 5.
7. Power to supply Food and Water to Animals impounded, § 6.
8. Persons keeping Places for slaughtering Cattle, &c. to affix Names, &c., § 7.
9. Regulations as to Cattle sent to be slaughtered, § 8.
10. Cattle intended for Slaughter not to be employed. Penalty, § 9.
11. Description of Cattle to be entered in a Book. Penalty for Neglect, § 10.
12. Persons licensed to slaughter Horses not to be licensed as Horse Dealers at the same Time, § 11.
13. Penalty for improperly conveying Animals, § 12.
14. Apprehension of Offenders, § 13.
15. Justice may hear Complaints made under this Act, within One Month after Offence committed, § 14.
16. As to Service of Summons, § 15.
17. Warrant may be issued by Justice without Summons, § 16.
18. Justices may summon Witnesses to appear, § 17.
19. Offenders not paying Penalty may be committed, § 18.
20. Vehicles, &c. may be detained, § 19.
21. Penalty for obstructing Constables, § 20.
22. Distribution of Penalties, § 21.
23. Proprietors of public Vehicles may be summoned to produce their Servants, § 22.
24. Form of Conviction, § 23.
25. Convictions to be transmitted to General Quarter Sessions, § 24.
26. Appeal, § 25.
27. Convictions not to be removed, § 26.
28. As to Actions, § 27.
29. Venue in Actions. Costs, § 28.
30. Meaning of certain Words, § 29.
31. Act not to extend to *Scotland*, § 30.

Customs.

1. To amend the Laws relating to the Customs, 12 & 13 *Vict. c.* 90.
2. Commencement of Act, § 1.
3. Snuff from the United States of *America* may be imported in Packages of 150 lbs. each, § 2.
4. Cigarillos may be imported in Packages of not less than 75 lbs. each, § 3.
5. Internal Sub-divisions of Packages prohibited, § 4.
6. In case of Dispute Importer to deposit the Duty demanded. On Payment of such Deposit and passing Entries for the Goods, Importer to have Delivery, § 5.
7. Deposits to be carried to the Account of the Crown. If no Action brought within the Three Months Deposit to be retained, § 6.
8. Officers may put Seals upon Stores Inwards. If such Seals be broken or the Stores secretly conveyed away, Master to forfeit 20*l.*, § 7.
9. If Officers put Seals upon Stores from the Warehouse Outwards, and such Seals be broken, Master to forfeit 20*l.*, § 8.
10. Certain Provisions of 8 & 9 *Vict. c.* 86. repealed, § 9.
11. Certificates for Coals, Culm, or Cinders shipped in the United Kingdom may be granted by the Purchaser of them and certain others, § 10.
12. Unlicensed Persons acting as Lightermen of warehoused or Drawback Goods subject to a Penalty of 20*l.*, § 11.
13. Goods subject to Quarantine to be entered within Fourteen Days after the Expiration of Quarantine, § 12.
14. Goods removed from the importing Vessel to be landed with all convenient Speed, § 13.
15. Bonds relating to the Customs to be taken by the Collector, and to be cancelled if not put in Suit within Three Years, § 14.
16. Powers vested by Customs Acts in Officers of Excise to be exercised by Officers of Inland Revenue, § 15.
17. Repeal of 8 & 9 *Vict. c.* 87. as to Licences for Vessels and Boats, § 16.
18. Commissioners may make general Regulations for Vessels and Boats not exceeding 170 Tons, § 17.
19. Vessels and Boats used contrary to Regulations forfeited, and may be seized by Officers of the Army, &c., § 18.
20. Commissioners of Customs may grant special Licences on Terms, § 19.
21. Commissioners may revoke Licences, § 20.
22. Former Licences valid until revoked or superseded by general Regulations, § 21.
23. Vessels made use of in Removal of uncustomed or prohibited Goods forfeited, § 22.
24. Regulations to extend to the Channel Islands, § 23.
25. Notice of Regulations to be printed and posted, and Copies delivered to Owners and Masters on Application, § 24.
26. Persons concerned in importing prohibited or restricted Goods liable to a Penalty of 100*l.* or treble the Value of them, notwithstanding such Goods may not have been unshipped, § 25.

27. Fees to be allowed to Justices Clerks, § 26.
28. Rewards to be distributed as the Lords of the Treasury or the Commissioners of Customs may see fit, § 27.
29. Certain Provision of 8 & 9 *Vict. c.* 89. repealed, § 28.
30. New Rates of Duty on certain Articles, § 29.
31. Goods in Warehouse at the Commencement of these Duties deemed subject to them, § 30.
32. Duties to be under the Management of the Commissioners of Customs, § 31.
33. When new Duties of Customs are imposed in lieu of former ones, such former ones are to continue until the new Duties become chargeable, § 32.
34. When Spirits are re-gauged at the Request of the Importer, Duty to be charged upon the Quantity so ascertained; but if such Spirits are not delivered within Three Months from such Re-gauge the Importer may require to have them re-gauged, § 33.
35. Duties to be paid on Corn, &c. when imported and entered, § 34.
36. Goods in Warehouse to be chargeable with Duties payable on the like Sort of Goods when entered for Home Consumption, § 35.
37. Goods warehoused not cleared within Seven Years may be sold by Order of the Commissioners of Her Majesty's Customs, § 36.
38. Acts done in the Possessions abroad with Officers appointed for the Purpose to be as valid as Acts done with Collectors, &c. of Customs under the present Laws, § 37.
39. Muscovado Sugar admissible into the *Isle of Man* at a Duty of 1*s.* the Cwt., and Tea at a Duty of 1*s.* per lb., § 38.
40. Act to be registered in Royal Courts of *Guernsey* and *Jersey*, § 39.
41. Where the Limits of Ports have been altered by the Lords of the Treasury, such Alteration is not to affect the Powers of Trustees appointed under 4 & 5 *W.* 4. *c.* 52.,—§ 40.
42. Collection of certain Dues under 39 *G.* 3. *c.* lxix., &c. by the Customs repealed, § 41.
43. Tonnage Duties to be under Management of Corporation of *London*, § 42.
44. Goods brought into Docks not to be landed or warehoused without due Entry, § 43.

See *Spirits and Strong Waters.* *Sugar.*

D.

Debts, Payment of, out of Real Estate.

1. To extend the Provisions of an Act passed in the First Year of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate,* 11 & 12 *Vict. c.* 87.
2. 11 *G.* 4. & 1 *W.* 4. *c.* 47. recited. Recited Provision to extend to Lands, &c. of a deceased Debtor, in certain Cases, § 1.

Deserters.

1. For giving effect to the Stipulations of a Treaty between Her Majesty and the Queen of *Portugal* for the Apprehension of certain Deserters, 12 & 13 *Vict. c.* 25.
2. Deserters from *Portuguese* Vessels to be apprehended on Application of Consul, § 1.
3. Penalty for protecting Deserters, § 2.
4. Limits of Act, § 3.
5. Continuance of Act, § 4.

Distillation, See Spirits.

District Auditors.

1. To prevent District Auditors from taking Proceedings in certain Cases, 11 & 12 *Vict. c.* 114.
2. Nothing in any Act passed this Session as to Payment of Parish Debts, &c. shall authorize Auditor to proceed to recover Sums certified by him to be due, &c., § 1.

Drainage.

1. To simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in *Great Britain,* 11 & 12 *Vict. c.* 119.
2. 9 & 10 *Vict. c.* 101. and 10 & 11 *Vict. c.* 11. recited. Lands in Second and subsequent Certificates may be specified by Reference to the First, § 1.
3. Commissioners with Approval of Treasury may cancel Certificates, &c., § 2.
4. Where cancelled Certificate shall have been registered in *Scotland,* Commissioners to deliver a Memorandum of Cancellation, which shall be registered, &c., § 3.
5. This Act and recited Acts to be One, § 4.
6. To promote the Advance of private Money for Drainage of Lands in *Great Britain* and *Ireland,* 12 & 13 *Vict. c.* 100.
7. Inclosure Commissioners to be the Commissioners for the Execution of this Act. Allowances and Expenses to be regulated as provided by 8 & 9 *Vict. c.* 118. Commissioners of Public Works to be Commissioners, and have Power to employ their Officers for the Execution of this Act in *Ireland,* § 1.
8. Owner of Land may borrow or advance Money, § 2.
9. Application to be made to Commissioners, § 3.
10. Inspection of Land to be made by Officers of Commissioners, § 4.
11. Certain Provisions in 9 & 10 *Vict. c.* 101. as to Notices of Applications incorporated, § 5.
12. Recovery of Expenses where Application refused or no Money can be raised, § 6.
13. When Application allowed, Money to be paid into the Bank, § 7.
14. As to Payment of Contribution to Loan, and Bankers Certificates for the same, § 8.
15. Bankers Certificates for Contributions to be exchanged for Grants by Commissioners of Rent-charges for Twenty-two Years each, § 9.
16. Commissioners to issue a Grant of Rent-charge to Owner of Lands, § 10.
17. Rent-charges may be charged on several Portions of the Land included in Application for Loan, § 11.
18. Apportionment of Rent-charges, § 12.
19. Indefeasible Title and Priority of Rent-charges, § 13.
20. Registry of Grants of Rent-charges on Lands in *Middlesex, Yorkshire, Ireland,* and *Scotland,* § 14.
21. As to the Recovery of Rent-charges in *England* and *Ireland,* § 15.
22. As to Recovery of Rent-charges in *Scotland,* § 16.
23. Tenant may deduct Rent-charges, except where he has agreed to pay same, § 17.

24. Arrears of Rent-charge not to be recoverable after Three Years, § 18.
25. Advances under this Act not to be deemed a Contravention of Conditions of Entail of Lands in *Scotland*, § 19.
26. Rent-charge not to preclude Trustees from investing Money in the Purchase or Mortgage of Land charged, § 20.
27. Rent-charges to be kept down by Tenants for Life, &c., § 21.
28. Certain Expenses to be included in Drainage Works, § 22.
29. As to Inspection of Works by Officers of Commissioners, § 23.
30. Payment of Cost of Drainage Works and Expenses of Commissioners and their Officers, § 24.
31. Application of Money paid into the Bank where the Works are not executed, or there is a Surplus not applicable to Works, § 25.
32. As to upholding Drains and Outfalls, § 26.
33. Register of Certificates, Grants, &c. to be kept by Commissioners, § 27.
34. Notices may be given by the Secretary, § 28.
35. Description of Land in any Certificate, Grant, or Order may be by Reference, § 29.
36. Rent-charge under 9 & 10 *Vict. c.* 101. may be redeemed by Owner as Personal Estate, § 30.
37. Certificate of Advance under recited Acts may comprise only such Part of Lands in Provisional Certificate as Commissioners think sufficient, § 31.
38. Interpretation of Terms, § 32.
39. Short Title, § 33.

E.

East Indies.

1. To consolidate and amend the Laws relating to Insolvent Debtors in *India*, 11 & 12 *Vict. c.* 21.
2. 9 *G.* 4. *c.* 73. and 4 & 5 *W.* 4. *c.* 79. repealed after 31st *July* 1848, save as to Acts then done and pending under 6 & 7 *W.* 4. c. 47., 3 & 4 *Vict. c.* 80., and 9 & 10 *Vict.* c. 14., —§ 1.
3. Courts established under 9 *G.* 4. *c.* 73. for Relief of Insolvent Debtors, continued with the same Powers as heretofore, § 2.
4. A Court to be holden once a Month at least in *Calcutta*, and as often as found necessary in *Madras* and *Bombay*, by any One Judge of the respective Supreme Courts, § 3.
5. Power to Supreme Courts to remove and appoint Officers, and reduce Emoluments, from Time to Time. Records, &c. to be sealed with the Seal of the Court. Power to Court to adjourn Sittings and administer Oaths, &c. Courts to have the same Power to issue Commissions, and compel Attendance of Insolvents and Production of Books, &c. as are now possessed, or as given to Commissioners of Bankrupt under 6 *G.* 4. *c.* 16. Power to Courts to order Prisoners to be brought up as often as requisite. Courts not to award Costs except in certain Cases, § 4.
6. Persons imprisoned for Debts may petition the Court for Relief according to the Forms in the Schedule to this Act, § 5.
7. Party petitioning to deliver in a Schedule in the Form in Schedule (C.), § 6.
8. Upon filing Petition the Real and Personal Estate of Petitioner to be vested in Official Assignee as Court shall direct. In case, after making Vesting Order, Petition be dismissed, the same to be null and void; but all Acts done by any Assignee, &c. under this Act to be held valid, § 7.
9. Lying in Prison Twenty-one Days for Debt shall be deemed an Act of Insolvency, on which Creditor may petition; the Court may, upon Petition, revoke or confirm Adjudication, § 8.
10. Parties subject to Bankrupt Laws lying in Prison Twenty-one Days, or departing the Jurisdiction with Intent to defeat or delay their Creditors, or with like Intent make any fraudulent Gift, &c., shall be deemed to have committed an Act of Insolvency, on which Creditors may petition. Court may, upon Petition, revoke or confirm Adjudication, § 9.
11. Creditor whose Demand at the Time of Act of Insolvency is not then due may petition or join in Petition, § 10.
12. On Adjudication of such last-mentioned Act of Insolvency, Vesting Order to take same Effect as where the Petition is presented by the Insolvent, § 11.
13. And Court invested with same Powers as if such Insolvent had petitioned, § 12.
14. Powers of Court to grant Interim Order for Protection of Insolvents. Such Order not to operate as a Release, &c., in certain Cases, § 13.
15. Judges of Supreme Courts to appoint an Official Assignee for each Court, § 14.
16. Official Assignees to give Security, and be subject to Rules made by Supreme Court, to be approved by the Governor General and by Her Majesty. Insolvent's Estates to be received by Official Assignee alone, except when directed by the Court to be otherwise, § 15.
17. As soon as Official Assignees appointed, Office of Common Assignee to cease, except as to Acts already done, § 16.
18. On Application of Creditors, after Vesting Orders, &c. Court may order an Election of Assignees by the Creditors, § 17.
19. Power of Court to remove Assignees. Mode of appointing or electing others, § 18.
20. No Remuneration to be received by Assignee, except as herein provided, § 19.
21. Estate to vest, without Conveyance or Assignment, in new Assignee, § 20.
22. Power of Assignees, § 21.
23. After Vesting Order, no Distress for Rent previously due shall be made, but Landlord to prove for the Amount, § 22.
24. Property in the Order and Disposition of Insolvent to be deemed his Property. Mortgages of Ships or Vessels, or Shares thereof duly registered, not to be invalidated or affected, § 23.
25. Fraudulent Conveyances, &c. made by Insolvent within Two Months before Insolvency, to be void, § 24.
26. Government Stocks, Funds, &c. standing in the Name of Insolvent to be transferred to the Name of Assignee, § 25.
27. Persons holding Property of Insolvent, except Stocks, &c., or indebted to him, to transfer the same, and make Payment of Debts to the Assignee, § 26.
28. Offices, &c. held by Insolvent, if unsaleable, may be charged with proportionate Payment to Assignee, if saleable shall vest in Assignee, § 27.
29. Power of Assignee, with Consent of Creditors, to take Composition, and to submit Disputes, &c. to Arbitration, § 28.

30. Powers of Assignee to institute and defend Actions and Suits. Proviso as to Persons in Partnership with Insolvent, § 29.
31. All Powers vested in Insolvent to be in the Assignee for the Benefit of the Creditors, § 30.
32. Assignee to make Sale of Insolvent's Estate. Court may delay or postpone the Sale, § 31.
33. Discretionary Power vested in the Court as to immediate Sales of Property of Insolvents entitled to Annuities, or contingent or uncertain Interests therein, § 32.
34. Assignees to keep Accounts of the Estates of Insolvents, with Liberty for Creditors to inspect the same, § 33.
35. Penalty on Assignee improperly dealing with Insolvent's Estate, § 34.
36. After Petition and Schedule filed, and Adjudication of an Act of Insolvency, Notice to be given to Creditors, and published. Court in such Notice to appoint a Day for Hearing, § 35.
37. Course of Proceeding on Hearing, § 36.
38. Court may admit Affidavit instead of personal Appearance in case of Sickness, &c., § 37.
39. Creditor whose Name is not included in the Schedule may claim and prove his Debt, and receive Dividends thereon, § 38.
40. Mutual Demands may be set off against each other, § 39.
41. All Debts, &c. proveable under Fiat in Bankruptcy pursuant to 6 *G.* 4. *c.* 16. may be proved under Insolvency, § 40.
42. Power to Court to order Dividends to be declared, giving Notice of the same, § 41.
43. As to Payment of Dividends out of separate Estates to joint Creditors, and out of joint Estates to separate Creditors, § 42.
44. Unless the Court is satisfied that all the Estate of the Insolvent is within the Limits of the Charter, and all Debtors and Creditors reside therein, Assignee to reserve One Third Part undivided until after Twelve Months Notice, to be published in the *London Gazette*. At Expiration of Twelve Months One Third to be divided, § 43.
45. If Creditors do not appear to claim Dividend, Court may order Payment, or Deposit thereof, in such Way as it shall see fit, § 44.
46. Power of Court over Assignees neglecting to pay Dividends or committing Breach of Duty as such Assignees, § 45.
47. Court may award Wages, &c. to Servants or Clerks not exceeding Six Months, with Power to prove for any Sum beyond the same, § 46.
48. Court may, by Order of Discharge, protect Insolvent, or discharge from Custody, or dismiss, &c. Petition, or order to amend Schedule, or adjourn the Hearing, &c.; Court may remand Insolvent to Prison, &c., and order an Allowance for Maintenance, § 47.
49. Discharge to extend to any Sums payable by Insolvent by way of Annuity at any future Time, &c. Persons who would be Creditors if Monies were presently due, entitled to Benefit of Provisions of this Act. Discharge to extend to Costs incurred before Insolvency, § 48.
50. Suits against the Insolvent pending at the Time of Insolvency, and all Proceedings therein, may be stayed, so far as relate to Debts contained in Insolvent's Schedule. No Prisoner whose Estate is vested in Assignee to be discharged, as to certain Actions, &c., except under this Act, § 49.
51. Penalty on Insolvent fraudulently concealing his Effects, or destroying or falsifying Books, or giving undue Preference, or contracting Debts by Breach of Trust, &c., § 50.
52. Insolvents fraudulently, vexatiously, frivolously, or maliciously contracting certain Debts not entitled to Discharge, § 51.
53. Where Insolvent is ordered to be discharged after Imprisonment, he may still be liable to be arrested and charged in Custody at the Suit of certain Creditors, § 52.
54. Where Insolvent liable to further Imprisonment at the Suit of Creditors, Court may order detaining Creditor to allow him a Sum for Maintenance, § 53.
55. Creditor opposing Discharge of Insolvent to have his Costs allowed him out of the Estate in certain Cases; if Opposition frivolous or vexatious, Court may award Costs against such Creditor, § 54.
56. Where Order has been issued for Discharge of Insolvent, the Court may also discharge him as to any Arrest or Detainers that may be lodged against him in respect of the same, § 55.
57. Such Order for Discharge, except in Cases of Appeals, shall be final and conclusive unless obtained fraudulently, § 56.
58. If Order issued erroneously, Court may revoke, annul, suspend, or amend the same, and re-commit the Prisoner, § 57.
59. On Request of Assignee, Insolvent may at any Time, although discharged, be further examined touching his Estate. Penalty on Insolvent refusing to appear, § 58.
60. Where Estate pays One Third of Insolvent's Debts, or where Creditors to that Amount consent, Court may grant an Order Nisi for final Discharge of Insolvent, appoint Time for Hearing, and direct Notices to be given, § 59.
61. Court may, upon Application of insolvent Trader, provided he has filed his Schedule, make an Order Nisi for his Discharge, appoint a Time for Hearing, and direct Notices to be given, § 60.
62. If Insolvent, discharged by such Order, be again sued in respect of former Debts, Court may, on his Application, order Proceedings to be stayed, and award Costs, § 61.
63. Nothing in this Act to affect Debts, Penalties, &c. due to the Crown, § 62.
64. Special Provisions for insolvent married Women, § 63.
65. And for insolvent Lunatics, § 64.
66. Warrants of Attorney and Cognovits to be void unless filed in Six Weeks after Execution, § 65.
67. Prothonotary, &c. to keep Books for Registry of Warrants of Attorney and Cognovits, pursuant to 3 *G.* 4. *c.* 39., —§ 66.
68. Court may order Memorandum of Satisfaction to be endorsed, § 67.
69. Affidavits and Affirmations may be sworn, &c. before Courts, &c. appointed for that Purpose, § 68.
70. Penalty for Perjury, or for forging or counterfeiting the Seal of any Court, § 69.
71. Penalty for Embezzlement or Concealment of Effects, Books, Papers, &c., § 70.
72. Application of Fines imposed for the foregoing Offences, § 71.
73. Any Person interested in Proceedings before the Court may, on making a Deposit, require the Evidence, &c. to be taken down by a sworn Officer of the Court, § 72.
74. Power of Appeal to the Supreme Court of the Presidency, § 73.
75. Officers of Courts to produce Proceedings and give Copies thereof, § 74.
76. Conveyances, &c. under this Act not liable to Stamp Duties, nor Sales directed by the Court to Auction Duty, § 75.

77. Supreme

77. Supreme Courts may make Rules and Regulations, and may alter and amend the same, subject to Her Majesty's Approval, § 76.
78. Filing of Petition by Insolvent, and Adjudication of an Act of Insolvency, conclusive Evidence of an Act of Bankruptcy committed by Insolvent, § 77.
79. Creditor may issue Fiat in Bankruptcy thereupon, § 78.
80. But such Fiat not to invalidate or make void any Proceedings had by Insolvent Debtors Court before the issuing of such Fiat, § 79.
81. Creditors having proved under Insolvency to be admitted as Creditors without further Proof under the Bankruptcy, and Creditors under Bankruptcy to receive Dividends on Debts under Insolvency, § 80.
82. Insolvent made bankrupt not liable to Penalty for not surrendering until Forty-two Days after Arrival, § 81.
83. Notices of Insolvency, &c. to be inserted in the Gazettes of the Presidencies and the *London Gazette*, § 82.
84. Order for Discharge of Insolvent Debtor not to operate as a Discharge to the Debts, &c. of any Creditor not resident within the Limits of the Charter. Proviso as to joint Creditors, § 83.
85. Power of Court of Bankruptcy in certain Cases to grant Certificates to Insolvents, § 84.
86. Creditors residing out of the Limits may inspect Proceedings transmitted from *India* to the Court of Directors, § 85.
87. Courts may order Judgment to be entered up for the Amount of the Debts stated in Insolvent's Schedule. Execution on the same may be issued against future Assets of Insolvent, § 86.
88. And when the said Judgment is discharged and satisfied, Court may order Satisfaction to be entered up on such Judgment, § 87.
89. After the 31st *October* 1848 this Act extended to the Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca*, § 88.
90. A Court to be established in such Settlement, and held Four Times a Year by the Recorder, § 89.
91. The several Powers of this Act extended, with certain Exceptions, to the Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca*, § 90.
92. Rules, &c. directed to be transmitted for Her Majesty's Approbation shall be in force till the Return of the same, § 91.
93. Interpretation of Act, § 92.
94. Commencement of Act, § 93.
95. This Act not to affect a certain Act of the Governor General in Council of 1841, § 94.

96. For punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service, 12 & 13 *Vict. c.* 43.
97. The Queen may make Articles of War, of which all Courts shall take judicial Notice, and Copies to be transmitted to Judges and Governors. Trial of Native Officer or Soldier, § 1.
98. Persons subject to this Act, § 2.
99. For the Purposes of this Act, the Presidency of *Fort William* to comprise that of *Agra*, § 3.
100. Officers, &c. raised or serving in Places occupied by Persons subject to the Government of the Company liable to the same Law as Company's other Forces, § 4.
101. After Embarkation all Officers and Soldiers subject to Provisions of this Act. Offences committed during Passage cognizable after Arrival, § 5.
102. Commanders in Chief at the several Presidencies empowered to convene Courts-martial. The Queen may grant Commissions of Warrants for convening of Courts-martial for trying Offences against Articles of War, § 6.
103. Composition and Constitution of General Courts-martial, § 7.
104. Composition and Powers of District or Garrison Courts-martial, § 8.
105. Regimental and Detachment Courts-martial, § 9.
106. Courts-martial on Line of March or in Troop Ships, § 10.
107. Officers in command of Troops in Foreign Countries not in allianee with the *East India* Company may assemble Courts-martial, § 11.
108. Proceedings on Mixed Courts-martial how to be regulated. Courts-martial in some Cases may be wholly composed of Queen's Officers, § 12.
109. President of Court-martial, § 13.
110. Proceedings at Trial, § 14.
111. Swearing and summoning Witnesses, § 15.
112. Previous Convictions to be put in Evidence, § 16.
113. Report of Proceedings of General and District Courts-martial, § 17.
114. No Second Trial to be had for the same Offence, and no Revision more than once, § 18.
115. Crimes punishable with Death, § 19.
116. Judgment of Death, § 20.
117. Commutation of Death for Transportation, § 21.
118. Embezzlement punished by Transportation, § 22.
119. Execution of Sentences of Transportation, § 23.
120. Transports to be subject to the Convict Laws of the Place of Transportation, § 24.
121. Power to inflict Corporal Punishment, § 25.
122. Power to inflict Corporal Punishment and Imprisonment, § 26.
123. Power to commute Corporal Punishment, § 27.
124. Forfeiture of Pay and Pension by Sentence of Court-martial, § 28.
125. Forfeiture of Pay on Conviction of Desertion or Felony, § 29.
126. Forfeiture of Pay when in Confinement under Sentence, or during Absence or Commitment under a Charge; or in Arrest for Debt; or when Prisoner of War; or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days, § 30.
127. Forfeiture of Pay for Drunkenness on Duty, § 31.
128. Forfeiture of Pay and Liquor for habitual Drunkenness, § 32.
129. Stoppages, § 33.
130. Discharge with Ignominy, § 34.
131. Marking Deserters, § 35.
132. Power of Imprisonment by different Kinds of Courts-martial, § 36.
133. Imprisonment of Offenders already under Sentence for previous Offence, § 37.
134. Term of Imprisonment, § 38.
135. Place of Imprisonment, § 39.
136. Keepers of Prisons to receive Military Offenders, § 40.
137. Orders as to Removal of Prisoners to be obeyed, § 41.
138. Diet of Prisoners, § 42.
139. Notice to be given of the Expiration of Imprisonment, § 43.
140. Musters and Punishment for false Musters, § 44.
141. Trials for Desertion after subsequent Enlistment, § 45.

142. Appre-

142. Apprehension of Deserters, § 46.
143. Punishment for inducing or assisting in Desertion, § 47.
144. Enlisting and attesting Recruits, § 48.
145. Recruits concealing Infirmities punishable, § 49.
146. No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay. Punishment for so doing, § 50.
147. Penalty for procuring false Musters, § 51.
148. Penalty on purchasing Soldiers Necessaries, Stores, &c., § 52.
149. Soldiers entitled to Discharge may claim to be sent Home free of Expense. Punishment of Offences on the Voyage, § 53.
150. *Indian* Government may suspend Proceedings, § 54.
151. Power to appoint General Courts-martial anywhere beyond 120 Miles from the Presidencies (except *Prince of Wales Island, Singapore,* and *Malacca,*) for the Trial of Capital and other Offenders, § 55.
152. Proviso for Confirmation by the Governor in Council in certain Cases, § 56.
153. Such Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial, § 57.
154. The ordinary Course of Law not to be interfered with, § 58.
155. Soldiers not to be arrested for Debt unless amounting to 300 Company's Rupees, § 59.
156. Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration, § 60.
157. What Debts to be deemed Regimental Debts, and to have Priority accordingly, § 61.
158. Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered. Military Secretary to administer such Surplus, when not exceeding 1,000 Company's Rupees, without Probate or Administration, and Duty-free, § 62.
159. Effects remitted not to be deemed Assets in the Place to which remitted, so as to render Administration necessary. Military Secretary authorized to order Remittance of Effects to any other Place in *India*, § 63.
160. Mode of administering Surplus prescribed. Registrar of Supreme Courts to take out Administration to Surplus, § 64.
161. The Queen may make Provision for the Collection and Administration of the Effects of Deserters, § 65.
162. Where Troops are serving beyond the Jurisdiction of the Court of Requests, Actions of Debt not exceeding 400 Company's Rupees to be cognizable by a Military Court. Composition and Constitution of the Court prescribed; and its Powers defined, § 66.
163. Term and Limitation of Actions, Modes of Procedure, § 67.
164. Mode of recovering Penalties, § 68.
165. One Moiety to Informer; Remainder to Military Secretary of the Presidency, § 69.
166. Punishment for giving false Testimony, § 70.
167. Offences against former Mutiny Acts and Articles of War, and all existing Proceedings, continued, § 71.
168. Act not to affect Queen's Prerogative, § 72.
169. Not to affect Provisions of 7 & 8 *Vict. c.* 18.,—§ 73.
170. Commencement of this Act, and Repeal of former Act, § 74.

Ecclesiastical Districts.

1. To amend the Law relative to the Assignment of Ecclesiastical Districts, 11 & 12 *Vict. c.* 37.
2. A District formed under the 1 & 2 *W.* 4. *c.* 38. shall be considered to be an original Parish for the Purposes of further Ecclesiastical Divisions, § 1.
3. Boundaries of a District formed under the 1 & 2 *W.* 4. *c.* 38. may be altered, subject to certain Notices to Patron and Incumbent, § 2.
4. Church Building Commissioners may, with certain Consents, annex a Portion of an adjacent Parish to a District Chapelry already formed, § 3.
5. Removal of Doubts as to Extent and Meaning of 8 & 9 *Vict. c.* 76. *s.* 23.,—§ 4.
6. To what Places this Act shall extend, § 5.

Ecclesiastical Jurisdiction.

1. For further continuing until the First Day of *August* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England,* 11 & 12 *Vict. c.* 67.

2. For further continuing, until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England,* 12 & 13 *Vict. c.* 39.
3. 10 & 11 *Vict. c.* 98., and 11 & 12 *Vict. c.* 67. recited. Certain Provisions of first-recited Act further continued, § 1.

Election Petitions.

1. To amend the Law for the Trial of Election Petitions, 11 & 12 *Vict. c.* 98.
2. 7 & 8 *Vict. c.* 103. repealed, except as to Acts done, &c. Repeal of 7 & 8 *Vict. c.* 103. not to revive 9 *G.* 4. *c.* 22., and certain Parts of 42 *G.* 3. *c.* 106. and 47 *G.* 3. *c.* 14.,—§ 1.
3. What shall be deemed Election Petitions, § 2.
4. Before Petition presented Recognizances to be entered into, § 3.
5. Persons entering into Recognizances to make Affidavits of Sufficiency, § 4.
6. Form of Recognizance, as set forth in Schedule, § 5.
7. Persons signing Election Petition may pay Money into the Bank, instead of finding Security, § 6.
8. No Petition to be received unless endorsed by the Examiner of Recognizances, § 7.
9. How Petitions may be withdrawn, § 8.
10. Speaker to appoint Examiner of Recognizances, § 9.
11. In case of Illness, &c. of Examiner of Recognizances, Speaker to appoint a fit Person to perform the Duties, § 10.
12. How Recognizances are to be entered into, § 11.
13. Names of Sureties, &c. to be kept in Office of Examiner of Recognizances, and to be open to Inspection, § 12.
14. Recognizance may be objected to for Invalidity, or for Insufficiency of Sureties, § 13.
15. Notice of Objections to be published in the Office of the Examiner, and Copies may be taken, § 14.
16. Examiner of Recognizances to decide on the Objections, § 15.
17. In case of Death of a Surety, the Petitioner may pay the Money into the Bank, § 16.
18. Examiner of Recognizances to report whether or not Recognizances are objectionable, § 17.
19. Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return, § 18.
20. Voters

20. Voters may become a Party to oppose the Petition, § 19.
21. Members having given Notice of their Intention not to defend, not to appear as Parties, § 20.
22. Provision for Cases of double Return where the Member complained of declines to defend his Return, § 21.
23. At the Beginning of every Session the Speaker to appoint a General Committee, § 22.
24. If the House disapprove of the first Appointment, a new Appointment to be made, § 23.
25. Disapproval may be general or special, § 24.
26. Members not disapproved by the House may be again named in the Warrant, § 25.
27. For what Time the Appointment shall be, § 26.
28. Vacancies in General Committee to be made known to the House, and Proceedings suspended, § 27.
29. General Committee may be dissolved in certain Cases, § 28.
30. How Vacancies shall be supplied, and Re-appointments made, § 29.
31. Speaker to fix the Time and Place of First Meeting of Committee. General Committee to be sworn, § 30.
32. Members necessary to enable the Committee to act, § 31.
33. Committee to regulate their own Proceedings, § 32.
34. Clerk to keep Minutes of Proceedings, to be laid before the House, § 33.
35. During Suspension of Proceedings the Speaker may adjourn any Business before the General Committee, § 34.
36. Members wholly excused from serving, § 35.
37. Names of Members claiming to be excused to be called over, § 36.
38. Members temporarily excused from serving, § 37.
39. Members temporarily disqualified from serving, § 38.
40. A corrected List, distinguishing the excused or disqualified Members, to be printed, and distributed with the Votes, § 39.
41. List may be further corrected during Three Days, § 40.
42. Selection of Members to serve as Chairmen of Election Committees, § 41.
43. List to be divided into Five Panels, § 42.
44. General Committee to correct the Panels from Time to Time, § 43.
45. Power to transfer to another Panel the Names of Members obtaining Leave of Absence, § 44.
46. For supplying Vacancies, and increasing the Chairmen's Panel, § 45.
47. Election Petitions to be referred to the General Committee, who shall make out a List of the same, § 46.
48. Where Notice of Vacancy, or that the sitting Member declines to defend his Return, is received by the General Committee, Proceedings to be suspended, § 47.
49. Provision for Cases where more than One Petition, § 48.
50. Committees to be chosen for Petitions according to their Order in the List, § 49.
51. Committees to be appointed for Petitions standing over on a Prorogation of Parliament, § 50.
52. Notice of Time, &c. when any Committee will be chosen shall be published with the Votes. Notice of Suspension of Proceedings to be published, and sent to Returning Officer by Post, § 51.
53. Provision for Cases where the sitting Member does not defend, and Party has been admitted to defend, § 52.
54. General Committee empowered to change the Day for choosing Election Committee, § 53.
55. Notice of Petitions and Panels, § 54.
56. Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee, § 55.
57. Committee for trying Petitions to be chosen, § 56.
58. In case General Committee do not agree in choosing a Committee to try the Petition, they shall adjourn, § 57.
59. Chairman to be chosen by the Members on the Chairmen's Panel, and his Name communicated to the General Committee, § 58.
60. Members upon Chairmen's Panel to make Regulations, § 59.
61. When Committee chosen, the Parties to be called in to hear the Names read over, § 60.
62. General Committee to proceed in order with the Petitions appointed for that Day, § 61.
63. Within a certain Time Parties may object to Members on account of Disqualification, § 62.
64. If General Committee allow the Disqualification, a new Committee to be chosen, § 63.
65. In the new Committee, Members not before objected to may be included, § 64.
66. When Committee chosen, Notice to be sent to every Member thereof, § 65.
67. If any Member chosen proves a Disqualification, another Committee to be chosen, § 66.
68. Select Committee to be reported to the House, § 67.
69. Members of Select Committee to be sworn, § 68.
70. Members of Committee not present within One Hour after Four o'Clock to be taken into Custody by the Serjeant at Arms, § 69.
71. If any such Member is not present within Three Hours after Four o'Clock the Proceedings to be adjourned, § 70.
72. If all the Members do not attend after Adjournment, the Committee to be discharged, § 71.
73. Petitions and Lists to be referred to the Election Committee, and Time and Place of Meeting appointed by the House, § 72.
74. Committee not to adjourn for more than Twenty-four Hours without Leave of the House, § 73.
75. Evidence to be confined to Objections specified in the Lists, § 74.
76. No Member of Committee to absent himself. Committee not to sit until all be met. On Failure of all meeting within One Hour, to adjourn, § 75.
77. Absentees to be directed to attend the House, § 76.
78. Committee not to be dissolved by the Death or Absence of not more than Two Members, § 77.
79. Committee reduced to less than Three by the Non-attendance of its Members to be dissolved, unless by Consent, § 78.
80. When Committee is deliberating the Room to be cleared, § 79.
81. Questions to be decided by a Majority, § 80.
82. Names of Members voting for or against any Resolution to be reported to the House, § 81.
83. Committees to be attended by a Short-hand Writer, § 82.
84. Committee empowered to send for and examine Persons, Papers, and Records. Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms, § 83.
85. How Oaths to be administered, § 84.
86. Giving false Evidence to be Perjury, § 85.
87. Committee to decide and to report their Decision to the House, § 86.
88. Committees may report their Determination on other Matters to the House, § 87.
89. Committees not dissolved by the Prorogation of Parliament, § 88.
90. Costs where Petition reported frivolous or vexatious, § 89.

91. Costs where Opposition reported frivolous or vexatious, § 90.
92. Costs where no Party appears to oppose a Petition, § 91.
93. Costs upon frivolous Objections to Voters, § 92.
94. Costs upon unfounded Allegations, § 93.
95. Costs, how to be ascertained, § 94.
96. Persons appointed to tax Costs empowered to examine on Oath, § 95.
97. Recovery of Costs when taxed, § 96.
98. Persons paying Costs may recover a Proportion from other Persons liable thereto, § 97.
99. Recognizances, when to be estreated, &c., § 98.
100. Transmission of Recognizances of Parties in *Ireland* or *Scotland* through the Post, § 99.
101. Monies received under Recognizances to be paid into the Bank, and applied in Payment of Costs, § 100.
102. Surety may pay Money into the Bank in discharge of his Recognizance, § 101.
103. Where Money has been paid into the Bank, the Examiner of Recognizances to order Payment of Expenses, and transfer the Residue to the Account of the Party, § 102.
104. Returning Officer may be sued for neglecting to return any Person duly elected, § 103.
105. Commencement of Act, § 104.
106. Provision for Election Petitions remaining at the Close of the present Session, § 105.
107. No Stamps on Recognizances or Affidavits, § 106.
108. Short Title, § 107.
109. Interpretation of Act, § 108.

See *Controverted Elections.*

Enrolment Office, See Chancery Offices.

Exchange between Her Majesty and Lord Leicester.

1. To effect an Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of *Leicester*, and for the Severance and Consolidation of certain Benefices in the Diocese of *Norwich*, and for other Ecclesiastical Purposes, 11 & 12 *Vict.* c. 61.
2. Rectories of *Warham All Saints* and *Warham Saint Mary's* consolidated, § 1.
3. Advowson of said consolidated Rectories vested in the Earl of *Leicester*, § 2.
4. Advowsons of Vicarage of *Dunton* and Curacies of *Longham* and *Wendling* vested in Her Majesty, § 3.
5. Glebe and Site for Vicarage House annexed to Vicarage of *Dunton*, § 4.
6. Application of the Money to be paid to the Governors of Queen *Anne*'s Bounty, § 5.
7. Rectory of *Waterden* severed from Rectory of *Warham Saint Mary's*, and united with Rectory of *Egmere* severed from Vicarage of *Holkham*, § 6.
8. Act inoperative if Payment to the Governors of Queen *Anne*'s Bounty be not made within Three Months, § 7.
9. General Saving, § 8.

Excise, See Inland Revenue. Spirits.

Excise Benevolent Fund Society.

1. To extend to the Officers of Inland Revenue the Privilege of becoming Members of the Excise Benevolent Fund Society, 12 & 13 *Vict.* c. 58.
2. The Excise Benevolent Fund Society to be called "The Inland Revenue Life Assurance and Benevolent Fund Society," and all Officers of Inland Revenue entitled to become Members thereof, § 1.
3. Persons effecting Insurances, as Members of the Society, to be bound by the Deed of Settlement, although not executed by them, § 2.
4. Public Act, § 3.

F.

Fines.

1. For dispensing with the Evidence of the Proclamations on Fines levied in the Court of Common Pleas at *Westminster*, 11 & 12 *Vict.* c. 70.
2. Fines levied in the Court of Common Pleas to be deemed Fines with Proclamations, § 1.
3. Pending Proceedings not to be affected, § 2.
4. Not to extend to Fines concerning Lands, &c. possessed under adverse Titles, &c., § 3.

G.

Game, See Hares.

General and Quarter Sessions.

1. To amend the Procedure in Courts of General and Quarter Sessions of the Peace in *England* and *Wales*, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts, 12 & 13 *Vict.* c. 45.
2. Uniformity of Time for Notice of Appeal. Notice of Appeal to be in Writing, and signed. Grounds of Appeal to be stated, § 1.
3. Act not to affect Notices of Appeal against Orders of Removal, Orders of Bastardy, &c., § 2.
4. Defects in Statement of Grounds of Appeal. Amendment of Grounds of Appeal, § 3.
5. Frivolous Grounds of Appeal, § 4.
6. Sessions to have a general Power to give Costs in all Cases of Appeal, § 5.
7. Frivolous Appeals, § 6.
8. Amendment of Orders or Judgments of Justices on Appeal or Return to Certiorari. Rule for Certiorari to state Objections, § 7.
9. Amendment of Recognizances, § 8.
10. Decisions of Sessions, when final, § 9.
11. Amendment of Indictment, § 10.
12. Power to state a Special Case without going to the Sessions previously, § 11.
13. References to Arbitration, § 12.
14. References by Order of Court of Sessions, § 13.
15. Where Reference abortive Queen's Bench may order Sessions to hear the Appeal, § 14.
16. 3 & 4 *W.* 4. *c.* 42. to be applicable to References under this Act. Arbitrators to have Power of Amendment, § 15.
17. Recognizances for Prosecution and Trial of Appeal, § 16.
18. Levying and Recovery of Fines, Issues, and Amerciaments, § 17.
19. Enforcing Orders of Sessions, § 18.
20. Not to extend to *Scotland* or *Ireland*, § 19.
21. Commencement of Act, § 20.

Greenwich Markets.

1. To enable the Commissioners of *Greenwich* Hospital to regulate and manage the Markets held at *Greenwich* in the County of *Kent*, 12 & 13 *Vict. c.* 28.
2. 10 & 11 *Vict. c.* 14. incorporated with this Act, § 1.
3. Short Title of Act, § 2.
4. Commissioners of *Greenwich* Hospital to be Undertakers for regulating the Market, § 3.
5. Limits of Act, § 4.
6. Tolls to be taken, § 5.
7. Tolls for weighing or measuring, § 6.
8. Bye Laws to be in Writing, and signed by Two of the Commissioners, § 7.
9. Saving the Rights of the City of *London*, § 8.
10. Saving the Rights of the Churchwardens, Overseers, and Parishioners, and the Churchwardens, Overseers, and Governors and Directors of the Parish of *Greenwich*, § 9.
11. Public Act, § 10.

Greenwich Out-Pensioners, See Chelsea and Greenwich Out-Pensioners.

Guiana, See Tobago.

H.

Hares.

1. To enable Persons having a Right to kill Hares in *England* and *Wales* to do so, by themselves or Persons authorized by them, without being required to take out a Game Certificate, 11 & 12 *Vict. c.* 29.
2. Persons in the Occupation of inclosed Ground, and in certain Cases Owners, may kill Hares without a Game Certificate, § 1.
3. Authority to kill Hares to be limited to One Person at the same Time in any One Parish; which Authority shall be sent to the Clerk of the Petty Sessions, who shall register the same. If Authority revoked Notice to be given of the same, § 2.
4. Persons not to be liable to Tax on Gamekeepers, § 3.
5. To extend to coursing or hunting, § 4.
6. Not to authorize the laying of Poison, § 5.
7. Agreements reserving Game to be still in force, § 6.
8. Interpretation of Act, § 7.
9. Act to extend to *England* and *Wales* only, § 8.

Highways.

1. For requiring annual Returns of the Expenditure on Highways in *England* and *Wales* to be transmitted to the Secretary of State, and afterwards laid before Parliament, 12 & 13 *Vict. c.* 35.
2. Clerks to Justices at Special Sessions to prepare Statements from Accounts of Surveyors of Highways, and transmit them to Secretary of State. Penalty on Neglect, § 1.
3. Town Clerks of Cities and Boroughs, and Clerks to Trustees and Commissioners, to prepare Statements of Accounts respecting Highways, and transmit them to Secretary of State. Penalty on Neglect, § 2.
4. Abstracts of Statements to be laid before Parliament, § 3.
5. 5 & 6 *Vict. c.* 50. and this Act to be construed as One, § 4.

Highway Rates.

1. To continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads, 11 & 12 *Vict. c.* 66.
2. To continue until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads, 12 & 13 *Vict. c.* 54.

See *Poor and Highway Rates.*

House of Commons Offices.

1. Further to amend the Acts relating to the Offices of the House of Commons, 12 & 13 *Vict. c.* 72.
2. Monies arising from Fees of the House of Commons to be carried to the Consolidated Fund, § 1.
3. Salaries of the present Clerk, Clerks Assistant, &c. to be paid out of the Consolidated Fund, § 2.
4. Provisions of Acts as to the Salaries to cease after Determination of existing Interests, § 3.
5. Salaries, &c. to be paid out of Monies to be provided by Parliament, § 4.
6. Salaries, &c. to be paid by Paymaster General, § 5.
7. Audit by the Speaker to be deemed sufficient, § 6.
8. Provision of 9 & 10 *Vict. c.* 77. as to Estimate of Balance in Hand of Commissioners repealed, § 7.

I.

Importation, See Sheep, &c.

Inclosure.

1. To authorize the Inclosure of certain Lands, in pursuance of the Third and also of a Special Report of the Inclosure Commissioners for *England* and *Wales*, 11 & 12 *Vict. c.* 27.
2. Inclosures mentioned in Schedules may be proceeded with, § 1.
3. Short Title, § 2.
4. To further extend the Provisions of the Act for the Inclosure and Improvement of Commons, 11 & 12 *Vict. c.* 99.
5. 8 & 9 *Vict. c.* 118., 9 & 10 *Vict. c.* 70., and 10 & 11 *Vict. c.* 111. recited. Persons not interested in Lands to be inclosed may apply to submit Land to Operation of Inclosure, § 1.
6. Maps of old inclosed Lands may be dispensed with, § 2.
7. Allotments of less than Five Pounds Value may be compensated in Money, § 3.
8. Valuer may set out private and Occupation Roads in certain Cases for Use of Lands other than Lands to be inclosed, § 4.
9. Expenses of maintaining private Roads, &c. may be raised by a Rate on Owners, § 5.

10. Rating Officer may be appointed for repairing private and common Ponds, Ditches, &c., § 6.
11. How Rates to be raised, § 7.
12. Money raised for Expenses to be paid to Commissioners, § 8.
13. How Claims may be made, § 9.
14. How Persons trespassing where Rights suspended or extinguished, or Allotments entered upon, may be proceeded against, § 10.
15. Person having taken possession of Allotment may maintain Action for Damage, § 11.
16. On Neglect of Owner of an Allotment to fence, Owner of any other Allotment prejudiced by his Neglect may obtain Possession and do the necessary Work, § 12.
17. Provisions of Inclosure Acts concerning Exchanges of Land not subject to be inclosed, &c. extended to Partition, § 13.
18. Provisions of Inclosure Acts applicable to such Exchange to apply to Partition under this Act, § 14.
19. In Common Wood Inclosure Power to pay Value of Allotments to Crown in Money, § 15.
20. Recited Acts deemed Part of this Act, § 16.

21. To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*, 11 & 12 *Vict. c.* 109.
22. Inclosures mentioned in Schedule may be proceeded with, § 1.
23. Short Title, § 2.
24. Commissioners may, if they think fit, order the *Warley* Inclosure to be proceeded with, as if it had been mentioned in Schedule, § 3.

25. To authorize the Inclosure of certain Lands, in pursuance of the Fourth Annual General Report of the Inclosure Commissioners for *England* and *Wales*, 12 & 13 *Vict. c.* 7.
26. Inclosures mentioned in Schedule may be proceeded with, § 1.
27. Short Title, § 2.

28. To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*, 12 & 13 *Vict. c.* 57.
29. Inclosures mentioned in Schedule may be proceeded with, § 1.

30. Further to facilitate the Inclosure of Commons, and the Improvement of Commons and other Lands, 12 & 13 *Vict. c.* 83.
31. 8 & 9 *Vict. c.* 118., 9 & 10 *Vict. c.* 70., 10 & 11 *Vict. c.* 111., and 11 & 12 *Vict. c.* 99. recited. New Boundaries of Parishes may be set out, § 1.
32. Persons having Rights of Common may be dealt with as a Class. Class, § 2.
33. Meetings for Instructions, § 3.
34. Commissioners may complete Proceedings under 6 & 7 *W.* 4. *c.* 115.,—§ 4.
35. Quit Rents, Chief Rents, and Heriots, § 5.
36. Balance of Money raised by Sale of Land, § 6.
37. Exchange and Partition of Rights, &c., § 7.
38. Separate Tracts, § 8.
39. Extending Provisions of recited Acts to the fixing Boundaries under this Act, § 9.
40. How Persons exercising Acts of Ownership where Rights suspended or extinguished, or Allotments directed to be entered upon, may be proceeded against. Remedies independent of this Provision to be unprejudiced, § 10.
41. Lands held under separate Titles by the same Person may be exchanged, § 11.
42. Recited Acts deemed Part of this Act, § 12.

Incorporation of certain Boroughs.

1. To confirm the Incorporation of certain Boroughs, 11 & 12 *Vict. c.* 93.
2. Certain Proceedings in incorporated Boroughs before passing of this Act declared good and valid, § 1.
3. Districts named in Charters deemed Extent of Municipal Boroughs, § 2.

Indemnity, See Offices and Employments.

Indictable Offences, See Administration of Criminal Justice; Criminal Law; Justices of Peace.

Inland Revenue.

1. To consolidate the Boards of Excise and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision for the Collection of such Revenue, 12 & 13 *Vict. c.* 1.
2. The Boards of Commissioners of Excise and Commissioners of Stamps and Taxes to be One Consolidated Board of Commissioners of Inland Revenue, § 1.
3. Her Majesty to appoint Commissioners of Inland Revenue, who are to hold their Offices during Her Majesty's Pleasure, § 2.
4. Powers and Authorities vested in the Commissioners of Excise and Commissioners of Stamps and Taxes respectively to be exercised by the Commissioners of Inland Revenue, § 3.
5. Powers given by this Act may be exercised by any Three or other prescribed Number of the Commissioners of Inland Revenue, § 4.
6. Chief Office of Inland Revenue, where to be held, § 5.
7. Offices of Receiver General of Excise and Receiver General of Stamps and Taxes consolidated into One Office of Receiver General of Inland Revenue, § 6.
8. Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes consolidated into One Office, § 7.
9. Powers and Authorities to be exercised by the Receiver General and Accountant and Comptroller General of Inland Revenue respectively, § 8.
10. Office of Comptroller and Auditor of Excise may be abolished, and the Accounts of the Excise Revenue be passed before the Commissioners for Auditing the Public Accounts, § 9.
11. All Commissions and Appointments of Officers under the Commissioners of Excise and the Commissioners of Stamps and Taxes to remain in force, and the Persons holding the same to be Officers of Inland Revenue, § 10.
12. Bonds and Securities to remain in force, and to extend to the Duties under the Care of the Commissioners of Inland Revenue, § 11.
13. Provisions of 6 & 7 *W.* 4. *c.* 28. and 1 & 2 *Vict. c.* 61. to extend to Revenues, &c. placed under Management of Commissioners of Inland Revenue. Deposits of Stock, &c. as Securities in lieu of Bonds to be made in the Name of the Chairman of Inland Revenue, § 12.

14. Chairman

14. Chairman of Inland Revenue empowered to transfer Stock deposited in the Name of the Chairman of Excise and of Stamps and Taxes respectively, § 13.
15. Lands and Buildings now vested in the Secretary of Excise in trust for the Public Service to be vested in the Secretary of Inland Revenue upon the like Trusts, § 14.
16. Commissioners of Inland Revenue may appoint Officers to be Collectors and Receivers of several Branches of Inland Revenue, § 15.
17. Licences how to be granted and signed, § 16.
18. Terms used in former Acts, and in written Documents, relating to the Revenues of Excise or Stamps and Taxes, how to be construed after the passing of this Act, § 17.

See *Excise Benevolent Fund Society.*

Insolvent Debtors Court.

1. To authorize the Application of Part of the unclaimed Money in the Court for the Relief of Insolvent Debtors in enlarging the Court House of the said Court, 11 & 12 *Vict.* *c.* 77.
2. Power to Insolvent Debtors Court, out of Investments of unclaimed Money, to pay to Credit of Commissioners of Woods, &c. such Sums as Treasury may direct, not exceeding 21,300*l.*, § 1.
3. Money paid by Insolvent Court to Credit of Commissioners of Woods, &c. to be applied in paying Expenses of enlarging and fitting Court House, § 2.
4. Receipt of Cashier of the Bank to be a Discharge to Insolvent Debtors Court, § 3.
5. In case Money remaining in Insolvent Debtors Court be insufficient to meet Claims, Deficiency to be made good out of Consolidated Fund, § 4.

IRELAND.

Advowsons, See Archbishops and Bishops.

Archbishops and Bishops.

1. To enable Archbishops and Bishops and other Persons in *Ireland* to compromise Suits touching their Rights of Patronage as to Ecclesiastical Benefices, in certain Cases, 11 & 12 *Vict.* *c.* 76.
2. Power to Archbishops and Bishops in *Ireland* to compromise conflicting Claims to Patronage of Advowsons, § 1.
3. Parties to provide by the Terms of such Compromise the Rights to certain Patronage, § 2.
4. Where Compromise carried into effect, an Instrument in Writing containing Terms of the same shall be lodged in the Council Office of *Dublin* Castle. If Lord Lieutenant, &c. approve of Compromise, Parties may obtain an Order from Common Pleas to carry the same into effect, § 3.
5. Incumbents to retain Possession notwithstanding Compromise, § 4.
6. As to Payment of Expenses of Compromise, § 5.

Assaults.

1. To continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*, 12 & 13 *Vict.* *c.* 38.

Attornies and Solicitors.

1. For consolidating and amending several of the Laws relating to Attornies and Solicitors in *Ireland*, 12 & 13 *Vict.* *c.* 53.
2. So much of 7 *G.* 2. (*I.*) as relates to better regulating Payment of Fees repealed, also 1 & 2 *G.* 4. *c.* 17.,—§ 1.
3. Attornies and Solicitors not to commence an Action for Fees until One Month after Delivery of their Bill. On Application within One Month, Bills, whether relating to Business transacted in any particular Court or not, may be referred to the proper Officer for Taxation. As to Taxation if Application not made till after One Month. No Taxation after Twelve Months, except under special Circumstances. Payment of Costs of Taxation. Payment of Sum found due. Courts may order Attorney or Solicitor to deliver his Bill, and deliver up Deeds, &c. Evidence of Delivery of Bill. Power to Judge to authorize Action before Expiration of One Month, § 2.
4. Bills may be taxed upon Application of Third Parties, § 3.
5. Lord Chancellor may direct Taxation of Bills chargeable on Executors, § 4.
6. Copy of Bill to be delivered to Person making Application for Reference for Taxation. No Re-taxation, except under special Circumstances, § 5.
7. Payment of Bill not to preclude Taxation, § 6.
8. Power for Taxing Officer to request Officers of other Courts to tax Portions of the Bill, § 7.
9. Application for taxing Bills of Costs, how to be made. Certificate of the Officer. Judgment may be entered, § 8.
10. Construction of Terms, § 9.

Bankrupts.

1. For the Amendment of the Law of Bankruptcy in *Ireland*, 12 & 13 *Vict.* *c.* 107.
2. 6 & 7 *W.* 4. *c.* 14. recited. Commencement of this Act, § 1.
3. Laws at variance with this Act repealed, § 2.
4. Petitioning Creditor's Bond may be dispensed with, § 3.
5. Person against whom a Commission has issued, on Proof of probable Cause for believing that he is about to quit *Ireland*, or to remove or conceal his Goods, with Intent to defraud Creditors, may be arrested, § 4.
6. Penalty on Gaoler suffering Bankrupt, &c. to escape, § 5.
7. Any Person so arrested may apply for his Discharge forthwith. Commissioner may discharge the Person or not. Order of Commissioner may be appealed from, § 6.
8. No Person liable upon an Act committed more than Twelve Months, § 7.
9. Act of Bankruptcy committed within a Year sufficient to support Adjudication, § 8.
10. Requisite Amount of Petitioning Creditor's Debt, § 9.
11. Persons specially named liable to become Bankrupts, § 10.
12. Power to Commissioner to summon Trader, if Creditor make Affidavit of his Debt, and of his having required Payment, § 11.
13. Manner of proceeding on Summons of Trader by a Creditor, § 12.
14. Trader not attending Summons, or refusing to admit the Demand, and not making Deposition of Belief of a good Defence thereto, and not paying or compounding within a certain Time, or giving Bond for Payment, to be deemed to have committed an Act of Bankruptcy, § 13.
15. Trader signing an Admission of Demand in Form prescribed, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy, § 14.

16. Trader admitting Part only of a Demand, and not making Deposition of a good Defence to the Residue, and not paying, securing, or compounding for Sum admitted, and as to Residue not paying or compounding or entering into Bond to pay any Sum recovered, with Costs, an Act of Bankruptcy, § 15.
17. What shall be deemed a Refusal of Admission of Debt. Commissioners may enlarge the Time for Admission of Demand, § 16.
18. Admission of Debt signed elsewhere than in Court, if attested by Attorney of Trader, may be filed, and have the same Force as an Admission signed by a Trader on his Appearance before Commissioners under the Summons, § 17.
19. Trader summoned on Affidavit of Debt to have such Costs as the Commissioners shall think fit; or Commissioner may direct the Costs to abide the Event of any Action for the Debt, § 18.
20. Wherever a Creditor Plaintiff shall not recover the Amount sworn to in his Affidavit of Debt filed against a Trader, if such Affidavit be made for such Amount without probable Cause, the Trader Defendant shall be entitled to Costs, § 19.
21. Trader not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy, § 20.
22. Trader disobeying Order of any Court of Law or Equity, or Order in Bankruptcy or Lunacy, for Payment of Money, after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy, § 21.
23. Trader filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts an Act of Bankruptcy, § 22.
24. Filing Petition for Arrangement between a Trader Debtor and his Creditors with the Concurrence of a certain Number thereof, to be an Act of Bankruptcy, if Petition dismissed, § 23.
25. Manner of making a Debtor a Bankrupt by Affidavit of Debt and Notice to pay. Creditor to file an Affidavit of Debt, and serve Notice requiring Payment within Twenty-one Days, § 24.
26. If Commission not proceeded on by Petitioning Creditor within Three Days, any other Creditor may proceed on it, § 25.
27. If Bankrupt shall not proceed to dispute the Commission, and prosecute with Effect, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt; saving present Rights for which any Proceedings are pending, § 26.
28. Provision for Debtor to the Bankrupt's Estate paying the Debt into Court when sued by the Assignees within the Time for Bankrupt to dispute, § 27.
29. Appointment of Official Assignees. Their Duty, § 28.
30. Commissioners may take Security by Recognizance or of Guarantee Society, § 29.
31. Official Assignees to receive Bankrupts Estates and Effects. How to apply same, § 30.
32. Proviso restricting the Authority of the Official Assignee, § 31.
33. Lord Chancellor may remove Official Assignees, and may fill up Vacancy in their Number, § 32.
34. Power to appoint Official Assignee to act with the existing Assignees under Commissions now pending, and to whom the latter shall deliver over Effects, § 33.
35. Official Assignee may act until Creditors Assignee appointed. May sell the Property, if Commissioner so order, and make Allowance to Bankrupt for his Support. Property vested in Official Assignee to go to his Successor, § 34.
36. To exempt Official Assignee from personal Responsibility, § 35.
37. Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee before Dividend, § 36.
38. Remuneration to Official Assignee, § 37.
39. Pay, Half Pay, and Pensions of Bankrupts to be applicable for the Benefit of Creditors, § 38.
40. Audits and Dividends to be had and made whenever the Commissioner thinks fit after the Time appointed for the Bankrupt's last Examination, § 39.
41. Commissioner may order Three Months Wages or Salary to Clerks or Servants, § 40.
42. Commissioner may order Wages not exceeding 40*s.* to Labourer or Workman, § 41.
43. Search Warrants may be granted, § 42.
44. In Bankruptcy of Member of a Firm Actions may be authorized in Name of Bankrupt's Assignee and remaining Partner. Partner to have Notice of such Application, and may show Cause against it. Commissioner may direct Partner to have Part of Proceeds, § 43.
45. Bankrupt not surrendering and submitting to be examined, or making Discovery of his Estate and Effects, or not delivering up his Estate, Books, &c., or concealing, &c., to the Value of Ten Pounds, guilty of Felony, and liable to Transportation or Imprisonment, with or without hard Labour, § 44.
46. Commissioner may enlarge the Time for the Bankrupt surrendering himself. Commissioner may order that Bankrupt shall be free from Arrest for Three Months after final Examination, § 45.
47. Bankrupt destroying or falsifying any of his Books, &c., or making false Entries, guilty of a Misdemeanor, and liable to Imprisonment, with or without hard Labour, § 46.
48. Bankrupt within Three Months of his Bankruptcy having obtained Goods on Credit under false Pretence, or removing, concealing, &c. Goods so obtained, guilty of a Misdemeanor, § 47.
49. Bankrupt arrested under Warrant from Commissioner may be committed, § 48.
50. Warrant of Committal for unsatisfactory answering or refusing to answer need not specify Questions. Copy of the Examination to be furnished to the Person committed, § 49.
51. Obstructing the Messenger, &c. a Misdemeanor, § 50.
52. Commissioner may order Release of Bankrupt who may be in Prison at Time of obtaining Protection, § 51.
53. Commissioner may order Release of Bankrupt in execution under a Ca. Sa., after a certain Term of Imprisonment, § 52.
54. Prosecution against Bankrupt for any Offence under this Act may be ordered by the Commissioner acting in the Prosecution of the Commissioner, § 53.
55. Bankrupt may be discharged by Certificate of Conformity in manner hereafter prescribed. Discharge of Bankrupt not to release or discharge a Partner or Person jointly bound, § 54.
56. Bankrupt not entitled to Certificate if he has lost by gaming 20*l.* in One Day, or 200*l.* within One Year, or 200*l.* by Stock Jobbing, or concealed or destroyed Books, &c., or made fraudulent Entries, or concealed any Property, or permitted fictitious Debts to be proved, § 55.
57. Mode of obtaining Certificate of Conformity. Certificate not to be a Discharge unless the Commissioner certify a full Conformity, § 56.

58. Contracts or Securities to induce Creditors to forbear Opposition to be void, § 57.
59. Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition or consenting to Allowance or Confirmation of Certificate, § 58.
60. Bankrupt having obtained his Certificate free from Arrest. Certificate to be Evidence of the Bankruptcy and Proceedings. Bankrupts in Execution may be ordered to be discharged, § 59.
61. Bankrupt not to be liable upon any Promise to pay Debt discharged by Certificate unless such Promise be in Writing, § 60.
62. Allowance to Bankrupts. Allowance not payable till Twelve Months after Date of Commission, and not to be payable to any Bankrupt who has not been a Trader for Twelve Months. Allowance, if at Expiration of Twelve Months Dividend paid be under *10s.*, &c., § 61.
63. One Partner may receive Allowance, though others not entitled, § 62.
64. Interest upon Debts when provable, though not reserved or agreed for, § 63.
65. Duplicate Copy of Schedule deposited with the Registrars by Bankrupt before final Examination, and open to Inspection, § 64.
66. When Proceedings cease, File to be deposited with the Registrars, § 65.
67. Registrars of Court of Bankruptcy to hold Office during good Behaviour, § 66.
68. Commissioners may permit Mortgagees to bid at Sale, § 67.
69. Goods seized under Attachments shall be delivered up, § 68.
70. Before whom Affidavits are to be sworn, § 69.
71. Rules to be made for regulating the Forms of Proceedings and Practice to be observed in prosecuting Commissions, § 70.
72. Warrants to be under Hand and Seal; and every Summons to be in Writing under the Hand of a Commissioner, § 71.
73. How Summons may be served where the Party is keeping out of the Way, § 72.
74. Punishment of Persons giving false Evidence, or swearing or affirming anything which shall be false, § 73.
75. Application of Forfeitures, § 74.
76. All Bills of Solicitors and Attornies to be taxed by One of the Registrars of the Court of Bankruptcy, subject to Review, § 75.
77. Bills of Auctioneers, Appraisers, Valuers, and Accountants to be settled in the same Manner, § 76.
78. Power to Commissioner, with Consent of Creditors, to remove Creditors Assignee, and appoint another in his Stead, § 77.
79. Personal and Real Estate of Bankrupt to vest in the new Assignee by virtue of Appointment. The removed Assignee shall fully account, § 78.
80. Actions or Suits not to be abated by Removal of Assignees, § 79.
81. Costs may be awarded by Commissioner of Bankrupt. Persons brought up by Warrant may be ordered to pay the Costs of bringing them up, § 80.
82. Orders of Commissioners of Bankrupt for Payment of Money or Costs to be enforced by Writs out of Chancery, § 81.
83. Persons capable of giving Evidence respecting Trading or Act of Bankruptcy, or suspected of having Bankrupt's Property, and being in Prison, may be brought for Examination under Warrant from Commissioners of Bankrupt, § 82.
84. Bankrupts in Custody in *England* or *Scotland* or *Ireland* to be brought before the Commissioners, § 83.
85. Depositions, &c. under Commissions may be entered of Record, without Order of Lord Chancellor being necessary. Certificate of Entry endorsed to be Evidence of the Entry. Fee of *1s.* payable on Search for any such Record, § 84.
86. Where Second or other Commission is issued against One or more Partners, Proceedings under Second Commission shall be stayed, and form Part of First Commission, if Chancellor so order, § 85.
87. Three Fifths in Number and Value of Creditors of Bankrupt may accept a Composition, § 86.
88. Mode of voting in deciding upon such Composition, § 87.
89. How Notice shall be given to the Creditors, § 88.
90. Creditors who have received Notice bound to accept the Composition agreed to, § 89.
91. Any Debtor unable to meet his Engagements with his Creditors, and unable to obtain their Consent to a Deed of Composition, may, with the Concurrence of Two Thirds in Number and Value, petition the Commissioners, § 90.
92. Petition to be in Form in Schedule (I.), and supported by Affidavit, § 91.
93. Commissioners privately to examine into Matter of Petition, and if satisfied may allow the same *de bene esse*, and appoint Meeting of Creditors, and may grant Protection during Examination, and after Allowance *de bene esse* of Petition, § 92.
94. How Notice shall be given to the Creditors, § 93.
95. Commissioner to examine into Matter of Petition. If Resolution of Creditors not confirmed, Petition shall be dismissed, and Protection cease, § 94.
96. Commissioners may renew Protection, and if Petitioning Debtor be in Custody may order Release, &c., § 95.
97. Commissioners to appoint a President, § 96.
98. If at First Meeting major Part in Number and Value, or Nine Tenths in Number, whose Debts exceed *20l.*, assent, another Meeting to be called, § 97.
99. If at Second Meeting Three Fifths in Number and Value of all the Creditors present agree to accept, &c., Resolution to be binding on all, provided One full Third in Number and Value be present, § 98.
100. Creditors to vote according to Balance due to them on Account fairly stated, § 99.
101. Resolution to be submitted to the Commissioners, and the Commissioners, if they think it reasonable, after hearing Creditors for and against, to approve and confirm the same, and to cause to be filed, and to grant Certificate of Protection, § 100.
102. Estate to vest in Trustee, if any be appointed, § 101.
103. Resolution to be enrolled, and Copy of it to be Evidence, § 102.
104. Trustee to file Account every Six Months, or oftener, if required, § 103.
105. If Petitioning Debtor has not made a true Discovery, &c., he may be summoned and examined, § 104.
106. If any Difficulty arise as to Execution of Resolution, &c. a special Meeting may be called, § 105.
107. When Resolution or Agreement has been carried into effect, Commissioner to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity, § 106.
108. Commissioners, on being satisfied that Trustee has fully performed his Trust, to give him a Certificate, which shall be a full Release and Acquittance, § 107.

109. Nothing

109. Nothing contained in 3 & 4 *Vict. c.* 105. shall entitled Judgment Creditor to any Preference over other Creditors, § 108.
110. Saving such Judgments as have been the Subject of some legal Decision before the passing of this Act, § 109.
111. Judgments shall before 1st Day of *November* 1849 be entered on all Warrants of Attorney executed on or before 1st *November* 1840, if not already entered. Otherwise such Warrants of Attorney shall in certain Cases be deemed fraudulent and void, § 110.
112. Pleas of Confession and Consents for Judgment to be filed within Twenty-one Days. In what case Pleas of Confession, &c. deemed fraudulent and void, § 111.
113. Fee of only One Shilling to be paid on searching, § 112.
114. All other Judgments shall be registered, § 113.
115. Petitions of Appeal to be filed within Twenty-one Days. Evidence on Hearing, § 114.
116. Affidavits, &c. not liable to Stamp Duty, § 115.
117. Lord Chancellor to settle Fees, &c., § 116.
118. Secretary of Bankrupts, Registrars, and other Officers to be deemed Officers of the Court of Chancery, § 117.
119. Construction of Act, § 118.

Bishops, See Archbishops and Bishops.

Chapels of Ease.

1. To encourage Endowment of Chapels of Ease, and facilitate Assignment of Pastoral Districts thereto; and to amend an Act of the Eighth Year of Her present Majesty for Marriages in *Ireland*, and for registering such Marriages, 12 & 13 *Vict. c.* 99.
2. Power to Persons to endow Churches, &c. with Consent of Bishops and Incumbents of Parishes. No Deed valid unless enrolled in Chancery within Six Months, § 1.
3. Endowed Church or Chapel to be subject to Provisions of 6 & 7 *W.* 4. *c.* 31., § 2.
4. Incumbent exempted from Charge in respect of endowed Church or Chapel, § 3.
5. District formed by adjacent Parishes may be assigned by Bishop, § 4.
6. Portion of Glebe Lands, with the Assent of Bishop of the Diocese and of the Archbishop of the Province, may be granted as a Site for such Church or Chapel, § 5.
7. Appointment of Chapelwardens, § 6.
8. Consent of the Crown as Patron may be given by the Lord Lieutenant in certain Cases, § 7.

Civil Bills, See Decrees on Civil Bills.

Constabulary.

1. To amend the Acts relating to the Constabulary Force in *Ireland*, and to amend the Provisions for the Payment of Special Constables, 11 & 12 *Vict. c.* 72.
2. Power to Lord Lieutenant, &c. to fix Salaries of Constables, § 1.
3. Salary of a limited Number of Constables under 2 & 3 *Vict. c.* 75. continued, § 2.
4. Number of Constabulary chargeable on Consolidated Fund to be fixed by Lord Lieutenant, &c., § 3.
5. Rate of Charge on Counties and Boroughs for Constabulary Force appointed on Application of Town Council of a Borough, § 4.
6. Proportion of Sub-Inspectors and Head Constables to additional Force appointed on Certificate of Magistrates, or Application from Town Council of a Borough, § 5.
7. If Constabulary shall be ordered under the Authority of 6 & 7 *W.* 4. *c.* 13. to repair to any other Place, &c., and Absence exceeds Five Days, the Expense to be charged thereto, and paid by Presentment, § 6.
8. Where Constabulary shall be required, under 8 & 9 *Vict. c.* 46., to keep the Peace near the Railway Works, Company, &c. requiring the same to pay the Expenses, § 7.
9. Form of Certificate to be laid before Grand Juries, § 8.
10. Constabulary to act in adjacent Counties, § 9.
11. Assistant Inspector General, or a County Inspector or Sub-Inspector appointed President by the Inspector General or Deputy, may inquire and examine on Oath into the Truth, &c. of Charges against Constabulary, § 10.
12. Oath on Appointment may be taken before One Magistrate only, § 11.
13. Receiver, with Consent of Treasury, may appoint a Person to act for him, and draw on the Bank of *Ireland*, in case of his Illness or Absence, § 12.
14. Orders drawn by Justices for Payment of Special Constables under Provisions of 2 & 3 *W.* 4. *c.* 108. valid, § 13.
15. 6 & 7 *W.* 4. *c.* 13., &c., and this Act, construed as One, § 14.

Corn Trade.

1. To repeal so much of an Act of the Parliament of *Ireland* of the Twenty-third and Twenty-fourth Years of King *George* the Third, "for the more effectually punishing "such Persons as shall by Violence obstruct the Freedom "of Corn Markets and the Corn Trade, and who shall be "guilty of other Offences therein mentioned, and for "making Satisfaction to the Parties injured," as relates to the making of Satisfaction to the Parties injured; and to substitute other Provisions in lieu thereof; and to repeal the Provisions of the Acts which give Remedies against any Hundreds or Baronies in *Ireland* in respect of Robbery, 11 & 12 *Vict. c.* 69.
2. 23 & 24 *G.* 3. (*I.*) recited. So much of recited Act as relates to Proceedings in Actions and Recovery of Damages repealed, § 1.
3. Damages sustained by means of Offences against recited Act to be recovered by like Proceedings as Damages are recovered under 6 & 7 *W.* 4. *c.* 116. and 7 & 8 *Vict. c.* 106. Compensation for Offences committed in the City of *Dublin* may be recovered under 4 & 5 *Vict. c.* 10.,—§ 2.
4. Actions commenced before passing of this Act for Recovery of Damages under first-recited Act may be discontinued, and such Damages may be recovered by Presentment of Grand Jury, § 3.
5. So much of Acts 13 *Edw.* 1., 28 *Edw.* 3., and 10 & 11 *Car.* 1. as relates to Remedies against Hundreds or Baronies in *Ireland* repealed. Persons having sustained Damage, and for which they might have a Remedy under recited Acts, may, having commenced an Action, proceed to recover Damages and Costs under this Act. Damages to be levied off the Barony, &c. where Robbery committed, § 4.
6. This Act to extend only to *Ireland*, § 5.

County Cess.

1. To facilitate the Collection of County Cess in *Ireland*, 11 & 12 *Vict. c.* 32.
2. In case Collector cannot be procured for an entire Barony, Grand Jury at Summer Assizes of this Year, or Magistrates at Special Sessions after them, may appoint Collectors for Districts, § 1.
3. When Grand Jury at Assizes shall not have appointed Collectors of Cess, Quarter Sessions or Special Sessions may

may appoint before the Spring Assizes. Persons appointed to give Security, § 2.
4. Collector shall pay his Collection monthly to the County Bank, or as soon as he has received 100*l.*, § 3.
5. To make Provision, during the present Year, and to the End of the Year One thousand eight hundred and fifty-one, relating to the Collection of County Cess in *Ireland*, and to the Remuneration of the Collectors thereof, 12 & 13 *Vict. c.* 36.
6. Power to Lord Lieutenant, by Order to be published in *Dublin Gazette*, to continue Security given by Collectors of Grand Jury Cess for the then current Year, § 1.
7. A Special Sessions to be held to examine Collector's Accounts and to certify the Amount he might without Neglect or wilful Default have received. Certificate and Lists to be laid before Grand Jury, and if approved and Money paid over, Collector to be entitled to Poundage, § 2.
8. Provision for appointing a Collector in any County or Barony specified in the Order before the Summer Assizes of this Year, § 3.
9. Collector shall pay his Collection monthly to the County Bank, or as soon as he has received 100*l.*, § 4.
10. Powers of this Act may be exercised to the End of the Year 1851, § 5.
11. Interpretation of Terms, § 6.

Courts of Chancery and Common Law.

1. For the Appointment of additional Taxing Masters for the High Court of Chancery in *Ireland*, and to regulate the Appointment of the Principal Assistants to the Masters in the Superior Courts of Law in *Ireland*, 11 & 12 *Vict. c.* 132.
2. Taxation of Costs in Court of Chancery, *Ireland*, to be conducted by Taxing Masters, who shall discharge the Duties in Person, § 1.
3. In addition to the present Taxing Master, Two new ones to be appointed, § 2.
4. Salaries of additional Taxing Masters. Power to appoint additional Clerks in Taxing Masters Office, § 3.
5. Salaries, &c. to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund. Expenses, &c. of Offices to be paid out of Consolidated Fund, § 4.
6. Power to Treasury to order retiring Allowances to be paid to Taxing Masters, under Provisions of 4 & 5 *W.* 4. *c.* 24.,—§ 5.
7. Powers and Provisions of 8 & 9 *Vict. c.* 115. to apply to Taxing Masters and Clerks appointed under this Act, § 6.
8. Taxing Masters to present to Lord Chancellor annually a Return of Bills taxed, and of untaxed Bills lodged with them for Taxation, &c., § 7.
9. On Vacancy of Office of Principal Assistant, Taxing Masters to select Clerk from their Office to fill up the Vacancy, who, when approved by the Treasury, shall perform the Duties as prescribed by 7 & 8 *Vict. c.* 107., —§ 8.

Decrees on Civil Bills.

1. To amend certain Acts in force in *Ireland* in relation to Appeals from Decrees and Dismisses on Civil Bills in the County of *Dublin* and County of the City of *Dublin*, 11 & 12 *Vict. c.* 34.
2. Appeals from Civil Bill Decrees and Dismisses in the County and City of *Dublin* to be heard in the Vacation after every Term, with Power of Adjournment for special Reasons. Notice of Appeal, § 1.
3. Computation of Time, § 2.
4. Interpretation of Terms, § 3.

Drainage.

1. To provide additional Funds for Loans for Drainage and other Works of public Utility in *Ireland*, 11 & 12 *Vict. c.* 51.
2. Treasury may cause to be issued a further Sum not exceeding 945,000*l.* to the Commissioners of Public Works in *Ireland*. Sums issued not to exceed the Sum actually paid into the Exchequer under Provisions of 9 & 10 *Vict. cc.* 1. 107. and 10 & 11 *Vict. c.* 87.,—§ 1.
3. Sums issued to be applied for Loans for Completion of Public Works commenced under 9 & 10 *Vict. cc.* 1. 107., and for Promotion of Drainage and other Works of public Utility, § 2.
4. Powers, &c. of 10 & 11 *Vict. c.* 106. to extend to this Act, § 3.
5. Power to Treasury to postpone Commencement of Payment of Annuities under 10 & 11 *Vict. c.* 87.,—§ 4.
6. Power to Treasury to convert Annuities into others of longer or shorter Duration of equal Value, § 5.
7. If Grand Jury shall not make Application at Summer Assizes for Conversion of Annuities, Clerk of the Peace may call Special Sessions, at which Justices may make Application, § 6.

Dublin.

1. To amend an Act for the Regulation of Municipal Corporations in *Ireland*, so far as relates to the Borough of *Dublin*, 12 & 13 *Vict. c.* 85.
2. 3 & 4 *Vict. c.* 108. and 6 & 7 *Vict. c.* 93. recited. After present Year Provisions of first-recited Act as to Qualification of Burgesses in Borough of *Dublin* repealed, § 1.
3. After the present Year no Burgesses to be enrolled for the Borough of *Dublin* who are not qualified under this Act, § 2.
4. Qualification of Burgesses. Aliens and Persons who have received Poor Law Relief not to be enrolled, § 3.
5. Medical Assistance or Instruction in endowed Schools not to be a Cause of Disqualification, § 4.
6. Occupiers may claim to be rated, § 5.
7. Misnomers, &c. in Rate Book not to invalidate Right to be enrolled, § 6.
8. In case of Title by Descent, &c. how Occupation is to be reckoned, § 7.
9. From 1st *January* 1850 present Division of *Dublin* into Wards to cease, § 8.
10. *Dublin* to be to re-divided into Wards, § 9.
11. Town Clerk to prepare a Book containing the Names of Persons entitled to be Burgesses in the said Borough, § 10.
12. Town Clerks to make out Lists in every Year of Persons qualified as Burgesses in the said Borough, § 11.
13. Provisions of recited Acts to apply to the Formation of the Burgess Roll; also Provisions of first-recited Act for defraying Expenses of this Act, § 12.
14. Court for first Revision of Lists, § 13.
15. All the Aldermen and Councillors of the Borough of *Dublin* to go out of Office in *November* 1850, § 14.
16. Election of Aldermen and Councillors of *Dublin* in this Year, § 15.
17. One Third Part of the Councillors in *Dublin* to go out of Office annually, § 16.

18. Aldermen

18. Aldermen of *Dublin*, how to go out of Office every Third Year, § 17.
19. The Lord Mayor in Office in *November* 1850 to remain in Office until 1st *January* 1851, § 18.
20. Present Officers to continue under new Council as if re-appointed by them, § 19.
21. Recited Acts and this Act shall be construed together, § 20.
22. Liability to Borough Rate not to be a Ground of Objection to any Juror, Grand Juror, or Sheriff, or Justice acting as herein, § 21.
23. Places within the Boundaries of Borough of *Dublin* to be Part of the County of the City; but Parliamentary Boundaries not to be affected, § 22.

24. To provide for the Collection of Rates in the City of *Dublin*, 12 & 13 *Vict. c.* 91.
25. Powers of applotting and collecting Rates in Schedule (A.) to be vested in Collector General of Rates under this Act, § 1.
26. Appointment of Collector General. Collector General shall applot and collect Rates, § 2.
27. Upon the Death or Removal of the Collector General, the Balance of Cash at the Bank to be transmitted to his Successor, § 3.
28. Upon the Removal of the Collector General his Successor may sue for any Balance remaining in his Hands, § 4.
29. Mode of proceeding against the Representatives of a deceased Collector General, § 5.
30. Collector General to be indemnified for Acts done in the Execution of his Office, § 6.
31. Lord Lieutenant in Council to make Rules and Regulations for the Collector General's Office, § 7.
32. Salary of Collector General, § 8.
33. Collector General to open an Account in the Bank of *Ireland*, § 9.
34. Bank of *Ireland* to keep a separate Account for each Tax, &c., § 10.
35. Drafts on Bank of *Ireland* by the Boards, &c. for whom Money collected shall be paid by Bank, § 11.
36. Power to Lord Lieutenant to appoint Officers and Collectors, and remove them, from Time to Time, § 12.
37. Security to be taken from Officers intrusted with Money, § 13.
38. Collectors to pay over Money into the Bank of *Ireland*, § 14.
39. Collector General to audit Books of Collectors once a Week or oftener, § 15.
40. Books of Collector General to be open to Inspection of Boards, &c., § 16.
41. Collector General or Officers taking Fees other than those allowed, to lose his or their Office or Offices, and forfeit 100*l.*, § 17.
42. No Person in Collector General's private Service to be employed herein, § 18.
43. Summary Remedy against Officers failing to account, § 19.
44. Officers refusing to make out Account, and deliver up Documents, &c., may be committed to Prison, § 20.
45. Where Officer about to abscond, a Warrant may be issued in the first instance, § 21.
46. Proceedings against Officers not to discharge Sureties, § 22.
47. What shall be Evidence of Appointment of Officers in any Suit or Action, § 23.
48. Collector General and other Officers prohibited from taking any Part at Elections, § 24.
49. Power to Collector General, with Consent of Lord Lieutenant, to rent an Office for Payment of Taxes, § 25.
50. Collector General to transmit an Account of Money collected weekly to the Boards, &c., § 26.
51. Expenses of Management not to exceed Two and a Half *per Cent.* upon Amount collected, § 27.
52. Expenses of Management, how paid, § 28.
53. Limits of Act, § 29.
54. Justices of Peace, on or before the 10th Day of *December* 1850, and in every succeeding Year, to estimate Police Expenditure for a Year from the 1st of *January* following; not to exceed the Amount they are now empowered to levy, § 30.
55. Particulars of Police Rate Arrears are to be given to Collector General, who is to collect them. After 10th *December* 1850 old Collectors not to receive any more Rate, but liable for Default prior to 10th *December*, § 31.
56. Board of Guardians on or before the 10th *December* 1850, and in every succeeding Year, to estimate Expenditure for a Year from the 1st *January* following, 1 & 2 *Vict. c.* 56. To transmit same to Collector General, who is empowered to levy and collect same. Poor Rate made before this Act to be levied as heretofore, § 32.
57. On 10th *December* 1850 a List of Arrears to be sent to Collector General. Old Collectors not to receive any Rate after 10th *December*, but liable for Default prior to 10th *December*, § 33.
58. Not to interfere with Board of Guardians making supplemental Estimates of Rates, § 34.
59. A Rental or Schedule of Rents to be made out. Particulars, &c. To be verified by the Treasurer and Town Clerk of Corporation of *Dublin*, and given to Collector General for Collection. After 10th *December* 1850, Collectors not to receive any more Rate, but liable for Default prior to 10th *December*, § 35.
60. Pipe-water Rent to be collected as other Rates, § 36.
61. Borough Rate to be collected by Collector General, § 37.
62. Lord Mayor, &c. of *Dublin*, on or before 10th *February* 1851, and on the 10th *December* in that and in every succeeding Year, to estimate Amount of ensuing Year's Expenditure in respect to Improvement Rate, § 38.
63. Lord Mayor to send Particulars of Arrears to Collector General before the 10th of *February* 1851, who is to collect them, § 39.
64. District Sewer Rate to be collected, and Estimates to be sent on the 10th *December* in each Year, § 40.
65. Grand Jury Cess to be levied and collected by Collector General. Amount to be lodged in Bank of *Ireland*, § 41.
66. Arrears of Grand Jury Cess to be sent to Collector General, § 42.
67. After the 10th *February* 1851 old Collectors not to receive any more Rate, § 43.
68. Rates to be applotted according to Poor Law Valuation, except in certain Cases, § 44.
69. Supplemental Valuations, § 45.
70. Copies of Valuations, § 46.
71. Entry of Rate or certified Copy to be Evidence, § 47.
72. Collector General, upon receiving such yearly Estimates, to assess them according to the Valuation for Poor Rate, § 48.
73. All Assessments to be entered in a Book; and separate Accounts kept, § 49.
74. Assessment not to be deemed erroneous by reason of exceeding or falling short of Estimate by any fractional Sum in the Pound, § 50.

75. Rate

75. Rate payable by Instalments, if Collector General shall so determine, § 51.
76. Public Notice of the Rate to be given, § 52.
77. Demand of Rate to be made. Particulars of Notice, § 53.
78. Rates on public Buildings to be paid by principal Officer, § 54.
79. Collectors not to be discharged by a Return of Insolvent Arrear until after personal Inspection of the Premises by Collector General, § 55.
80. Collector General to make out half-yearly Accounts, § 56.
81. Officers to receive Compensation, and Mode of ascertaining the same, § 57.
82. If Compensation by way of Annuity, the same to be secured by Bond, § 58.
83. No Officer appointed by the Bodies, &c., after passing of Act to have Compensation, § 59.
84. Rate to be open to Inspection of Rate-payers, who may take Copies, &c., § 60.
85. Rates may be amended, § 61.
86. Unoccupied Premises to be included in the Rates; and if the Premises are afterwards occupied, a Portion of Rates to be paid, § 62.
87. Owners of Property not exceeding Eight Pounds *per Annum* net annual Value to pay Rates instead of Occupier, § 63.
88. Not necessary to name the Owner where unknown, § 64.
89. Tenants under existing Leases to repay the Owner, § 65.
90. Occupiers may be rated if they think fit, § 66.
91. Persons aggrieved may appeal to a Divisional Justice on the Ground of Incorrectness, &c. of Valuation, § 67.
92. On Appeal, the Quarter Sessions and Petty Sessions to have same Power of amending Rates, and of awarding Costs, as in Appeals against Poor Rates, § 68.
93. Order of Justices not to be removed by Certiorari, § 69.
94. Rates to be recovered by Distress, § 70.
95. Form of Warrant of Distress. Constables to assist in making Distress, § 71.
96. Rate Books to be Evidence, § 72.
97. Remedy against Persons quitting before Payment of Rates, § 73.
98. Rates to be apportioned on Holder quitting, § 74.
99. Rates due from Owner may be recovered from Occupier, § 75.
100. Occupier not to be required to pay more than the Amount of Rent owing by him, § 76.
101. Occupier refusing to give Name of Owner liable to pay the Rate, § 77.
102. Service of Notices upon Collector General, § 78.
103. Tender of Amends, § 79.
104. Distress not unlawful for Want of Form, § 80.
105. Penalty on Witnesses making default, § 81.
106. Parties allowed to appeal to Quarter Sessions, on giving Security, § 82.
107. Court to make such Order as they think reasonable, § 83.
108. Persons giving false Evidence liable to Penalties of Perjury, § 84.
109. Application of Penalties, § 85.
110. List of Rate-payers to be given to Council when required for Municipal Purposes, § 86.
111. Collector General to make out List of Persons liable to serve on Juries, with Residences, &c., § 87.
112. Expenses of Act, § 88.
113. Interpretation of Terms, § 89.
114. Commencement of Act, § 90.
115. For the Improvement of the City of *Dublin*, 12 & 13 *Vict. c.* 97.
116. 31 *G.* 2. (*I.*), 33 *G.* 2. (*I.*), 7 *G.* 3. (*I.*), 17 & 18 *G.* 3. (*I.*), 21 & 22 *G.* 3. (*I.*), 23 & 24 *G.* 3. (*I.*), 25 *G.* 3. (*I.*), 26 *G.* 3. (*I.*), 27 *G.* 3. (*I.*), 30 *G.* 3. (*I.*), 36 *G.* 3. (*I.*), 39 *G.* 3. (*I.*), 40 *G.* 3. (*I.*), 47 *G.* 3. *c.* 74., 47 *G.* 3. *c.* 109., 54 *G.* 3. *c.* 221., 57 *G.* 3. *c.* 39., 11 *G.* 4. & 1 *W.* 4. *c.* 118., 7 *W.* 4. & 1 *Vict. c.* 127., 4 & 5 *Vict. c.* 64., 9 & 10 *Vict. c.* 300. recited. On 1st *January* 1851 this Act to take effect, and recited Acts repealed, so far as they relate to paving, &c. the Streets of *Dublin*, § 1.
117. Rates and Monies due and Property under recited Acts vested in the Town Council of *Dublin*, § 2.
118. Contracts and Liabilities under the recited Acts, how to be discharged, § 3.
119. For paying off Wide Street Debts, § 4.
120. Old Books to be Evidence, § 5.
121. Actions not to abate, § 6.
122. Officers acting under recited Acts to continue until removed, § 7.
123. Short Title of the Act, § 8.
124. Limits of the Act, § 9.
125. Provisions of 3 & 4 *Vict. c.* 108., and any Act amending the same, extended to this Act, § 10.
126. Council of the Borough to execute the Act, § 11.
127. Council may appoint Committees, § 12.
128. Secretaries to be appointed to attend Committees, § 13.
129. Quorum of Committee, § 14.
130. Treasurer, &c. to hold the same Offices under this Act, § 15.
131. Certain Provisions of 8 & 9 *Vict. c.* 16. incorporated with this Act, § 16.
132. Accounts of Receipts and Disbursements to be kept, audited, and published, § 17.
133. Power to make Bye Laws, § 18.
134. Bye Laws not to be in force until confirmed by Lord Lieutenant, § 19.
135. Evidence of Bye Laws, § 20.
136. Bye Laws to be printed, affixed in Justice Rooms, and published, § 21.
137. Penalty on Town Clerk refusing to deliver Copies of Bye Laws, § 22.
138. Penalty on Persons refusing Inspection of Bye Laws affixed in Police Office, § 23.
139. Power for Council to borrow on Mortgage or Bond, § 24.
140. Council not to make any Rates except those authorized by 3 & 4 *Vict. c.* 108. and this Act, § 25.
141. Council not to apply Money to any Purpose other than that for which it was borrowed, § 26.
142. Power to Exchequer Bill Loan Commissioners to lend or advance Money on Mortgage, § 27.
143. Arrears of Principal and Interest may be enforced by Appointment of Receiver, § 28.
144. Form of Mortgage, § 29.
145. Mortgages to be without Preference, § 30.
146. Council may raise Money by Annuity, § 31.
147. Form of Grant of Annuity, § 32.
148. For preventing improvident Grants of Annuities, § 33.
149. Annuities to rank after Mortgages, § 34.
150. Expenses of Mortgages and Annuities, § 35.
151. Register of Mortgages and Annuities to be kept, and to be open to Inspection, § 36.
152. Transfer of Mortgages and Annuities, § 37.
153. A Register of Transfers to be kept, § 38.
154. Interest on Mortgages to be paid half-yearly, § 39.
155. Fiscal Powers of Grand Jury and Sessions Grand Jury in the Borough of *Dublin* to cease, § 40.

156. And to be transferred to Corporation, § 41.
157. Mode of Proceeding, § 42.
158. Schedule of Applications to be lodged with Clerk of Crown and Clerk of the Peace. Presentments made by Town Council may be traversed, § 43.
159. Rejected Application may be made before the Court or Recorder, and granted by them, § 44.
160. When fiated to be raised by a Rate, § 45.
161. Property of Grand Jury and Sessions Grand Jury to vest in Corporation, § 46.
162. Contracts made by or with the Grand Jury or Sessions Grand Jury to be good, § 47.
163. Treasurer of Borough to pay Expenses of Witnesses, &c., by Order of Judges of Commission, and Recorder, § 48.
164. Treasurer of Borough to stand on the same Relation to the Claims of Her Majesty's Exchequer as the Treasurer of Grand Juries formerly stood, § 49.
165. Penalty on Treasurer withholding Monies due to the Exchequer, § 50.
166. After Commencement of this Act Council to appoint a Board of Superintendence of Prisons, § 51.
167. Clerk of the Peace of the City of *Dublin* hereafter to be paid by Salary, § 52.
168. *R. Dickenson* Esq. to retain Fees until Salary is paid under this Act, § 53.
169. Salaries to be included in Schedule, and to be paid half-yearly, § 54.
170. Penalty on Clerk of the Peace accepting Money, &c. for the Appointment of Clerks, § 55.
171. Clerk of Peace to keep an Account of Fees received by him, and hand the same to Treasurer of Borough, § 56.
172. Council may contract for printing Lists of Voters, &c., and include Expense in Presentments, § 57.
173. Powers of 3 & 4 *Vict. c.* 58. relating to *Poddle* River to be transferred to Council, § 58.
174. Property to vest in Lord Mayor, Aldermen, and Burgesses, § 59.
175. Power to purchase Lands, § 60.
176. 8 & 9 *Vict. c.* 18. incorporated with this Act, § 61.
177. 10 & 11 *Vict. c.* 34. incorporated with this Act, § 62.
178. Power to Council to cause Streets, &c. to be paved, &c., § 63.
179. Owners possessing Freehold of Courts, &c. to pave the same, § 64.
180. Owner of Courts to flag them, and keep the Flagging in repair, § 65.
181. Power for Council to contract with any Company for restoring Pavements, § 66.
182. Certain Provisions of 10 & 11 *Vict. c.* 15. incorporated with this Act, § 67.
183. Power for Council to charge Places not within Sewerage District, but deriving Benefit from Works, with Part of the Expense of Construction, § 68.
184. Persons aggrieved by Orders of the Council may appeal, § 69.
185. Power to enter upon Lands for the Purposes of this Act, § 70.
186. Provisions of 10 & 11 *Vict. c.* 14. incorporated with this Act, § 71.
187. Lord Mayor to be sole Clerk of the Markets in *Dublin*, § 72.
188. Powers of Clerk of the Markets, § 73.
189. Lord Mayor may appoint and remove Assistants, § 74.
190. Act not to deprive Lord Mayor, &c. of Power of punishing Frauds, § 75.
191. Penalty for exposing for Sale unsound Meat or Provisions, § 76.
192. Power to search for and seize unwholesome Meat, § 77.
193. Council empowered to purchase existing Markets, § 78.
194. Land for new Markets may be provided, § 79.
195. Council empowered to provide Market Places, § 80.
196. *Smithfield* a free Market, § 81.
197. Office of Weigh-master, created by Act of 4 *Anne* (I.), abolished. Nothing to affect existing Rights, § 82.
198. For Settlement of Claims of Weigh-masters, § 83.
199. Council may appoint Weigh-masters, in *Smithfield*, § 84.
200. Weigh-masters and other Officers to be paid annual Salaries, § 85.
201. Power to provide Slaughter-houses, § 86.
202. Stallages or Rents to be taken for the Markets belonging to Corporation, § 87.
203. Power to demand Rents for the Use of Cattle Market, § 88.
204. Charges for Use of Slaughter-houses, § 89.
205. Fees for weighing and measuring, § 90.
206. Fees for weighing Carts, § 91.
207. Fees, &c. to form Part of the Improvement Fund, § 92.
208. Copies of Standard Weights and Measures purchased under Powers of 5 *G.* 4. *c.* 74. by Magistrates of *Dublin* to belong to the Corporation, § 93.
209. Lord Mayor, &c. empowered to examine Weights and Measures, § 94.
210. Penalty on Persons refusing to submit Weights, &c. to Examination, § 95.
211. Fees taken for regulating Weights and Measures to be same as authorized by Act of 5 & 6 *W.* 4. *c.* 63.,—§ 96.
212. Penalties on Hawkers of Coals not having Weighing Machines, or refusing to weigh, or selling under Weight, § 97.
213. Act not to affect Coal, Corn, or Butter Trades, § 98.
214. Public Conveniences to be erected, § 99.
215. Certain Waterclosets to be constructed in Factories, § 100.
216. Humane Apparatus and Assistants may be provided, § 101.
217. Power to erect public Clocks, and maintain and illuminate them, § 102.
218. From 1st *January* 1851 Dealers in Marine Stores to be licensed, § 103.
219. Names of Dealers in Marine Stores to be written in front of Houses where Business is carried on, § 104.
220. Persons applying for Licences to sign Requisition for the same, § 105.
221. Licences to be in force for One Year, § 106.
222. What shall be specified in the Licences, § 107.
223. Fee to be paid for Licence. Licences to be entered in a Book, § 108.
224. Licensed Persons to give Notice of Change of Abode and of Place of Business, § 109.
225. Penalty on Persons carrying on Business without Licence, or changing his Residence or Place of Business without giving Notice, § 110.
226. Licences may be suspended or revoked, § 111.
227. Act not to extend to Shipchandlers or Ropemakers, § 112.
228. District Sewers Rates, § 113.
229. Application of District Sewer Rate, § 114.
230. Improvement Rate, § 115.
231. Application of Improvement Rate or Improvement Fund, § 116.

232. Power to rate and assess public Buildings, and dead Walls and void Spaces of Ground, &c., § 117.
233. Nothing to extend to impose Rates, &c. on unprofitable Ground, &c., § 118.
234. Exemption from Rates, § 119.
Composition for Recovery of Rates upon Tenements under the annual Value of 8*l.*, &c., § 120.
236. Officers to receive Compensation, and Mode of ascertaining Compensation, § 121.
237. If Compensation by way of Annuity, the same to be secured by Bond, § 122.
238. Debts due on Turnpikes abolished by this Act to be paid by Council, § 123.
239. Costs of Proceedings for Recovery of Rates to be included in the Warrant of Distress, § 124.
240. Application of Monies arising from Sale of superfluous Lands, § 125.
241. Estimates of Sums required by the Council to be transmitted to the Collector General for Collection, § 126.
242. Repeal of "Wide Street Acts" not to invalidate Titles to Property acquired under them, § 127.
243. Acts relating to Squares not to be affected, § 128.
244. Saving Rights of Commissioners of *Rathmines*, § 129.
245. Saving Rights of Ballast Board, § 130.
246. Expenses of Act, § 131.
247. Providing for Payment of Costs of former Applications to Parliament, § 132.
248. Interpretation of Terms in this Act, § 133.
249. Public Act, § 134.

Dublin Gaols.

1. To abolish the Gaol of *Newgate* in the County of the City of *Dublin*, and provide Compensation for the Officers thereof, and to enable the Grand Jury of the County of the said City to increase the Salaries of the Chaplains of certain other Gaols thereof, and to re-assess on the County of the said City certain Arrears of Grand Jury Cess, 12 & 13 *Vict. c.* 55.
2. Lord Lieutenant and Privy Council may order all Prisoners (not under Sentence of Transportation) confined in the Gaol of *Newgate* in *Dublin* to be removed to other Prisons, and after their Removal *Newgate* to cease to be a Prison for the said City, § 1.
3. The Gaol of *Newgate*, when no longer required as a Depôt, to be sold by Trustees to be appointed by the Grand Jury, § 2.
4. Compensation for the Officers of *Newgate*, § 3.
5. Compensations to Persons superannuated or removed, § 4.
6. The Treasury may sanction an Increase in such Superannuation Allowances in consideration of a previous Service in the *Dublin* Police Force, § 5.
7. Provisions for Chaplains of Gaols, § 6.
8. Insolvent Arrears due by the several Parishes at the Presenting Term next after passing of this Act, to be assessed on the City at large, § 7.

Dublin Police.

1. For the further Amendment of the Acts relating to the *Dublin* Police, 11 & 12 *Vict. c.* 113.
2. Appointment of Clerks and Officers in *Dublin* Police Offices vested in the Chief or Under Secretary of Lord Lieutenant, § 1.
3. Immediate Lessor rated under 2 & 3 *Vict. c.* 78. may be described as the "Immediate Lessor" in certain Cases, § 2.
4. Power for the Recovery of Police Tax. Divisional Justices of Police District in *Dublin* to have same Powers within *Dublin* Metropolis as Justices have in any County in *Ireland*, § 3.
5. Power to Divisional Justices to reduce the Fines upon Licences in respect of Carriages under *Irish* Act 37 *G.* 3., and to increase the same again, § 4.
6. Power to Commissioners of Police to alter Hackney Coach Stands, § 5.
7. Power to Commissioners of Police to license any Stage Carriage or Omnibus to ply in *Dublin* or the District adjoining, § 6.
8. Power to Commissioners to grant Licences to Drivers of Hackney Carriages, &c. At the Time of granting Licence an Abstract of the Laws and a Ticket to be given to Driver, &c., § 7.
9. A Fee of 2*s.* 6*d.* to paid for Licences granted under this Act, and 1*s.* for every Renewal, § 8.
10. Penalty on Persons acting as Drivers, &c. without having Licence and Ticket, and on Proprietors suffering Persons to act as Drivers or Conductors not being licensed. Proviso, § 9.
11. Persons applying for Licences to sign a Requisition, accompanied with a Certificate, for the same. Penalty on Persons making false Representation, § 10.
12. When Drivers or Conductors change their Residence, they shall give Notice to Commissioners, § 11.
13. Particulars of Licences to be entered in a Book at the Office of Commissioners, which shall be Evidence, § 12.
14. Licensed Drivers, &c. to wear their Tickets conspicuously, § 13.
15. Upon Expiration of Licence it shall be delivered up to Commissioners. Penalty for Neglect, § 14.
16. When Tickets are defaced or lost, new Ones to be delivered, on Payment of 2*s.* for the same. If Ticket shall be found, to be delivered up to Commissioners. Penalty for Neglect, § 15.
17. Forgery of Licence or Ticket, or knowingly uttering a forged Licence or Ticket, deemed a Misdemeanor, § 16.
18. Proprietor to retain the Licence of Drivers or Conductors employed by him, and produce them in case of Complaint, § 17.
19. Magistrates to hear and determine Disputes, § 18.
20. Agreements between Drivers, &c. and Proprietors to be in Writing, § 19.
21. Proceedings with respect to Licences on quitting Service, § 20.
22. Licences may be revoked or suspended by Justices, § 21.
23. Penalty on Person acting as Driver, whether licensed or not, without Consent of Proprietor, § 22.
24. Punishment for furious Driving and wilful Misbehaviour, § 23.
25. Providing for Cases where there are more Proprietors than One, § 24.
26. Power to mitigate Penalties, § 25.

Excise, See Revenue.

Fisheries.

1. For the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of *Ireland*, 11 & 12 *Vict. c.* 92.
2. Commissioners of Public Works in *Ireland* to be Commissioners for the Purposes of this Act. Recited Acts and this Act construed as One Act, § 1.
3. Two existing Inspectors of Fisheries to be Inspecting Commissioners, § 2.

4. Commissioners for executing this Act to divide *Ireland* into Districts for the Purposes of this Act, § 3.
5. Conservators of Fisheries to be elected for each District, § 4.
6. Commissioners to prescribe Number of Conservators to be elected from each Electoral Division, § 5.
7. Owners of Several Fisheries of a certain Value to be Conservators in like manner as elected Conservators, § 6.
8. Elected Conservators to be chosen by the Persons paying Licence, § 7.
9. All Engines, Nets, &c. for Salmon and Trout Fishing, &c. to be licensed and pay an annual Duty, § 8.
10. Persons who have paid Licence Duty entitled to vote for Conservators. Votes to be cumulative, § 9.
11. Commissioners for Purposes of first Elections to fix and publish the Scale of Licence Duties and Rates for each District, § 10.
12. First Meetings of Persons paying Licence Duty for the Election of Conservators to be called by Commissioners, § 11.
13. Commissioners may attend and preside. Persons assembled at such first Meetings and at future annual Meetings to elect Conservators of Fisheries for the Year, § 12.
14. Power to Boards of Conservators, after the Year 1849, to alter and fix, subject to Approval of Commissioners, the Licence Duty and Rates, § 13.
15. Board of Conservators, when constituted, to fix Times and Places of Meetings, § 14.
16. In case of Failure of any Electoral Divisions to elect, the Conservators of other Divisions shall act for the District, § 15.
17. On Failure of Election of any Conservators, the former Board to act, § 16.
18. Quorum of Boards of Conservators. Chairman to have a casting Vote, § 17.
19. How Meetings of Board of Conservators are to be called, § 18.
20. Board of Conservators at the Annual Meetings to nominate Treasurer, Clerk, Inspectors, and Water Bailiffs, § 19.
21. Conservators may apply Funds of District towards providing Passes for Fish through natural and artificial Obstructions, § 20.
22. For Engines, Nets, &c. not enumerated in Schedule, Licences before the Formation of Boards to be fixed by Commissioners, afterwards by the Board of Conservators. Saving as to Rods not used for Salmon, § 21.
23. Penalty on using Engines, Nets, &c. without Licence. Forfeitures to be applied to the Funds of the District. Recovery of Forfeitures and Penalties, § 22.
24. All Several Fisheries to be subject to an annual Rate according to Valuation, § 23.
25. Last-mentioned Rate recoverable before Justices as Wages, or by Civil Bill, or by Action, § 24.
26. Valuation of such Fisheries, § 25.
27. Collection of such annual Rates, § 26.
28. All Monies received for Licences, Rates, Penalties, &c., in each District to be lodged in the Bank, and applied to defray the Expenses of such District under this Act, § 27.
29. Form of Licences, &c. Penalty for misusing or counterfeiting the same, § 28.
30. Penalty on Persons using or having Engines, Nets, &c. not producing Licence when required. Parties having them for Sale, &c. exempt from Penalty, § 29.
31. Licences how sold, § 30.
32. Licences to be sold to all Persons demanding to purchase, but such Licences not to confer Rights not otherwise possessed, but not to alter Rights of Parties, § 31.
33. Account of such Sale of Licences to be furnished, § 32.
34. Security to be given by the Clerk of the Conservators, and Duties to be performed by him and other Officers, § 33.
35. Powers of Inspectors and Water Bailiffs, § 34.
36. How Fines and Penalties under recited Acts and this Act to be recovered and applied, § 35.
37. Appointment of Officers not subject to Stamp Duty, § 36.
38. Nothing herein to abridge the Powers of the Commissioners and Officers under recited Acts, § 37.
38. Commissioners may attend and advise at Meetings of Conservators, § 38.
40. Defining Powers of Commissioners to alter Close Seasons. In case Commissioners alter close Seasons, Notice to be given of the same, § 39.
41. Alteration of Close Season in certain Rivers above Tideways, § 40.
42. Penalty for killing or taking Fish in or from several Fisheries, § 41.
43. Minimum of Penalties in certain Cases, § 42.

Grand Jury Cess.

1. To remove Difficulties in the Appointment of Collectors of Grand Jury Cess in *Ireland* in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of *Dublin* Metropolis relating to the Recovery of Poor Rates, and other Cases, 11 & 12 *Vict. c.* 26.
2. Whenever a Grand Jury at the Assizes shall not have appointed Collectors of Cess for each Barony, &c., or when the Persons appointed shall not have given Security at the Assizes, the Quarter Sessions may appoint Collectors, or take the Security, § 1.
3. Personal Representatives of deceased High Constable or Collector to deliver last Warrants to the Treasurer of the County, together with the Applotments made, § 2.
4. When Monies collected have been duly paid over by personal Representative, Grand Jury may allow them Poundage on the Amount, § 3.
5. Grand Jury may present increased Poundage where Difficulties occur in the Collection, § 4.
6. Bonds, &c. deemed good against Sureties as well as against High Constables or Collectors, § 5.
7. The Divisional Justices of *Dublin* to have like Jurisdiction relating to Recovery of Poor Rates as other Justices of the County. Such Justices to have Power to act at their respective Offices in all Cases as Justices at Petty Sessions, § 6.
8. Powers for the Recovery of Grand Jury Cess in *Dublin*, § 7.
9. Divisional Justices in *Dublin* to have same Powers to collect Grand Jury Cess as other Justices in *Ireland*, § 8.

10. To continue to the End of the Year One thousand eight dred and fifty-one certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland*, 12 & 13 *Vict. c.* 32.
11. Provision of 11 & 12 *Vict. c.* 26. *s.* 4., enabling Grand Juries to present increased Poundage where Difficulties occur in the Collection of public Monies, further continued, § 1.
12. Provisions of recited Act continued to the End of the Year 1851, § 2.

Habeas Corpus (suspending).

1. To empower the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend, and detain until the First Day of *March* One thousand eight hundred and forty-nine, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government, 11 & 12 *Vict. c.* 35.
2. Persons imprisoned in *Ireland* for High Treason, &c. may be detained till the 1st *March* 1849, and shall not be bailed or tried without an Order from the Privy Council, § 1.
3. Persons to whom Warrants of Commitments are directed shall detain the Persons so committed in safe Custody. Persons charged with Custody, as also Place of Detention, may be changed by Warrant as herein mentioned, § 2.
4. Copies of Warrants to be transmitted to the Clerk of the Crown for *Dublin*, § 3.
5. To continue, until the First Day of *September* One thousand eight hundred and forty-nine, an Act of the last Session (Cap. 35.) for empowering the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government, 12 & 13 *Vict. c.* 2.

Hackney Carriages, See Post Horses.

High Treason, See Habeas Corpus (suspending).

Imprisonment for Debt.

1. To amend the Law of Imprisonment for Debt in *Ireland*, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain Cases, 11 & 12 *Vict. c.* 28.
2. After Commencement of this Act, no Writ or Process for Arrest shall issue from certain Courts in *Ireland* for Debts or Sums not exceeding 10*l.*, save as herein excepted, § 1.
3. Such Writs, &c. for Sums not exceeding 10*l.* issued before Commencement of Act, but not executed, shall not be executed against the Person, save as herein excepted, § 2.
4. Persons in Custody on or after the Commencement of the Act under any such Writs, &c. for Sums not exceeding 10*l.*, shall be discharged on Application to Sheriff, &c. Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor, § 3.
5. When a Defendant, &c. is exempted from Arrest or discharged from Custody by virtue of this Act, the Plaintiff may serve a Civil Bill Process, requiring the Defendant to show Cause why Process of Arrest or Committal should not issue. Civil Bill Process to be according to Form (A.) in Schedule, § 4.
6. If Assistant Barrister shall find that Defendant has Property fit to be administered under the Insolvent Act, he may direct Process of Arrest to issue, or if Debt contracted fraudulently may commit him, § 5.
7. Power to examine or commit at the original Hearing of a Civil Bill in certain Cases, § 6.
8. Upon Affidavit that a Defendant is about to quit *Ireland*, he may by a special Order be taken in execution, § 7.
9. Nothing herein to extend to Proceedings relating to Revenue of Excise, &c., § 8.
10. Tools and actual Necessaries of Judgment Debtors not to be seized in Execution, § 9.
11. Power to Clerk of the Peace to issue Summonses to Witnesses, § 10.
12. Affidavits as to Civil Bill Proceedings may be taken by Assistant Barristers out of their Counties, § 11.
13. Office Copies of Wills to be Evidence of the Contents thereof in Civil Bill Courts, § 12.
14. Official Copy of Judgment to be Evidence, § 13.
15. Service of Process in Civil Bills, § 14.
16. Affidavits when required to be made in *Great Britain*, may be made before Extraordinary Commissioners of the Court of Chancery in *Ireland*, § 15.
17. Possession of small Tenements may be recovered by Summons before Justices of the Peace, § 16.
18. The Manner in which such Summons shall be served, § 17.
19. Interpretation of Act, § 18.
20. To extend to *Ireland* only, § 19.
21. Commencement of Act, § 20.

Incumbered Estates.

1. To facilitate the Sale of Incumbered Estates in *Ireland*, 11 & 12 *Vict. c.* 48.
2. Construction of Terms, &c. in this Act; "Land:" "Estate:" "Lease:" "Lease in Perpetuity:" "Incumbrance:" "Incumbrancer:" "Possession:" "Owner:" "Owner:" "Person" and "Owner:" "Month:" "Court:" "Master:" Number; Gender; Sale and selling, § 1.
3. Where Land, &c. in *Ireland* is subject to Incumbrance, Owner may, subject to Approbation of Court, contract to sell the same, § 2.
4. Lands not deemed subject to Incumbrance unless same affect a Term of not less than Fifty Years unexpired, &c., § 3.
5. Where Leases in Perpetuity and long Terms subject to Incumbrance, Owner may, subject to Approbation of Court, sell the same, § 4.
6. Leases in Perpetuity, &c. to be subject to Incumbrances only in certain Cases, § 5.
7. Owner, &c. having contracted for Sale may apply to the Lord Chancellor of *Ireland* to confirm the Sale or Contract for Sale, § 6.
8. Petition to set forth Incumbrances, &c., and to be verified, § 7.
9. Lord Chancellor, &c. of *Ireland* may make Rules, &c. for carrying this Act into effect. Rules, &c. to be laid before Parliament, § 8.
10. Lord Chancellor, &c. may alter Rules from Time to Time, § 9.
11. Upon Presentation of Petition for Sale the Court may refer the same to a Master in Chancery, who shall inquire into the Particulars and report. § 10.
12. Rules, &c. in force with respect to certain Proceedings for Payment of Incumbrances, &c. not inconsistent with this Act, shall apply to Proceedings under this Act. Court to apportion Costs as it may think fit. All Persons becoming Parties to be subject to the Jurisdiction of the Court, &c., § 11.
13. Persons feeling aggrieved by Report of the Master not compelled to take Exceptions to the same, § 12.
14. In case of Death, &c. Parties interested may apply to the Court to carry on Proceedings, § 13.
15. When, upon a Petition, &c. a Reference shall have been made to the Master, he shall cause the same to be published by Advertisements, § 14.
16. Error in Advertisement not to vitiate Proceedings, § 15.

17. Master, before proceeding, &c. shall cause Notice to be given to all Persons who shall appear to have Interest in the Subject of Inquiry, § 16.
18. Persons claiming an Interest in any Land, &c. may enter a Caveat in the Registrar's Office, and shall be thereby entitled to Notice, § 17.
19. All Persons claiming under Reference to appear before the Master, who shall in his Report state by whom he has been attended, &c. Omission of the Master to give Notice not to vitiate Proceedings, § 18.
20. Persons who have been disallowed from attending before the Master, or complaining of any Certificate, &c. may apply to the Court against such Disallowance, &c. § 19.
21. Directions of this Act as to Proceedings to have the Force of Orders of the Court, § 20.
22. When Incumbrance shall be subject to Limitations, the first Person entitled, &c. is to make Application, § 21.
23. Where any Person shall be entitled to any Charge, &c. Master may treat such Charge as an Incumbrance. As to the Sale of any Land, &c. a Part only of which shall be desired to be sold, § 22.
24. Report of the Master and all other Reports, &c. to be filed according to the Rules of the Court, § 23.
25. Order for Sale may include the whole or Part of the incumbered Land, &c., § 24.
26. Court may order the whole of an Estate to be sold, although the Master shall have approved of the Sale of a Part only, § 25.
27. Previously to making Order for Sale, Court may confirm the Report Nisi, and direct Service of the same, &c., § 26.
28. Assurance of Land sold to be made in such Form as the Master shall direct, &c., and to vest the Estate absolutely in the Purchaser, § 27.
29. Saving of Rights of Lessees, &c., § 28.
30. Purchase Money arising on any Sale to be paid into the Bank of *Ireland*, § 29.
31. Owner of Land subject to Incumbrances may sell without Order of the Court, unless restrained by Order after Publication of Notices, § 30.
32. Incumbrancer after Notice and Neglect of Owner may sell in like Manner, § 31.
33. Where several Incumbrancers give Notice, the first of such Incumbrancers may sell, § 32.
34. Notices to Owners how to be given, § 33.
35. Notices of proposed Sales without Order of the Court, § 34.
36. Where Land or Lease sold without Order of Court, Notice to be served personally on Persons having future Estates, § 35.
37. Saving of the Rights of Mortgagees, § 36.
38. No Land or Lease sold without Order of the Court to be sold below selling Value certified by Surveyor appointed by Lord Lieutenant, § 37.
39. Where required by Caveat, Notice to be given of the Price at which Land or Lease sold without Order of the Court is contracted to be sold, § 38.
40. Affidavit to be filed, § 39.
41. Purchase Money to be paid into Court, § 40.
42. Separate Register of Affidavits to be kept, and to be open to Inspection, § 41.
43. Defect in Notices, &c. not to invalidate Sale where Purchase Money paid into Court, § 42.
44. Operation of a Conveyance upon a Sale without Order of the Court, § 43.
45. Rights prosecuted within Five Years not to be affected, § 44.
46. Sales without Order commenced by Owner or Incumbrancer dying, &c. may be proceeded with by the Person becoming entitled, § 45.
47. Purchase Money on Sale without Order of the Court to be applied according to the Rights in the Land, § 46.
48. Receipt of Accountant General to be a sufficient Discharge, § 47.
49. Where it shall appear that there is more than one Incumbrance, Court may direct Proceedings to be instituted to ascertain Priority of the same, § 48.
50. Application of Surplus of Purchase Money, § 49.
51. Money paid into Court may be invested in the Funds, § 50.
52. Usher's Poundage, § 51.
53. Appointment of new Trustees, § 52.
54. Where any annual Charge, not being an Incumbrance under this Act, shall affect any Land to be sold, the Person entitled to such Charge may release the same, &c., § 53.
55. Parties to whom the Surplus of Purchase Money is paid out of Court, liable to repay the Money to Parties proving a better Title to the Estate sold. Court may require Security for such Repayment, § 54.
56. Sale without Order of the Court not made *bonâ fide* for discharge of Incumbrances to be treated as a Breach of Trust, § 55.
57. No Payment toward Discharge of Incumbrance, not being Payment in full, shall affect Right of Incumbrancer for Balance, § 56.
58. Where Incumbrancer shall be satisfied by Payment out of any Sale, &c., and other Persons or Lands are liable, Court may order Proceeding to be instituted on such Terms as it may think fit, &c., § 57.
59. No Payment in respect of any Incumbrance to impair any Right of any Persons out of whose Estate the same shall be made, § 58.
60. Where an Estate shall be ordered to be sold, Court may empower the Master to include in his Report other Interests in the same Estate, § 59.
61. If Land sold shall be subject to a Lease, &c. comprising other Land, Master may apportion the Rent, &c., § 60.
62. No Person entitled to Incumbrance shall be bound to accept Payment without Six Months Notice, &c., § 61.
63. Where Incumbrance included in the Order for Sale shall not be payable or not ascertained, Court may order a Sum to be carried to the Credit of the same, &c., § 62.
64. Pending Proceedings Court may appoint a Receiver, who shall be subject to Jurisdiction of the Court, § 63.
65. Court may appoint Guardians of Infants to act for them for the Purposes of this Act, § 64.
66. Court may appoint Persons to act on behalf of Lunatics, &c., § 65.
67. As to the Payment of Costs, § 66.
68. No Petition for Sale without Consent where an Incumbrancer is in possession, or during pending Suits. Power to stay pending Suits. No Suits to be commenced pending Proceedings under this Act, without Leave of the Court, § 67.
69. Proofs of Debts, &c. in a discontinued Suit may be used in a Reference upon a Petition, § 68.
70. Consent, where necessary, may by Leave of the Court be given subsequently, § 69.
71. Power to Second or subsequent Incumbrancer to redeem the prior Incumbrances, § 70.
72. No Petition for Sale by Assignees of Bankrupts or Insolvents without Consent of major Part of Creditors, § 71.

73. Release

73. Release of a Portion of Lands not to affect the Validity of a Judgment as regards the Residue of such Lands, § 72.
74. Annual Returns to be laid before Parliament, § 73.
75. Short Title, § 74.
76. Act to extend to *Ireland* only, &c., § 75.

77. Further to facilitate the Sale and Transfer of Incumbered Estates in *Ireland*, 12 & 13 *Vict. c.* 77.
78. Three Commissioners to be appointed under Sign Manual, § 1.
79. Commissioners to have a Common Seal, § 2.
80. Two Commissioners to be a Quorum, § 3.
81. Power to appoint and remove Secretary, Clerks, &c., § 4.
82. Appointments under this Act limited to Five Years, § 5.
83. Salaries to be paid out of Monies to be provided by Parliament, § 6.
84. Commissioners not to sit in House of Commons, § 7.
85. Oath of Commissioners, § 8.
86. Commissioners to frame and promulgate Forms of Application, &c., § 9.
87. Commissioners to make General Rules for regulating Proceedings under this Act. No Fees to be payable on Proceedings. Rules to be laid before the Privy Council of *Ireland*. Rules, when confirmed by Privy Council, and enrolled in Chancery, to have the Force of an Act of Parliament. Rules may be altered, § 10.
88. General Rules to be laid before Parliament, § 11.
89. Power to Commissioners to summon Witnesses, &c., § 12.
90. Power to Commissioners to proceed upon Affidavits, and to appoint Persons to take Affidavits and Examinations, § 13.
91. Orders of Commissioners may be enforced in *England*, § 14.
92. Commissioners to be a Court of Record, and have Jurisdiction of a Court of Equity, and may refer any Inquiries, &c. to any one Commissioner, § 15.
93. Where Land or Lease of Land in *Ireland* is subject to Incumbrance, Owner may apply to Commissioners for a Sale, § 16.
94. Incumbrancer may apply to Commissioners for Sale for discharging the Incumbrances, § 17.
95. No Application to be entertained unless Costs of any previous Application paid, § 18.
96. Where Lands or Lease not to be deemed subject to Incumbrance, § 19.
97. When Incumbrance subject to Limitations, the first Person entitled, &c. to make Application, § 20.
98. Commissioners, upon Application for Sale, may, after Notices and Hearing, direct a Sale, § 21.
99. Commissioners not to make Order for Sale on Application by Incumbrancer where the Interest and annual Payments on Charges do not exceed Half the net Income, § 22.
100. Tenancies, &c. to be ascertained. Sale may be made subject to an annual Charge, § 23.
101. Sale to be under Direction of Commissioners. Execution by Commissioners sufficient, § 24.
102. Payment of Purchase Money, § 25.
103. Where an Incumbrancer purchases, Commissioners may authorize Payment into the Bank of Balance of Purchase Money, after retaining Amount of Incumbrance, § 26.
104. Effect of Assurance, § 27.
105. Saving of Right of Common, &c., § 28.
106. Commissioners may order Delivery of Counterparts of Leases, &c. and Possession to Purchaser, § 29.
107. Application of Purchase Money, § 30.
108. Money paid into Bank may be invested in the Funds, § 31.
109. Appointment of new Trustees, § 32.
110. No Payment not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over, § 33.
111. Commissioners may make Provision as to Incumbrances, Charges, &c., to facilitate Sales, &c. and Distribution of Purchase Money, § 34.
112. Power to Commissioners to order Money to be paid into Court of Chancery or Exchequer, § 35.
113. Lands included in different Applications, and different Interests in the same Land, may be included in the same Sale, § 36.
114. If Land sold shall be subject to a Lease, comprising other Land, or if Part of Lease in Perpetuity, &c. be sold, Commissioners may apportion the Rent, § 37.
115. Provision for Persons under Disability, § 38.
116. Proceedings not to abate by Death, &c., § 39.
117. Costs, § 40.
118. Order for a Sale under this Act may be notwithstanding pending Suit or Decree for Sale, § 41.
119. After Order by Commissioners for Sale, Proceedings for a Sale under Decree to be stayed, and no Suit, &c., to be commenced without Leave of Commissioners, pending Proceedings under this Act, § 42.
120. On Application for Sale of an undivided Share, or after Sale, Commissioners may, on Application of Party interested, and giving Notices and hearing Parties, make Order for Partition, § 43.
121. On Application for Sale, or after Sale, Commissioners, on Application of Party interested, and with Consent, may make Order for Exchange, § 44.
122. Partition may be made of Land where Shares are not subject to be sold under this Act, § 45.
123. Exchanges may be made of Lands not subject to be sold under this Act, § 46.
124. Division of intermixed Lands not subject to be sold under this Act, § 47.
125. Notices of Partitions, Exchanges, and Divisions to be given, § 48.
126. Conveyance, Assignment, and Orders for Partition, Exchange, or Division and Allotment, conclusive, § 49.
127. Proceedings before Commissioners not to be restrained by Injunction, &c. Commissioners not to be liable in respect of Acts done *bonâ fide*, § 50.
128. Orders may be reviewed by Commissioners. Appeal to Privy Council where allowed by Commissioners, § 51.
129. Who to form the Judicial Committee, § 52.
130. Penalty for false swearing, § 53.
131. Construction of Terms, &c. in this Act: "Land:" Estate:" "Lease:" "Lease in Perpetuity:" "Church or College Lease:" "Incumbrance:" "Incumbrancer:" "Possession:" "Owner:" "Person" and "Owner:" "Commissioners:" "Commissioners of Her Majesty's Treasury:" Number, § 54.
132. Act to extend to *Ireland* only, &c., § 55.

Indictable Offences.

1. To facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland* with respect to

to Persons charged with Indictable Offences, 12 & 13 *Vict.* *c.* 69.

2. For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him. In what Cases the Party may be summoned instead of issuing a Warrant in the first instance. If the Summons be not obeyed, then a Warrant may be issued, § 1.
3. Warrant to apprehend for Offences committed on the High Seas or abroad, § 2.
4. Warrant to apprehend a Party against whom an Indictment is found. If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas, § 3.
5. Power to Justice to issue Warrants on *Sundays*, § 4.
6. Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another. All Acts of Justices, &c. to be valid. Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c., if he acts as a Justice in both, § 5.
7. Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction. Not to give Power to act, &c. in any Matters, &c. arising within the same, § 6.
8. Justices may act in detached Parts of other Counties locally included in their County, § 7.
9. When Charge, &c. is made, if a Warrant is to be issued, Information, &c. on Oath to be laid before Justices. If Summons to be issued instead, Information, &c. not necessary to be on Oath. No Objection allowed for alleged Defect in Form, § 8.
10. Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged. How Summons to be served. If Party summoned do not attend, Justice may issue a Warrant to compel Attendance. No Objection allowed for alleged Defect in Form, &c., § 9.
11. Warrant to apprehend Parties to be under Hand and Seal of Justice. How Warrant to be directed, and to whom. How and where Warrant may be executed. No Objection allowed for alleged Defect in Form, &c., § 10.
12. Regulations as to the backing of Warrants. Proviso, § 11.
13. *Irish* Warrants may be backed in *England*, and *vice versâ*, in the event of Parties escaping. Warrants so indorsed to be valid, § 12.
14. *Irish* Warrants may be backed in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, and *vice versâ*. Warrants so indorsed to be valid, § 13.
15. *Irish* Warrants may be backed in *Scotland*. Warrants so indorsed to be valid, § 14.
16. *Scotch* Warrants may be backed in *Ireland*. Warrants so indorsed to be valid, § 15.
17. Power to Justices to summon Witnesses to attend and give Evidence. If Summons not obeyed, Warrant may be issued to compel Attendance. In certain Cases Warrant may be issued in the first instance. Persons appearing on Summons, &c. refusing to be examined may be committed, § 16.
18. As to the Examination of Witnesses. Justice to administer Oath or Affirmation. Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence, § 17.
19. After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make; and inform him that he has nothing to hope or fear from either Promise or Threat, § 18.
20. Place where Examination taken not to be deemed an open Court, and Justices may order that no Person remain without Consent, § 19.
21. Power to Justice to bind over the Prosecutors and Witnesses by Recognizance. Informations, &c. taken before Justices not in Petty Sessions to be transmitted to Petty Sessions Clerk; and Informations, &c. taken at Petty Sessions to be transmitted at least once in Fourteen Days to Clerk of Crown, &c. Witnesses refusing to enter into Recognizances may be committed, § 20.
22. Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days by Warrant. If Remand be for Three Days only, by verbal Order. Party accused may be admitted to Bail, on the Examination being adjourned. If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace, § 21.
23. If a Person apprehended in one County on charge of an Offence committed in another, he may be examined in the former; and if Evidence be deemed sufficient may be committed to Prison. If insufficient, to be brought before some Justice in the latter County. As to Payment of Expenses of conveying the Accused into the proper County, &c., § 22.
24. Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors. Justices may admit to Bail in the like Cases after Commitment for Trial. Justice shall admit to Bail Persons charged with other Misdemeanors. Certain Recognizances to be transmitted to committing Justices. No Bail in Cases of Treason, or of Felony under 11 & 12 *Vict.* *c.* 12., but by Order of Lord Lieutenant or Chief Secretary. Where Defendant entitled to traverse, § 23.
25. When Justice admits a Person to Bail after Commitment a Warrant of Deliverance shall be sent to him if not detained for any other Offence or under Civil Process, § 24.
26. If, after hearing Evidence against the Accused, it is not thought sufficient to warrant Commitment, he shall be discharged; but if Evidence considered sufficient, Justice shall, by Warrant, commit the Accused for Trial, § 25.
27. Regulations for conveying Prisoners to Gaol. As to Payment of Costs of conveying Prisoners to Prison, § 26.
28. After Examinations are completed, Defendant entitled to Copies of the Depositions, § 27.
29. Forms in Schedule deemed valid, § 28.
30. Nothing to affect Powers, &c. contained in 48 *G.* 3. *c.* 140., 6 & 7 *W.* 4. *c.* 29., 2 & 3 *Vict.* *c.* 78., and 5 & 6 *Vict.* *c.* 24.,—§ 29.
31. Or to alter or affect Provisions of 7 & 8 *G.* 4. *c.* 67. or 6 & 7 *W.* 4. *c.* 34., or other Acts annexing Part of County to other County, § 30.
32. Act to extend to *Ireland* only, except as to backing of Warrants, § 31.
33. Commencement of Act, § 32.
34. Interpretation of Act, § 33.
35. After Commencement of this Act the following Acts and Parts of Acts repealed: 44 *G.* 3. *c.* 92., 45 *G.* 3. *c.* 92. 54 *G.* 3. *c.* 186., 1 & 2 *G.* 4. *c.* 63., 7 *G.* 4. *c.* 38., 9 *G.* 4. *c.* 54., and 6 & 7 *W.* 4. *c.* 114.,—§ 34.

Judgments.

1. To amend the Law concerning Judgments in *Ireland*, 12 & 13 *Vict.* *c.* 95.
2. 9 *G.* 2. (*I.*), 25 *G.* 2. (*I.*), 5 & 6 *W.* 4. *c.* 55., and 3 & 4. *Vict.* *c.* 105. recited. Repeal (in part) of recited Acts of

of 9 *G.* 2. (*I.*) and 25 *G.* 2. (*I.*), save as to certain Judgments, § 1.
3. Recited Provisions of 5 & 6 *W.* 4. *c.* 55. and 3 & 4 *Vict. c.* 105. not to extend to Judgments, Decrees, Orders, or Rules for Sums not exceeding 150*l.*, § 2.
4. What Lands may be delivered in Execution on Judgments subject to the Provisions of the Act, § 3.
5. Rights of Judgment Creditor in Equity, § 4.
6. Rights of Judgment Creditor in Administration of Assets, § 5.
7. Voluntary Conveyances after Judgment entered up void as against the Creditor, § 6.
8. Decrees, Orders, and Rules to have the same Effect as Judgments, § 7.
9. Judgments of Inferior Courts removed to have no further Force than Judgments of Superior Courts, § 8.
10. New Writs to be framed, § 9.
11. A Receiver not to be appointed or extended until after the Expiration of a Year. Costs of Appointment of Receiver to be paid in same Priority as the Debt, § 10.
12. Court may direct substituted Service under Scire facias, § 11.

Justices of the Peace.

1. To protect Justices of the Peace in *Ireland* from vexatious Actions for Acts done by them in the Execution of their Office, 12 & 13 *Vict. c.* 16.
2. For an Act by a Justice of Peace in *Ireland* within his Jurisdiction the Action shall be on the Case, and it shall be alleged to have been done maliciously, and without probable Cause, § 1.
3. For an Act done by him without Jurisdiction, or exceeding his Jurisdiction, an Action may be maintained without such Allegation; but not for an Act done under a Conviction or Order, until after such Conviction or Order shall have been quashed; nor for an Act done under a Warrant to compel Appearance, if a Summons were previously served and not obeyed, § 2.
4. If One Justice make a Conviction or Order, and another grant a Warrant upon it, the Action must be brought against the former, not the latter, for a Defect in the Conviction or Order, § 3.
5. No Action for issuing a Distress Warrant for Poor Rate by reason of any Defect, or that the Party is not rateable. No Action against Justices for the Manner in which they exercise a discretionary Power, § 4.
6. If a Justice refuse to do an Act, the Court of Queen's Bench may by Rule order him to do it, and no Action shall be brought against him for doing it, § 5.
7. After Conviction or Order confirmed on Appeal, no Action for anything done under a Warrant upon it, § 6.
8. If an Action be brought where by this Act it is prohibited, a Judge may set aside the Proceedings, § 7.
9. Limitation of Action, § 8.
10. Notice of Action, § 9.
11. Venue. Defendant may plead the General Issue, and give any special Matter, &c. in Evidence, § 10.
12. Tender, and Payment of Money into Court, § 11.
13. In what Cases Nonsuit, or Verdict for Defendant, § 12.
14. Damages, § 13.
15. Costs, § 14.
16. Act to extend only to *Ireland*, § 15.
17. Commencement of Act, § 16.
18. After Commencement of this Act the following Statutes or Parts of Statutes repealed,—10 *Car.* 1. *st.* 2. *c.* 16. (*I.*), 43 *G.* 3. *c.* 143., and 43 *G.* 3. *c.* 141.,—§ 17.
19. Act to apply to Persons protected by the repealed Statutes, § 18.
20. To continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland*, 12 & 13 *Vict. c.* 17.
21. Recited Provisions of 2 & 3 *Vict. c.* 79. continued for Five Years, § 1.
22. Provisions of recited Act to apply to this Act, except as hereby altered, § 2.

See Indictable Offences; Summary Convictions.

Juvenile Offenders.

1. For the more speedy Trial and Punishment of Juvenile Offenders in *Ireland*, 11 & 12 *Vict. c.* 59.
2. Persons in *Ireland* not exceeding Fourteen Years of Age committing certain Offences may be summarily convicted by Two Justices. If Offence not proved, or it is not expedient to inflict Punishment, Justices may dismiss Parties with or without Sureties. If Charge is thought fit for Indictment, &c., Case to be dealt with as if this Act had not passed, § 1.
3. Power to Justices to hear and determine Cases under this Act. One *Dublin* Metropolitan Justice may, in certain Cases, perform Acts usually done by Two in Petty Sessions, § 2.
4. Proceedings under this Act a Bar to further Proceedings, § 3.
5. Mode of compelling the Appearance of Persons punishable on summary Conviction, § 4.
6. Power of One Justice to remand for further Examination, and admit to Bail, § 5.
7. Application of Fines, § 6.
8. As to the summoning and Attendance of Witnesses, § 7.
9. As to Service of Summons, § 8.
10. Form of Conviction, § 9.
11. No Conviction to be quashed for Want of Form, nor removed by Certiorari, § 10.
12. Convictions to be returned to the Quarter Sessions, § 11.
13. No Forfeiture upon Convictions under this Act, but presiding Justices may order Restitution of Property, § 12.
14. Recovery of Penalties, § 13.
15. Proceedings against Persons acting under this Act, § 14.
16. Act to extend to *Ireland* only, § 15.

Landed Property, Transfer of.

1. To facilitate the Transfer of Landed Property in *Ireland*, 11 & 12 *Vict. c.* 120.
2. Registrar of Deeds, &c., previous to giving out any Negative Search, to cause a Copy to be recorded in Registry Office, § 1.
3. Books containing Copies of Negative Searches to be numbered, and Number and Page of Book to be endorsed on original Search, § 2.
4. Indexes to be provided for the Books containing Copies of Negative Searches. Power to search Books on Payment of Fee, § 3.
5. Attested Copies of recorded Searches to be given by Registrar, &c. upon Payment of Fee, § 4.
6. Such Copy to be equivalent to a new Search to the same Extent, § 5.

7. Fees to be accounted for as under Act for regulating Registry Office, § 6.
8. Power to Treasury to alter the Forms of Indexes of Names and Lands directed by 2 & 3 *W.* 4. *c.* 87.,—§ 7.
9. Power to Treasury to direct Expenses consequent upon this Act to be defrayed out of Balances in Registrar's Hands, § 8.
10. Power to demand Fees as specified in the Schedule to this Act, § 9.
11. Registrar of Judgments, upon Production of Certificate of Satisfaction of Judgment, to enter Memorandum thereof upon Entry of Registry, § 10.
12. Court, &c. by whom Decree has been pronounced shall direct Officer to give Certificate thereof, and record same. In case Decree has been registered under 3 & 4 *Vict. c.*105., or under 7 & 8 *Vict. c.* 90., a Memorandum to be annexed to the Entry of Registry, § 11.
13. No Judgment, &c. to be registered until Certificate of the Existence of such Judgment, &c. has been lodged with Registrar, § 12.
14. Crown Bonds and Recognizances more than Twenty Years old not to affect Purchasers or Mortgagees, unless redocketed in the Office of Registrar of Judgments, § 13.
15. Power to Treasury to consolidate Offices, § 14.

Land Improvement.

1. To authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility, in *Ireland*, 12 & 13 *Vict. c.*23.
2. Treasury may advance 300,000*l.* for Landed Improvements, § 1.
3. Provisions of 10 & 11 *Vict. c.* 32. extended to this Act, § 2.
4. Treasury may advance 200,000*l.* for Drainage, &c., § 3.
5. Provisions of 10 & 11 *Vict. c.* 106. extended to this Act, § 4.
6. To amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in *Ireland*, 12 & 13 *Vict. c.* 59.
7. In Proceedings under 10 & 11 *Vict. c.* 32. the Certificate of the Paymaster of Civil Services shall be Evidence, § 1.
8. Certificate of Commissioners of Public Works shall be Evidence in case of Proceedings for Amount of preliminary Expenses, or on Security for due Application of Money advanced, § 2.
9. If Parties neglect to comply with Provisions of recited Act or proceed with the Works, Commissioners may decline to make Advance, § 3.
10. Commissioners may sanction Alterations of Plan, &c., and substitute others in lieu thereof, § 4.
11. Repeal of so much of recited Act as requires Certificate of Amount of Advance to be issued, § 5.
12. Recited Act and this Act to be construed together, and Loans out of Monies advanced under 12 & 13 *Vict. c.* 23. &c., authorizing further Advances, to be deemed Loans under recited Act, § 6.

Loan Societies.

1. To vest in Her Majesty the Property of the *Irish* Reproductive Loan Fund Institution, and to dissolve the said Institution, 11 & 12 *Vict. c.* 115.
2. Funds of the Corporation to vest in Her Majesty, § 1.
3. Such Funds to be applied to charitable Purposes in certain Counties in *Ireland*, § 2.
4. Within Three Months after Act passed Corporation may apply certain Sums in Payment of Debts, &c., and Compensations to Officers, § 3.
5. Act not to release Trustees from Liabilities, § 4.
6. County Trustees, or local Commissioners, &c. acting under them, to have Powers of Recovery of Monies as under Charitable Loan Society Acts, § 5.
7. In such Cases Certificate of Three Trustees to be Evidence, in lieu of Certificate under Corporate Seal, § 6.
8. Issuing of Certificate to be signified at a Meeting of the Trustees, § 7.
9. Lists of Loans and Securities to be deposited with Clerk of the Peace within Three Months, § 8.
10. County Trustees, on receiving back Loans advanced to local Committees, to notify the same to the Clerk of the Peace, § 9.
11. Penalty on Persons giving false Certificate under this Act, § 10.
12. Penalty for using Certificate for Recovery of Sums beyond the Amount advanced by County Trustees, § 11.
13. Treasury may make Allowances to Officers of the Trustees, § 12.
14. Dissolution of *Irish* Reproductive Loan Fund Institution, § 13.
15. Accounts to be made up annually, and laid before both Houses of Parliament, § 14.
16. Public Act, § 15.

Lunatic Asylums.

1. To continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty for amending the Law relative to Private Lunatic Asylums in *Ireland*, 12 & 13 *Vict. c.* 56.
2. 5 & 6 *Vict. c.* 123. continued until 31st *July* 1850, and to the End of the then next Session, § 1.

Marriages, See Chapels of Ease.

Midland Great Western Railway.

1. To authorize the Advance of Money out of the Consolidated Fund to the *Midland Great Western* Railway of *Ireland* Company, 12 & 13 *Vict. c.* 62.
2. Power to Treasury so charge the Consolidated Fund, and direct the Issue thereout of 500,000*l.*, § 1.
3. To be carried to the Account of Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund, § 2.
4. Treasury empowered to authorize Public Works Loan Commissioners to make Advances to Railway Company, § 3.
5. Provisions to be contained in Mortgages for Payment of Principal and Interest, § 4.
6. Power for Railway Company to borrow Money of Public Works Loan Commissioners. Security to be made as Treasury shall direct, § 5.
7. Securities given to Public Loan Commissioners to have Priority, § 6.
8. Incorporated Name of Railway Company, § 7.
9. Baronies in *Galway*, and Two Baronies in *Roscommon*, to pay a Sum equal to Interest on Advances in certain Events, § 8.

10. Treasury

10. Treasury to appoint Arbitrator to determine Proportion to be paid by each Barony, &c., § 9.
11. Treasury to appoint Auditors of Company's Accounts, § 10.
12. For the Purpose of ascertaining net Profits, Railway Company to keep separate Accounts relating to Line between *Athlone* and *Galway*. Accounts to be audited, § 11.
13. Auditor shall, on Completion of each Audit, ascertain if Company have made Payments as by Security for Loans they are liable to, and also Amount of Profits, § 12.
14. Auditors to certify Sums payable by certain Baronies. Proviso, § 13.
15. Provisions with respect to Profit and Loss Account, § 14.
16. Auditors to deliver Certificate to Railway Company, § 15.
17. Sums mentioned in Auditor's Certificate to be presented by Grand Jury and paid by Treasurer. In case the Grand Jury fail to present, Treasurer shall insert such Sum in the Warrant, which shall be levied as if it had been presented, § 16.
18. Railway Company's Powers of borrowing Money not to be affected by this Act, except as herein mentioned, § 17.
19. Company to make out Maps and Schedules of Lands, &c. required for Railway from *Mullingar* to *Galway*. Maps, &c. to be deposited with the Commissioners of Public Works, and a Copy with Secretary of Grand Jury, § 18.
20. Power for Company to take possession of Lands, &c. on Approval of Plans and Estimates by the Commissioners of Public Works. Plans to be deposited, and Notices given, § 19.
21. Certificates of Value to be delivered by Company, § 20.
22. Amount mentioned in Certificates to be paid to Parties on Demand, or into the Court of Exchequer in *Ireland*, § 21.
23. Receipts duly stamped to operate as a Conveyance, § 22.
24. If Parties making claim are deemed not entitled, or shall be under Disability, or if Title shall not be satisfactorily deduced, Monies to be paid into Court, § 23.
25. Value of Lands not claimed within Twelve Months to be paid into Court, § 24.
26. Nothing to prevent Company requiring further Evidence of Title, at their Costs, § 25.
27. Delivery of Certificate by Company may be enforced by Court of Chancery, § 26.
28. Parties dissatisfied with Amount certified, or Valuation, may enter a Traverse at Assizes, § 27.
29. Verdict on Traverse to have Effect of Judgment, § 28.
30. Provisions of 8 & 9 *Vict.* c. 18. extended to this Act, § 29.
31. Additional Lands authorized to be taken by Company's Acts may be taken under this Act, § 30.
32. Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act, § 31.
33. Power for Public Works Loan Commissioners, with the Consent of the Treasury, to take possession of the Railway, &c. between *Athlone* and *Galway*, and to transfer the same, and all the Company's Interest, Rights, and Privileges therein or relating thereto, to other Parties, if the Railway from *Mullingar* to *Galway* be not completed by 31st *December* 1851, § 32.

Mines (Leasing).

1. For amending the Law for the leasing of Mines in *Ireland*, 11 & 12 *Vict.* c. 13.
2. 10 *G.* 1. (*I.*), 15 *G.* 2. (*I.*), 23 *G.* 2. (*I.*), and 46 *G.* 3. c. 71. recited. So much of the recited Acts as specifies a minimum Rent upon Leases of Mines, or limits the Term of such Leases to Thirty-one Years, repealed; and Leases of Mines authorized by the said Acts may be made for Forty-one Years, so as the best improved Rent that can be reasonably gotten be reserved, &c., § 1.
3. Trustees, &c. of any Freehold Estate in Mines may make Leases for Forty-one Years upon like Terms as hereinbefore provided, § 2.
4. Leases under recited Acts may be surrendered, and again granted under this Act, § 3.

Oaths, See Unlawful Oaths.

Parishes.

1. To amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in *Ireland*, 11 & 12 *Vict.* c. 41.
2. 7 & 8 *G.* 4. c. 43. and 8 & 9 *Vict.* c. 54. recited. So much of recited Acts as relates to or requires the Consent of Patrons, repealed, § 1.
3. Plans of proposed Divisions or Unions of Parishes to be lodged in Privy Council Office, approved by Archbishops, &c., and Copies to be served on Patrons; Lord Lieutenant and Council to consider such Plans and the Objections of Patrons, and may confirm or alter the proposed Plans, § 2.
4. Churches may be erected within Districts to be formed from Portions of Parishes in different Dioceses, § 3.
5. Bounds of Districts to be notified to Incumbents and to the Lord Lieutenant in Council, § 4.
6. Bishop to exercise Jurisdiction over District, Incumbent, &c. Nothing to render Incumbent subject to any other Bishop, § 5.
7. Providing for Exchange of Glebe Lands of disunited Parishes, § 6.
8. Provisions of recited Acts applicable to Districts formed under this Act, § 7.

Poor.

1. To extend the Powers given by former Acts for purchasing or hiring Land in connexion with or for the Use of Workhouses in *Ireland*, and for providing for the Burial of the Poor, 11 & 12 *Vict.* c. 25.
2. 1 & 2 *Vict.* c. 56. and 10 & 11 *Vict.* c. 31. recited. Boards of Guardians may memorialize Commissioners to purchase or hire additional Land, who may, with Consent of Lord Lieutenant, purchase or hire the same; not to exceed Twenty-five Statute Acres, § 1.
3. So much of recited Act 10 & 11 *Vict.* c. 31. as extends certain Provisions as to Schools in the *North* and *South Dublin* Unions to other Parts of *Ireland* repealed; and other Provisions enacted in lieu thereof, § 2.
4. Boards of Guardians may provide Coffins for Burial of Persons who at the Time of Death were receiving Outdoor Relief, § 3.
5. Former Acts and this Act to be construed as One, § 4.
6. For the Protection and Relief of the destitute Poor evicted from their Dwellings in *Ireland*, 11 & 12 *Vict.* c. 47.
7. After passing of Act no Writ, &c. for taking possession of Land in *Ireland* shall be executed on the Days or within the Times herein mentioned, § 1.

8. Notice of Execution of Writ to be given by Landowner, &c. to the Relieving Officer of the Electoral Division in which the same shall be situate, § 2.
9. Notice how to be given, § 3.
10. Persons becoming destitute by being dispossessed may apply to Relieving Officer, who shall provide Shelter, &c. Relief not to be given after One Month, except under Acts for Relief of destitute Poor, § 4.
11. Notice to be given where an Occupier of a Dwelling House has had Notice in the Action, &c., § 5.
12. Penalty on executing Writ without Notice, § 6.
13. The unroofing, &c. of Dwellings for the Purpose of expelling the Occupier a Misdemeanor, § 7.
14. Provisions of Act to apply to Estates and Possessions of the Crown in *Ireland*, &c., § 8.
15. Interpretation of Act, § 9.

16. To amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland* by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings, 11 & 12 *Vict. c.* 106.
17. Where Commissioners of Public Works have made any Award under 10 & 11 *Vict. c.* 10. a Copy shall be sent to the Persons whose Lands shall be the Subject of the same. Award to be registered, § 1.
18. Lands mentioned in the Award to become chargeable, and Award to be conclusive, § 2.
19. Award free of Stamp Duty, § 3.
20. Any Proprietor may pay off Principal, &c. within the Period fixed for Repayment, § 4.
21. Upon Payment of Amount due Lands to be released, § 5.

22. To amend and continue until the First Day of *November* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to make Provision for the Treatment of poor Persons afflicted with Fever in *Ireland*, 11 & 12 *Vict. c.* 131.
23. 9 & 10 *Vict. c.* 6. and 10 & 11 *Vict. c.* 22. recited. 9 & 10 *Vict. c.* 6. continued till 1st *November* 1849, and to End of next Session of Parliament, § 1.
24. Recited Acts and this Act extended to all contagious Diseases, § 2.
25. The Board of Health to certify the existing Hospitals required to be upheld, the Management of which shall thereupon be in the Board of Guardians, § 3.
26. Medical Officers may be appointed for any Districts on a Certificate of the Board of Health, § 4.
27. Board of Guardians may appoint Committees of Management of such Hospitals, or of Hospitals hereafter established, § 5,
28. Commissioners of Health may require Guardians to submit Estimates and Accounts, § 6.
29. Commissioners of Health may make Orders for Regulation of Hospitals, &c., § 7.
30. When contagious or epidemic Disease expected, Poor Law Commissioners may require Guardians to appoint a Committee to take Precautions, which shall have same Powers as a Relief Committee, § 8.
31. Poor Law Commissioners may dissolve such Committee, § 9.
32. Guardians, Officers, and Members of Committees, &c. not to be concerned in Contracts while in Office, § 10.
33. 58 *G.* 3. *c.* 47. and the Powers therein given, as to the Advance of Money, extended to Cases of epidemic Disease in *Ireland*, § 11.
34. Term of Act, § 12.
35. To amend the Laws relating to the Appointment of Vice Guardians of Unions in *Ireland*, 12 & 13 *Vict. c.* 4.
36. 1 & 2 *Vict. c.* 56. and 10 & 11 *Vict. c.* 31. recited. In Cases in which Boards of Guardians have been dissolved, and paid Officers appointed, Commissioners empowered to continue them for a certain Time, § 1.
37. As to Elections of Guardians in certain Cases, § 2.
38. Commissioners may discontinue paid Officers in certain Cases, § 2.

39. To authorize an Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*, 12 & 13 *Vict. c.* 5.
40. Treasury may issue Fifty thousand Pounds for Relief of distressed Poor Law Unions in *Ireland*, § 1.

41. To make Provision, until the Thirty-first Day of *December* One thousand eight hundred and fifty, for a General Rate in aid of certain distressed Unions and Electoral Divisions in *Ireland*, 12 & 13 *Vict. c.* 24.
42. Poor Law Commissioners in *Ireland* may authorize the levying a Rate in Aid, § 1.
43. Upon Receipt of Order from the Poor Law Commissioners for the Levy of such Rate, the Amount leviable on each Electoral Division to be levied and paid into the Bank of *Ireland*, § 2.
44. Commissioners of the Treasury to direct Disposal of Monies arising from the Rate in Aid, § 3.
45. Commissioners of the Treasury may advance 100,000*l.*, § 4.
46. Account to be made up of Receipt and Expenditure in Form in Schedule, and laid before Parliament, § 5.

47. Further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings, 12 & 13 *Vict. c.* 60.
48. The Treasury may authorize the Payment of the Sums mentioned in Awards under 10 & 11 *Vict. c.* 10., by Rent-charges for Twenty-two Years, § 1.
49. Rent-charges to be paid as directed, § 2.
50. Provisions of 10 & 11 *Vict. c.* 32. and 12 & 13 *Vict. c.* 59. extended to Rent-charges under this Act, § 3.
51. Where Two or more Persons, not being Joint Tenants, &c., are named in Award, Commissioners empowered to make new Award. In Cases of inaccurate, defective, or erroneous Awards, Commissioners empowered to make new Awards. Lands in new Award charged. New Awards to be good, valid, &c., § 4.
52. Provisions of recited Acts to extend to new Awards, § 5.
53. In all Cases of new Awards, if original Award, registered, Commissioners to issue Certificate exonerating Lands in original Award from Charge. Certificate to be registered, § 6.
54. Registration of Certificate not liable to Fees, or Stamp Duty, § 7.
55. Commissioners to make Award respecting Amount expended on Harbour at *Balbriggan* pursuant to Presentment under 9 & 10 *Vict. c.* 107.,—§ 8.
56. Lands mentioned in such Award charged with Amount and Interest. Provisions of 10 & 11 *Vict. c.* 10., 11 & 12 *Vict. c.* 106., and this Act to apply to such Award, § 9.

57. To authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions in *Ireland*, 12 & 13 *Vict. c.* 63.

58. Treasury may issue One hundred and fifty thousand Pounds for Relief of distressed Poor Law Unions in *Ireland*, § 1.

59. To provide additional Funds for Loans by the Public Works Loan Commissioners for building Workhouses in *Ireland*, 12 & 13 *Vict.* *c.* 86.
60. Monies authorized to be issued under 11 & 12 *Vict.* *c.* 51. to Commissioners of Public Works in *Ireland* may be issued to Public Works Loan Commissioners for Loans under this Act, § 1.
61. Further Sum, not exceeding 50,000*l.*, may be advanced for Loans by Public Works Lan Commissioners for Loans under this Act. Sum advanced not to exceed Sum received in Repayment of past Loans, § 2.
62. Commissioners may make Loans for building Workhouses, &c. in like Manner as previous Loans, § 3.

63. To amend the Acts for the more effectual Relief of the destitute Poor in *Ireland*, 12 & 13 *Vict.* *c.* 104.
64. For charging Expense of Relief, § 1.
65. Repeal of 1 & 2 *Vict.* *c.* 56. in part. Adjustment of the Accounts on any Alteration of the Limits of a Union or Electoral Division taking place, § 2.
66. As to new Unions, § 3.
67. Enforcing Payment of Expenses of Unions, § 4.
68. 8 & 9 *Vict.* *c.* 18. incorporated with this Act for Purchase of Lands for Workhouses, § 5.
69. Qualification of Guardians may be different in different Electoral Divisions, § 6.
70. Non-resident Justices may act as Guardians in certain Cases, § 7.
71. Electoral Divisions may be united for the Purpose of electing a Guardian, § 8.
72. Appointment of Assistant Guardians, § 9.
73. Rents arising out of exempted Property to be rated, § 10.
74. Occupier not to deduct from Rent more than One Half the Amount of the Rate paid, § 11.
75. Repeal of 1 & 2 *Vict.* *c.* 56. as to foregoing Deductions from Rent, § 12.
76. Valuation for Poor Rates need not be signed and sealed by the Commissioners, § 13.
77. Valuation of Land not to be increased in respect of Improvements made under 10 & 11 *Vict.* *c.* 32. within Seven Years, § 14.
78. Short Form of Declaration in an Action for Poor Rates, § 15.
79. The Judges may make Rules and Orders relating thereto, § 16.
80. Civil Bill Decree for Poor Rates may be filed as Judgment of Superior Courts, and have Force as such, § 17.
81. Judgments for Poor Rates to have Priority, except in certain Cases, § 18.
82. Recovery of Arrears of Rates, § 19.
83. Audit, § 20.
84. Rate Books to be open for Inspection; whose Names to be inserted therein, § 21.
85. Appeal against Rates, § 22.
86. Recognizances to try Appeals under recited Act, § 23.
87. Account of Persons relieved to be kept, § 24.
88. Numbers relieved to be published, § 25.
89. Expenses of Emigration, § 26.
90. Security for Repayment of Money borrowed for Emigration, and restricting Amount to be borrowed, § 27.
91. Application of Money raised for Emigration, § 28.
92. In Proceedings at Quarter Sessions, Assistant Barrister may correct Errors, &c., § 29.
93. Superior Courts, § 30.
94. 1 & 2 *Vict.* *c.* 56., &c. and this Act to be construed together, § 31.

Poor Rate.

1. To empower Lessees of Tithe Rent-charge in *Ireland* to deduct a Proportion of Poor Rate Poundage from Rent; and also to empower the Ecclesiastical Commissioners in *Ireland* to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in *Ireland*, 11 & 12 *Vict.* *c.* 80.
2. Lessee of Tithe Rent-charge, if liable to pay Rent for the same, may deduct Proportion of Rate from it, § 1.
3. Ecclesiastical Commissioners under 3 & 4 *W.* 4. *c.* 37. shall include Poor Rate, &c. in Deductions from Valuation, § 2.
4. Successors of Archbishop of *Armagh* and Bishop of *Derry* may deduct from Money to be paid to Ecclesiastical Commissioners a certain Sum on account of Poor Rate, &c., § 3.

Post Horses.

1. To explain and amend the Law as to the Licence required for the letting of Post Horses to Hire in *Ireland*, and the Law respecting Proceedings for Duties and Penalties under the Post Horse, Stage, and Hackney Carriage Acts in the United Kingdom, 11 & 12 *Vict.* *c.* 118.
2. Licences to let Horses to Hire in *Ireland*, mentioned in 55 *G.* 3. *c.* 19., to be deemed to be taken out by all Persons letting Horses to Hire, under a Penalty of 50*l.*, § 1.
3. Commissioners may direct Proceedings to be taken for Recovery of the Duties and Penalties levied under 2 & 3 *W.* 4. *c.* 120., 5 & 6 *Vict.* *c.* 79., 1 & 2 *W.* 4. *c.* 22., 7 & 8 *G.* 4. *c.* 53., and 4 & 5 *W.* 4. *c* 51.,—§ 2.
4. So much of 4 & 5 *W.* 4. *c.* 51. as is herein recited repealed. After passing of this Act every Information for Recovery of Penalties, &c. may be brought before the Commissioners of Excise or Justices within Six Months from Commission of Offences, § 3.

Prevention of Crime.

1. For the better Prevention of Crime and Outrage in certain Parts of *Ireland* until the First Day of *December* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, 11 & 12 *Vict.* *c.* 2.
2. Provisions of this Act to apply to any Part of *Ireland* specified in Proclamation issued by Lord Lieutenant, &c., and published in the *Dublin Gazette*. Power to Lord Lieutenant, &c. to revoke any Proclamation as to the whole or Part of the District named, § 1.
3. Copies of Proclamations and of Abstract of this Act to be posted in proclaimed Districts, § 2.
4. Power to Lord Lieutenant to increase the Constabulary Force in proclaimed Districts; and to withdraw them from Time to Time, § 3.

5. Provisions of 6 & 7 *W.* 4. *c.* 13., &c. to apply to the Constables appointed under this Act, § 4.
6. Power to Lord Lieutenant, &c. further to increase the Reserve Constabulary Force, § 5.
7. Expenses of Constables absent on Duty from their Residences under the Authority of this Act to be advanced out of the Consolidated Fund under Regulations of the Treasury, § 6.
8. Such Advances to be repaid by the District in such Proportions as the Lord Lieutenant shall direct, § 7.
9. Lord Lieutenant, &c. to cause Estimates of Expenses to be made from Time to Time, and to issue Warrants to Collectors acting under 6 & 7 *W.* 4. *c.* 116. requiring them to collect the same. When Proclamation shall have ceased to be in force, an Account shall be made up by Receiver as the Lord Lieutenant shall direct, § 8.
10. Penalty for unlawfully carrying Arms within proclaimed Districts, § 9.
11. Power to apprehend Persons unlawfully carrying Arms. Power to Justices, Constables, &c. to search Persons suspected of carrying Arms, and take away the same, § 10.
12. Power to Lord Lieutenant, by Notice published in the *Dublin Gazette*, to require Persons having Arms in proclaimed Districts to deposit them in a Place named in such Notice. Persons carrying Arms to deposit them not deemed to be acting contrary to the Provisions of this Act, § 11.
13. Punishment of Persons knowingly having Arms within proclaimed Districts, after Notice, § 12.
14. Power to Lord Lieutenant to issue Warrant to search for and seize Arms in proclaimed Districts, § 13.
15. Powers of Persons acting under such Warrant, § 14.
16. Power to Lord Lieutenant to appoint Persons to grant Licences to carry or have Arms within proclaimed Districts, § 15.
17. Power to Justices and Constables to call upon Persons within proclaimed District to join in Pursuit after Offenders. Punishment of Persons refusing, § 16.
18. Provisions of 15 & 16 *G.* 3. *c.* 21. (*I.*) and 1 & 2 *W.* 4. *c.* 44. to apply to Districts proclaimed under this Act. Not necessary to prove the District to be in an insurrectionary State, § 17.
19. Accessaries after the Fact to any Murder committed may be tried and punished, although the Principals may not have been convicted or taken. No Person to be tried twice for the same Offence, § 18.
20. Prisoners under Sentence may be removed from one Prison to another by Order of the Lord Lieutenant, § 19.
21. No Traverse of Indictment allowed, § 20.
22. Production of *Dublin Gazette* to be Evidence, § 21.
23. Duration of Act, § 22.

Prisoners Removal.

1. To make perpetual an Act of the Tenth and Eleventh Years of Her present Majesty, for authorizing the Removal of Prisoners from the several Gaols in *Ireland* in Cases of Epidemic Diseases, 12 & 13 *Vict.* *c.* 19.
2. 10 & 11 *Vict.* *c.* 45. made perpetual, § 1.

Public Works.

1. To facilitate the Completion in certain Cases of Public Works in *Ireland*, 11 & 12 *Vict.* *c.* 1.
2. Three or more Justices may, by Notice, convene a Special Meeting of the Justices and Cess-payers associated at the last Presentment Sessions held under 6 & 7 *W.* 4. *c.* 116. Justices and Cess-payers present at such Meeting to constitute a Special Presentment Sessions for the Purposes of this Act, § 1.
3. Provisions of 6 & 7 *W.* 4. *c.* 116. to extend, so far as same are applicable, to Special Presentment Sessions convened under this Act, § 2.
4. County Surveyor to report to Special Presentment Sessions held for any Barony or Half Barony the Works for which Presentments and Advances have been made under 9 & 10 *Vict.* *c.* 107., remaining unfinished in the same. What such Report shall contain, § 3.
5. Special Presentment Sessions to decide whether any such Works ought or ought not to be completed under the Provisions of this Act. If Presentment Sessions decide that such Works ought to be completed, County Surveyor ought to prepare Tenders, &c., § 4.
6. Special Presentment Sessions may make Presentments for completing Works to be raised by Instalments off Barony or Half Barony wherein Works are situated, § 5.
7. Schedule of Works to be submitted to Lord Lieutenant for his Sanction and Approval, and the same not to be undertaken under this Act without his Consent, § 6.
8. Secretary of Grand Jury to notify, by public Advertisement, his Readiness to receive Tenders for the Execution of Works, and shall furnish Forms for the same. Contents of Tenders, &c., § 7.
9. At adjourned Sessions Tenders to be opened and Contract entered into with the Party making the lowest Proposal. If no Tender or Proposal be made, or approved of by Special Presentment Sessions the Work may be given in charge to County Surveyor, who shall cause the same to be executed, § 8.
10. Form of Security, § 9.
11. Secretary of the Grand Jury shall keep a Book with Particulars of Contracts, and shall prepare Schedules, § 10.
12. Money for Completion of Works to be raised by compulsory Payment, § 11.
13. Lord Lieutenant may authorize County Treasurer to borrow Money on Security of Presentment, § 12.
14. Advances may be paid to Contractor in certain Cases not exceeding Three Fourths of the Cost of Work, § 13.
15. County Surveyor when satisfied of the Completion of the Work may grant his Certificate of Approval to the Contractor, § 14.
16. On Production of such Certificates to the County Treasurer he shall give a Draft for the Amount thereof, § 15.
17. Secretary of Grand Jury in any Barony or Half Barony where Special Presentment Sessions have been held to convene a Special Presentment Sessions for the County for the Purposes of this Act, § 16.
18. How such Special Presentment Sessions for the County shall be composed, § 17.
19. One Cess-payer for every Barony or Half Barony to be associated with the Justices of the County at Special County Presentment Sessions. Proceedings at Special County Presentment Sessions, § 18.
20. Five *per Cent.* Interest to be allowed on all Sums advanced by Treasurer or Bank under the Provisions of this Act, § 19.
21. Definition of "County," § 20.
22. Definition of Terms, § 21.

23. To amend the Act of the present Session to facilitate the Completion of Public Works in *Ireland*, 11 & 12 *Vict.* *c.* 17.

24. 11 & 12 *Vict. c.* 1. recited. Proceedings which under the recited Act might be done at the Spring Assizes, may be done in like Manner at the Summer Assizes of this Year, § 1.
25. Time for holding Presentment Sessions for the County extended, § 2.
26. As to Adjournment of Sessions held under recited Act and this Act, § 3.
27. 11 & 12 *Vict. c.* 1. and this Act construed as One, § 4.

See Drainage.

Renewable Leaseholds.

1. For converting the renewable Leasehold Tenure of Lands in *Ireland* into a Tenure in Fee, 12 & 13 *Vict. c.* 105.
2. Reversioner, &c. to execute Grants in Fee-farm when required by Lessee or Under-lessee in Perpetuity. Grant not to be required where Right of Renewal is lost. Notice of the Dispute of the Right to be given, § 1.
3. Amount of Fee-farm Rent, § 2.
4. Lessee or Under-lessee may require Exceptions, &c. interfering with Cultivation to be commuted, § 3.
5. Certain Rights not to be commuted but with Consent, § 4.
6. Compensation where there is a Loss on the Conversion of the Reversion into a Rent, § 5.
7. By Consent a Portion of the Lands comprised in Lease, &c. may be allocated in lieu of Fee-farm Rent, or the Fee-farm Rent may be charged on Part only of such Lands, § 6.
8. Grants valid against all Parties. Estates in Fee-farm Rent, &c. to be descendible, &c. as a Reversion. Estates created under Grants in the Land and Fee-farm Rent to be subject to the old Uses, &c., § 7.
9. Conversion not to revoke testamentary Dispositions, § 8.
10. Exception as to Dower and Curtesy. Saving of Royalties, &c., § 9.
11. Covenants running with the Lands, § 10.
12. As to Covenants contained in Leases granted by the Governor, &c. of the *Irish* Society, § 11.
13. Conversion of Lessee's or Under-lessee's Interest not to affect Demises made by him, § 12.
14. Rights of superior Owner and Right to Indemnification against superior Rents preserved, § 13.
15. Under-lessee entitled to require his Lessor to obtain Renewal may require him to obtain a Grant, § 14.
16. Subsequent Grant to Owner of Lease, &c. to feed Grant previously made by him, § 15.
17. Acquisition of Land charged with Fee-farm Rent to operate as Apportionment of Rent, § 16.
18. Provision in case Owner is under Disability or abroad, § 17.
19. The Portion added under this Act to any former Rent to be liable to Deduction for Poor Rate, § 18.
20. Act not to alter Liability to Tithe Rent-charge, § 19.
21. Fee-farm Rent recoverable by like Remedies as Rent-service, &c., § 20.
22. In Ejectment for Nonpayment of Fee-farm Rent, Power to redeem given to certain Persons, § 21.
23. Owner of Lease or Under-lease may petition in case of disputed Right, &c., § 22.
24. Proceedings upon Petition, § 23.
25. Proceedings upon Reference to the Master or Remembrancer, § 24.
26. Master or Remembrancer to make a Report in relation to Matter of Petition, § 25.
27. Confirmation of Report, § 26.
28. Master or Remembrancer may execute Grant or Counterpart in certain Cases, § 27.
29. Under-lessee entitled to require his immediate Lessor to procure Renewal may petition for Grants to such Lessor and the superior Owners, § 28.
30. Persons becoming Parties to be subject to the Jurisdiction of the Court, &c., § 29.
31. Master or Remembrancer may examine Parties, &c., § 30.
32. Mode of giving Notices, &c., § 31.
33. Proceedings not to abate, § 32.
34. Costs of Proceedings, § 33.
35. Provisions concerning Grants, &c. applicable to Proceedings under Petitions, § 34.
36. Who shall be deemed "Owner" of the Reversion, and Lease or Under-lease in Perpetuity, § 35.
37. Owner of Reversion, &c. to be deemed Owner of Estate created on Conversion, § 36.
38. Future Leases in Perpetuity to operate as Grants in Fee-farm, § 37.
39. Interpretation of Terms in this Act, § 38.
40. Short Title of Act, and of Fee farmRents thereunder, § 39.
41. Act to extend only to *Ireland*, § 40.

Reproductive Loan Fund, See Loan Societies.

Savings Banks.

1. To amend the Laws relating to Savings Banks in *Ireland*, 11 & 12 *Vict. c.* 133.
2. So much of 7 & 8 *Vict. c.* 83. as relates to limiting Responsibility of Trustees of Savings Banks in *Ireland* repealed, § 1.
3. Power to Trustees and Managers to limit their Responsibility, § 2.
4. Appointment of Auditors, § 3.
5. Depositor's Book to contain Copy of Rules. Duplicate Copy of certified Rules, &c. to be exhibited in Office, § 4.
6. Rules to provide for Production and Inspection of Books, § 5.
7. No Fee to Barrister in certain Cases, § 6.
8. Commissioners may close Accounts with Savings Banks in certain Cases, and re-open them if they think fit, § 7.
9. Term of Act, § 8.

Sheep Stealers.

1. For the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep, in *Ireland*, 12 & 13 *Vict. c.* 30.
2. Power to Constables to search suspected Houses for Sheep, &c. supposed to have been stolen, and apprehend Parties, &c. Penalty on Persons apprehended if Carcasses, &c. not proved to have been lawfully come by. On Nonpayment of Penalty, Committal for Time therein specified. Application of Penalty, § 1.
3. If Case appears fit for Indictment for Felony, Justice to abstain from adjudicating in a summary Way, § 2.
4. Parties punished under this Act not to be proceeded against a Second Time for the same Offence, § 3.
5. Limitation of Prosecution, § 4.
6. Interpretation of Terms, § 5.

Stage Carriages, See Post Horses.

Summary Convictions.

1. To facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Summary Convictions and Orders, 12 & 13 *Vict. c.* 70.
2. In all Cases where Information shall be laid or Complaint made of Offences committed, Justices may issue Summons to Persons to answer the same. How Summons to be served. Justices not obliged to issue Summonses in certain Cases. No Objection allowed for Want of Form, § 1.
3. If Summons be not obeyed, Justices may issue Warrant; or may issue Warrant in the first instance; or if Summons, having been duly served, be not obeyed, the Justices may proceed *ex parte*, § 2.
4. Form of Warrant. Where and how Warrant may be executed. Certain Provisions of 12 & 13 *Vict. c.* 69. as to backing of Warrants to extend to Warrants issued under this Act. No Objection allowed for Want of Form in the Warrant, or for any Variance between it and Evidence adduced; but if the Party charged is deceived by the Variation, he may be committed or discharged upon Recognizance; but if he fail to re-appear the Justice may transmit the Recognizance to the Clerk of the Peace, § 3.
5. Description of the Property of Partners, &c.; of the Property of Counties; of the Property in Goods provided for the Poor; of the Property in Materials for Roads; of the Property in Materials for Turnpike Roads, &c.; of the Property of Commissioners, &c., § 4.
6. Prosecution and Punishment of Aiders and Abettors in the Commission of Offences, § 5.
7. Provisions of 12 & 13 *Vict. c.* 69. as to Justices in one County, &c. acting for another to extend to this Act, § 6.
8. Power to Justice to summon Witnesses to attend and give Evidence; if Summons be not obeyed, Justices may issue Warrant. In certain Cases may issue Warrant in the first instance. Persons appearing on Summons, &c. refusing to be examined, may be committed, § 7.
9. Complaints for an Order need not be in Writing, § 8.
10. As to Proceedings upon Informations for Offences punishable on summary Convictions. The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged upon Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 9.
11. Manner of making Complaint or laying Information. When Warrant issued in the first instance, Information to be upon Oath, &c., § 10.
12. Time limited for such Complaint or Information, § 11.
13. As to the Hearing of Complaints and Informations. Places in which Justices shall sit to hear Complaints, &c. to be deemed an open Court. Parties allowed to plead by Counsel or Attorney. Power to commit for Contempt of Court, § 12.
14. If Defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the Hearing till Defendant is apprehended. If Defendant appear, and Complainant, &c. does not, Justice may dismiss the Complaint, &c., or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizance; but if he fail to re-appear the Justice may transmit the Recognizance to the Clerk of the Peace. If both Parties appear, Justice to hear and determine the Case, § 13.
15. Proceedings on the Hearing of Complaints and Informations. Proviso, § 14.
16. Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c., § 15.
17. Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 16.
18. Form of Convictions and Orders, § 17.
19. Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress, § 18.
20. Power to Justice to issue Warrant of Distress. How Warrant to be backed. Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison, § 19.
21. Justice, after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, until Return be made, unless he gives Security by Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 20.
22. In default of Sufficiency of Distress Justice may commit Defendant to Prison, § 21.
23. In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison, § 22.
24. Power to Justices to order Commitment in the first instance for Nonpayment of a Penalty of a Sum ordered to be paid, § 23.
25. Power to Justices to order Commitment where the Conviction is not for a Penalty, nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c. Costs may be levied by Distress, and in default Defendant may be committed for a further Term, § 24.
26. Imprisonment for a subsequent Offence to commence at Expiration of that for previous Offence, § 25.
27. If Information be dismissed Costs may be recovered by Distress upon Prosecutor, &c. who in default may be committed, § 26.
28. After Appeal against Conviction or Order Justice may issue Warrants of Distress for Execution of the same. Costs of Appeal, how recovered, § 27.
29. On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged, § 28.
30. In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c, and after Conviction or Order may issue Warrant of Distress, &c., § 29.
31. Regulations as to the Payment of Clerks Fees, § 30.
32. Fines and Penalties to be levied subject to Provisions of 6 & 7 *Vict. c.* 56., 7 & 8 *G.* 4. *c.* 67., and 6 & 7 *W.* 4. *c.* 34.; other Sums to be levied as before the passing of this Act, § 31.
33. Forms in the Schedule deemed valid, § 32.
34. Nothing to affect Powers, &c. contained in 48 *G.* 3. *c.* 140., 6 & 7 *W.* 4. *c.* 29., 2 & 3 *Vict. c.* 78., and 5 & 6 *Vict. c.* 24., —§ 33.
35. To what this Act shall not extend, § 34.
36. After Commencement of this Act the following Statutes and Parts of Statutes repealed: 2 *G.* 1. *c.* 20. *s.* 3., 3 *G.* 4. *c.* 23., 5 *G.* 4. *c.* 18., 6 & 7 *W.* 4. *c.* 114. *s.* 2.,—§ 35.
37. Act to extend to *Ireland* only, except as to backing of Warrants under 12 & 13 *Vict. c.* 69.,—§ 36.
38. Act not to affect or alter the Provisions of 7 & 8 *G.* 4. *c.* 67. and 6 & 7 *W.* 4. *c.* 34.,—§ 37.
39. Interpretation Clause, § 38.
40. Commencement of Act, § 39.

Transportation for Treason.

1. To remove Doubts concerning the Transportation of Offenders under Judgment of Death to whom Mercy may be extended in *Ireland*, 12 & 13 *Vict. c.* 27.
2. Her Majesty or the Lord Lieutenant may order the Transportation of any Offender under Judgment of Death to whom Mercy may be extended, § 1.
3. Warrants to be recorded, § 2.

Treason, See Transportation for Treason.

Trust Funds.

1. For extending to *Ireland* an Act passed in the last Session of Parliament, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, 11 & 12 *Vict. c.* 68.
2. Trustees may pay Trust Monies, or transfer Stocks and Securities, into Court of Chancery or Exchequer in *Ireland*. Certificate of Accountant General to be sufficient Discharge, § 1.
3. Courts of Chancery or Exchequer to make Orders on Petition, without Bill, for Application of Trust Monies and Administration of Trust, § 2.
4. Where Concurrence of all the Trustees, &c. cannot be procured, the Court or Judge empowered to order Transfer of Monies, &c. by the major Part of such Trustees, &c., § 3.
5. Lord Chancellor, with Master of the Rolls or the Court of Exchequer, may make Orders for Payment, &c., § 4.
6. No Money paid under this Act to be liable to Usher's Poundage, § 5.
7. Affidavit to state that Legacy Duty has been paid, § 6.
8. Construction of Expression "Lord Chancellor," § 7.

Trustees, See Trust Funds.

Turnpike Roads.

1. To continue until the Thirty-first Day of *July* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*, 11 & 12 *Vict. c.* 73.
2. Acts for making, &c. Turnpike Roads in *Ireland* which will expire on 31st *July* 1848, &c., further continued, § 1.
3. Nothing in this Act to continue 38 *G.* 3. (*I.*) except as it repeals any former Act, § 2.
4. To continue certain Acts for regulating Turnpike Roads in *Ireland*, 12 & 13 *Vict. c.* 47.
5. Acts for making, &c. Turnpike Roads in *Ireland* which will expire on 31st *July* 1849, &c., further continued, § 1.
6. Nothing in this Act to continue the 7 & 8 *G.* 4. *c.* lxvi., § 2.
7. Act 9 *G.* 4. *c.* lxxx. to continue until 1st *October* 1850, and no longer, § 3.
8. Act 1 & 2 *G.* 4. *c.* xxxviii. to continue till 1st *October* 1850, and no longer, § 4.

Unlawful Oaths.

1. To continue for Two Years, and to the End of the then next Session of Parliament, and to amend, an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland, 11 & 12 *Vict. c.* 89.
2. 2 & 3 *Vict. c.* 74. to continue in force for a further Period of Two Years, § 1.
3. Constables with Warrant may enter and search Houses, and seize Papers and Arms, &c., § 2.

Wages.

1. To amend an Act of the Fifty-fourth Year of King *George* the Third, for the Recovery of small Sums due for Wages in *Ireland*, 12 & 13 *Vict. c.* 15.
2. Sums recoverable under 54 *G.* 3. *c.* 116. or this Act extended to like Sums of the present Currency; and Wages for Task Work to be recoverable before Justices. in like Manner as other Wages for Labour, § 1.
3. The Hire of Horses, Carts, &c. to be recoverable in like Manner, § 2.
4. Proceedings required for an Appeal, § 3.
5. Recited Act and this Act to be construed as One, § 4.
6. Provisions of this Act extended to Proceedings for Sums due to Teachers of Schools under 7 & 8 *Vict. c.* 8.,—§ 5.

Isle of Man, See Newspapers.

J.

Joint Stock Companies (*Winding-up*).

1. To amend the Acts for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements; and also to facilitate the Dissolution and winding up of Joint Stock Companies and other Partnerships, 11 & 12 *Vict. c.* 45.
2. To what Companies Act is to apply, § 1.
3. Act to apply to Mining Companies and certain Building Societies, § 2.
4. Interpretation: "Lord Chancellor:" "Company:" "Member:" "Constitution of a Company:" "Contributory:" "Call:" "Creditor:" "Person:" "The Court:" "Master:" "Fiat:" "Court of Bankruptcy:" "Order absolute:" and Number and Gender, § 3.
5. Short Title of Act, § 4.
6. Who may petition under this Act, and in what Cases: Act of Bankruptcy: Declaration of Insolvency: Judgment against the Company: Decree or Order against the Company: Action against a Member for Company's Debt: Creditor's Affidavit of Debt and Writ of Summons: Dissolution or ceasing to carry on Business: other sufficient Ground for Dissolution, § 5.
7. No Petition after Fiat but under Direction of Court of Bankruptcy, § 6.
8. Proceedings in Bankruptcy to be conclusive, § 7.
9. Heading of Petition and subsequent Proceedings, § 8.
10. Proceeding not to be impeached by reason of the Petitioner not having been duly qualified, § 9.
11. Petition to be advertised in *London Gazette* and served, § 10.
12. Court may order Petition to stand over for further Service, § 11.

13. Court may make Order nisi or Reference to Master, § 12.
14. Court may apply the Provisions of the Constitution of the Company, § 13.
15. Court may make Order absolute, § 14.
16. Every Order until Order absolute to be advertised, § 15.
17. From what Period Companies to be dissolved, § 16.
18. Petitioner to carry in Order absolute before Master within Ten Days, § 17.
19. On Dissolution in Suit Court may order winding up under this Act, § 18.
20. After Order absolute Assets not to be disposed of, § 19.
21. Master may appoint Interim Manager, § 20.
22. Notice of Appointment of Official Managers by the Master, § 21.
23. Master to appoint Official Manager, § 22.
24. In appointing Official Manager, Master may either adopt or reject Proposals, § 23.
25. Recognizances of Official Manager and of his Sureties, § 24.
26. Master may order Official Manager and his Sureties to pay on their Recognizances, § 25.
27. Master may take Security of Guarantee Society, § 26.
28. Appointments and Removals to be valid without Confirmation, and to be advertised, § 27.
29. Manager to have Custody of Books, &c., § 28.
30. On Appointment, all Estate, Effects, and Creditors of the Company, and all Powers, &c., to vest in Official Manager. Registration of Orders absolute and Appointments of Official Manager, § 29.
31. When Order made on Petition by Direction of Court of Bankruptcy, all Estate, &c. of Assignees to vest in Official Manager, § 30.
32. Until Court shall regulate by general Orders all Matters relating to Official Manager not provided for by the Act, Practice as to Receivers to be followed, § 31.
33. Court may allow Salary to Official Manager, § 32.
34. Official Manager may employ Solicitor, § 33.
35. Duties of Official Manager, § 34.
36. As to passing Accounts of Official Manager; who allowed to surcharge, &c., § 35.
37. Official Manager to keep Books of Proceedings, which shall be certified by the Master, § 36.
38. Master to determine what Parties are to attend Proceedings before him; and may appoint Representatives of Contributories or Classes of Contributories, § 37.
39. All Contributories on the List may appear, submit Proposals, &c., § 38.
40. Lunatics to be represented by their Committees, and Minors by their Guardians, § 39.
41. Parties to name Solicitors on whom Notices to be served, § 40.
42. In default of due Diligence, Prosecution of Proceedings may be given to other Parties, § 41.
43. Death of Petitioner, &c. not to abate Proceedings, § 42.
44. Proceedings to be by Proposal, and not by State of Facts and Proposal, § 43.
45. Master may dispense with Warrants, § 44.
46. Adjournment of Proceedings, § 45.
47. Master may order other Advertisements or Services, § 46.
48. Master to give Certificates of Entries, &c., § 47.
49. Contributories may inspect Books, § 48.
50. Books of Partnership and Official Manager to be Evidence, § 49.
51. Dissolved Companies to sue and be sued in the Name of "the Official Manager" of the particular Company, § 50.
52. Criminal Proceedings on behalf of the Company to be prosecuted by the Official Manager, § 51.
53. Pending Actions, &c. against the Company, may be prosecuted against the Official Manager, § 52.
54. Pending Actions, &c. on behalf of the Company may be prosecuted in the Name of the Official Manager, § 53.
55. Death of Official Manager not to abate Action, &c., § 54.
56. Official Manager, with Approbation of the Master, may compromise, § 55.
57. Orders and Decrees of a Court of Equity against the Official Manager to take effect against the Company, § 56.
58. Judgments against Official Manager to take effect against the Company, § 57.
59. Act not to affect Rights of Creditors nor existing Contracts, § 58.
60. Official Manager to be indemnified, § 59.
61. No Action or Suit to be instituted or proceeded with by Official Manager but by Leave of the Master, § 60.
62. No Claim of any Contributory in respect of his Share to be set off against any Demand of the Official Manager of a dissolved Company against such Contributory, § 61.
63. Official Manager, with Leave of Master, may defend Actions or Suits against individual Contributors, § 62.
64. The Master may summon any Person whether a Member of the Company or not to give Evidence as to the Affairs, &c., § 63.
65. Costs of Witnesses, § 64.
66. Penalty on Contributories, &c. concealing the Estate of the Company, 100*l.*, and double the Value of the Estate concealed, § 65.
67. Pending the winding up, Master may require Payment of Balances, § 66.
68. Orders may be enforced upon Affidavit of Default, and without previous Demand, § 67.
69. Conveyances or Assignments of Real Estate or Chattels Real by Official Manager, how to be made and certified, § 68.
70. As to Stock in the Funds, &c., § 69.
71. Payment of Money into the Bank, § 70.
72. List of Debts to be made out by the Official Manager, § 71.
73. Master to advertise Commencement of winding up, § 72.
74. No Action or Suit to be instituted or proceeded with against the Company but after Proof of Debt, § 73.
75. Proof of Debts to be made as in Bankruptcy, or otherwise as Master shall direct, § 74.
76. Master to allow or disallow Debts, § 75.
77. Official Manager to make out List of Contributories, § 76.
78. List to be settled by Master, and Notice given of his beginning to settle, § 77.
79. Notice to be given to Parties included in or excluded from the List, § 78.
80. List to be conclusive when settled unless Cause shown to the contrary, § 79.
81. No Person entitled to appear as Contributory, unless Name on List, § 80.
82. Contributories may summon other Persons to show Cause why they should not be inserted on or excluded from the List, § 81.
83. Master to direct Payment of Debts, § 82.
84. Although Assets not insufficient until collected, Master may make Calls, § 83.
85. Master to apportion Amount of Calls, § 84.

86. Notice of Intention to make Calls to be given by Advertisement, § 85.
87. Unless Cause shown to the contrary, Order to be made for Payment of Calls, § 86.
88. Order to be advertised and served, § 87.
89. Official Manager may, with Approbation of Master, enforce Payment, give Time, &c., § 88.
90. Master may direct Action or Suit where Assets of a deceased Contributory are not admitted, § 89.
91. Official Manager, by Direction of Master, to circulate Accounts and Balance Sheets, &c., § 90.
92. Power to Master to direct Issues, Special Cases, and Actions, § 91.
93. Master to adjudicate on Matters of internal Contest, § 92.
94. Orders of Master to be valid without Confirmation, § 93.
95. Orders, &c. to be filed, § 94.
96. Orders of the Master to have the Effect of Orders of Court, § 95.
97. Master to have all usual Powers, § 96.
98. In case of Illness or Absence of any Master, the Master acting for him to have all usual Powers, § 97.
99. Master acting during Vacations to have all usual Powers, § 98.
100. Appeals to Lord Chancellor, &c., § 99.
101. Master may make Special Report as to Matters arising in winding up, § 100.
102. Rehearing before the Lord Chancellor, § 101.
103. Appeal to the House of Lords, § 102.
104. Costs of proving Debts, &c. to be at the Discretion of Master, § 103.
105. Costs of Proceedings before the Court, § 104.
106. How Costs to be ascertained, § 105.
107. How recoverable, § 106.
108. Lord Chancellor may fix Table of Fees, § 107.
109. Notices may be served by being sent by Post, § 108.
110. As to Advertisements in *Ireland*, § 109.
111. Advertisements in *London* and *Dublin* Gazettes to be Evidence, § 110.
112. Courts to take judicial Notice of Signature of Master or Registrar and of Office Seals, § 111.
113. Forging any such Signature or Seal to be Felony, § 112.
114. Punishment of Persons giving false Evidence, &c., § 113.
115. Any Contributory of a Company dissolved, &c. under this Act, with Knowledge of or in contemplation of Dissolution, &c., destroying Books, &c., guilty of a Misdemeanor, § 114.
116. Enforcement in *Ireland* of Orders of the Court of Chancery in *England*, and *vice versâ*, § 115.
117. Decrees, &c. under this Act may be registered in *Scotland*, and Execution may be had as upon a Decree interponed upon a Bond, &c., § 116.
118. Where the Company shall be wound up in *England* and where in *Ireland*, § 117.
119. Court to have such Jurisdiction as upon a Suit duly instituted. General Practice of Courts to be followed where not varied under this Act, § 118.
120. Court may stay Proceedings on any Report or Order, § 119.
121. Matters not provided for to be reported to the Court, § 120.
122. Power to Lord Chancellor to appoint Official Managers, § 121.
123. Lord Chancellor, with the Advice and Consent of Master of Rolls and Vice Chancellor, to make General Rules and Orders, § 122.
124. District Commissioners of Bankruptcy and Judges of County Courts to be Masters Extraordinary in Chancery, and Matters may be referred to them. Provisions as to General Rules, &c. to apply to such District Commissioners and Judges, § 123.
125. Provision as to General Orders to apply to *Ireland*, § 124.
126. Petition for Dissolution, &c. to be a *Lis pendens*, § 125.
127. Forms in Schedule may be used, § 126.
128. Act not to apply to *Scotland*, § 127.

129. To amend the Joint Stock Companies Winding-up Act, 1848, 12 & 13 *Vict. c.* 108.
130. The 11 & 12 *Vict. c.* 45. to extend to all Partnerships, Associations, and Companies consisting of not less than Seven Members, § 1.
131. Petition for Dissolution, &c. to be advertised in Newspapers besides Advertisement in Gazette, § 2.
132. Petition for Dissolution, &c. may be verified by Affidavit, § 3.
133. On winding up on Suit, Court may order a Resort to the Act, § 4.
134. Extension of Provision as to Official Managers Sureties; Withdrawal, Increase, or Diminution of Security; vacating of Recognizances, § 5.
135. Remuneration of Official Manager to be fixed by Master according to the Scale herein mentioned, § 6.
136. Provisions as to Remuneration, &c. of Official Manager to apply to Provisional Manager, § 7.
137. Official Manager may endorse Bills and Notes, and raise Money on Security of Assets, § 8.
138. The Word Contributory to include alleged Contributories as respects the Attendance and Representation of Parties, § 9.
139. Authority of Official Manager where more than One appointed, § 10.
140. Master may fix Remuneration of Official Manager's Solicitor, § 11.
141. Master may award Costs, § 12.
142. Acts of Official Manager to be valid as respects Third Parties, though not approved of by Master, § 13.
143. Bankrupt or Insolvent Contributories to be represented by their Assignees, § 14.
144. Master may adjourn Proceedings generally, or take up without Adjournment, § 15.
145. Master may dispense with Advertisements, § 16.
146. Master may review his Orders and Proceedings, § 17.
147. List of Contributories, &c., as prepared by Official Manager, to be Evidence, § 18.
148. Master may require any Evidence to be given which might have been obtained in a Suit by the Company, § 19.
149. District Commissioners of Bankruptcy, and County Court Judges in *England*, and Commissioners of Bankrupt and Assistant Barristers in *Ireland*, and in certain Cases Vice Warden or Registrar of Stannaries Court, to be Commissioners for receiving Evidence, § 20.
150. Master may order the Examination of Persons in *Scotland*, whether Contributories to the Company or not, as to the Estate, Dealings, &c. of or with such Company, § 21.
151. Witnesses summoned before Commissioners to be within Provisions, &c. of Act, and Costs to be Costs in the winding up, § 22.
152. Summonses from *England* to be good in *Ireland*, and *vice versâ*, § 23.

 153. Affidavits

153. Affidavits, &c. may be sworn in *Ireland, Scotland,* or the Colonies, before any competent Court or Person, § 24.
154. Official Manager not to be settled by Master, unless Parties differ, § 25.
155. In Notices of Inclusion in or Exclusion from List of Contributories, sufficient to state for what Interest Party is included or excluded, § 26.
156. Powers of Inclusion or Exclusion may be exercised so long as any Shares remain unadjudicated upon, § 27.
157. Repeal of Section 84. of 11 & 12 *Vict. c.* 45. Master to make Calls on Contributories for the Time being on the List, and to have regard to any probable Default of Payment, § 28.
158. Official Manager may compound Claims, &c. of unascertained Amount, § 29.
159. Official Manager may prove against Estate of bankrupt or insolvent Contributories, &c., and receive Dividends. If Creditors of the Company also prove, the Dividends payable to the Official Manager are to go amongst those Creditors. If any such Creditor be the Petitioning Creditor under the Fiat, the Dividends received by him are to be set against Dividends payable to the Official Manager, § 30.
160. Masters to have Powers to order Special Juries, new Trials, and Interpleaders, § 31.
161. Master may make Orders in the Presence of the Parties, though varying from the Notice, § 32.
162. Rehearings not to be moved for after Three Weeks, § 33.
163. Order need not be reversed on Appeal for Want of Form only, § 34.
164. Per-centage to be taken in lieu of Fees to Suitors Fee Fund, § 35.
165. As to Omission of Christian Names in Notices, Prepayment and Return of Letters sent by the Post, § 36.
166. Extension of Lord Chancellor's Power to make Rules and Orders, § 37.
167. Act to be Part of 11 & 12 *Vict. c.* 45.,—§ 38.
168. Short Title, § 39.
169. Act not to apply to *Scotland,* § 40.

Justices of Peace.

1. To facilitate the Performance of the Duties of Justices of the Peace out of Sessions within *England* and *Wales* with respect to Persons charged with Indictable Offences, 11 & 12 *Vict. c.* 42.
2. For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him. In what Cases the Party may be summoned instead of issuing a Warrant in the first instance. If the Summons be not obeyed, then a Warrant may be issued, § 1.
3. Warrant to apprehend for Offences committed on the High Seas or abroad, § 2.
4. Warrant to apprehend a Party against whom an Indictment is found. If Person indicted be already in Prison for some other Offence, Justice may order him to be detained until removed by Writ of Habeas, § 3.
5. Power to Justice to issue Warrants on *Sundays,* § 4.
6. Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another. All Acts of Justice, &c. to be valid. Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c., if he act as a Justice in both, § 5.
7. Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction. Not to give Power to act, &c. in any Matters, &c. arising within the same, § 6.
8. For Removal of Doubts as to Powers given to Justices, &c. in detached Parts of the Counties under 2 & 3 *Vict. c.* 82.,—§ 7.
9. When Charge, &c. is made, if a Warrant is to be issued, Information, &c. on Oath, to be laid before Justices. If Summons is to be issued instead, Information, &c. not necessary to be on Oath. No Objection allowed for alleged Defect in Form, § 8.
10. Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged. How Summons to be served. If Party summoned do not attend, Justice may issue a Warrant to compel Attendance. No Objection allowed for alleged Defect in Form, &c., § 9.
11. Warrant to apprehend Parties to be under Hand and Seal of Justice. How Warrant to be directed, and to whom. How and where Warrant may be executed. No Objection allowed for alleged Defect in Form, &c., § 10.
12. Regulations as to the Backing of Warrants. Proviso, § 11.
13. *English* Warrants may be backed in *Ireland,* and *vice versâ,* in the event of Parties escaping. Warrants so endorsed to be valid, § 12.
14. *English* Warrants may be backed in the Isles of *Man, Guernsey, Jersey, Alderney,* or *Sark,* and *vice versâ.* Warrants so endorsed to be valid, § 13.
15. *English* or *Irish* Warrants may be backed in *Scotland.* Warrants so endorsed to be valid, § 14.
16. *Scotch* Warrants may be backed in *England* or *Ireland.* Warrants so endorsed to be valid, § 15.
17. Power to Justices to summon Witnesses to attend and give Evidence. If Summons not obeyed, Warrant may be issued to compel Attendance. In certain Cases Warrant may be issued in the first instance. Persons appearing on Summons, &c. refusing to be examined may be committed, § 16.
18. As to the Examination of Witnesses. Justice to administer Oath or Affirmation. Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence, § 17.
19. After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make; and inform him that he has nothing to hope or fear from either Promise or Threat, § 18.
20. Place where Examination taken not to be deemed an open Court, and no Person to remain without Consent, § 19.
21. Power to Justice to bind over the Prosecutors and Witnesses by Recognizance. Recognizance, Depositions, &c. to be transmitted to the Court in which the Trial is to be had. Witnesses refusing to enter into Recognizances may be committed, § 20.
22. Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant. If Remand be for Three Days only, by verbal Order. Party accused may be admitted to Bail, on the Examination being adjourned. If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace, § 21.
23. If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former; and if Evidence be deemed sufficient may be committed to Prison. If insufficient, to be brought before some Justice in the latter County. As to Payment of Expenses of conveying the Accused into the proper County, &c., § 22.

24. Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors. Justices may admit to Bail in the like Cases after Commitment for Trial. Justice may admit to Bail Persons charged with other Misdemeanors. Certain Recognizance to be transmitted to committing Justices. No Bail in Cases of Treason but by Order of Secretary of State, &c. Where Defendant entitled to traverse, § 23.
25. When Justice admits a Person to Bail after Commitment, a Writ of Deliverance shall be sent to him if not detained for any other Offence, § 24.
26. If, after hearing Evidence against the Accused, it is not thought sufficient to warrant Commitment he shall be discharged; but if Evidence considered sufficient, Justice shall, by Warrant, commit the Accused for Trial, § 25.
27. Regulations for conveying Prisoners to Gaol. As to Payment of Costs of conveying Prisoners to Prison, § 26.
28. After Examinations are completed, Defendant entitled to Copies of the Depositions, § 27.
29. Forms in Schedule deemed valid, § 28.
30. Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone. Nothing to affect Powers, &c. contained in 10 *G.* 4. *c.* 44., 2 *&* 3 *Vict. c.* 47., 2 *&* 3 *Vict. c.* 71., and 3 *&* 4 *Vict. c.* 84.,—§ 29.
31. The Lord Mayor, or any Alderman of *London*, may act alone. Nothing to affect Powers, &c. contained in 2 *&* 3 *Vict. c.* 94.,—§ 30.
32. Chief Magistrate of *Bow Street* may be a Justice for *Berks* without Qualification, § 31.
33. Act to extend to *Berwick-upon-Tweed*, but not to *Scotland*, *Ireland*, &c., except as to backing of Warrants, § 22.

34. To facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within *England* and *Wales*, with respect to summary Convictions and Orders, 11 *&* 12 *Vict. c.* 43.
35. In all Cases where Information shall be laid or Complaint made of Offences committed, Justices may issue Summons to Persons to answer the same. How Summons to be served. Justices not obliged to issue Summonses in certain Cases. No Objection allowed for Want of Form, § 1.
36. If Summons be not obeyed, Justices may issue Warrant; or may issue Warrant in the first instance; or if Summons, having been duly served, be not obeyed, the Justices may proceed *ex parte*, § 2.
37. Form of Warrant. Where and how Warrant may be executed. Certain Provisions of 5 *G.* 4. *c.* 18. as to backing of Warrants to extend to Warrants issued under this Act. No Objection allowed for Want of Form in the Warrant, or for any Variance between it and Evidence adduced; but if the Party charged is deceived by the Variation, he may be committed or discharged upon Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 3.
38. Description of the Property of Partners, &c.; of the Property of Counties; of the Property in Goods provided for the Poor; of the Property in Materials for Parish Roads; of the Property in Materials for Turnpike Roads, &c.; of the Property of the Commissioners of Sewers, § 4.
39. Prosecution and Punishment of Aiders and Abettors in the Commission of Offences, § 5.
40. Provisions of 11 *&* 12 *Vict. c.* 42. as to Justices in one County, &c., acting for another, to extend to this Act, § 6.
41. Power to Justice to summon Witnesses to attend and give Evidence. If Summons be not obeyed, Justices may issue Warrant; in certain Cases may issue Warrant in the first instance. Persons appearing on Summons, &c. refusing to be examined, may be committed, § 7.
42. Complaints for an Order need not be in Writing, § 8.
43. As to Proceedings upon Informations for Offences punishable on summary Convictions. The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged upon Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 9.
44. Manner of making Complaint or laying Information. When Warrant issued in the first instance, Information to be upon Oath, &c., § 10.
45. Time limited for such Complaint or Information, § 11.
46. As to the Hearing of Complaints and Informations. Places in which Justices shall sit to hear Complaints, &c. to be deemed an open Court. Parties allowed to plead by Counsel or Attorney, § 12.
47. If Defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the Hearing till Defendant is apprehended. If Defendant appear, and Complainant, &c., does not, Justice may dismiss the Complaint, &c., or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizances; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace. If both Parties appear, Justice to hear and determine the Case, § 13.
48. Proceedings on the Hearing of Complaints and Informations. Proviso, § 14.
49. Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c., § 15.
50. Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 16.
51. Forms of Convictions and Orders, § 17.
52. Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress, § 18.
53. Power to Justice to issue Warrant of Distress. How Warrants to be backed. Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison, § 19.
54. Justice after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, until Return be made, unless he gives Security by Recognizance; but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace, § 20.
55. In default of Sufficiency of Distress, Justice may commit Defendant to Prison, § 21.
56. In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison, § 22.
57. Power to Justices to order Commitment in the first instance for the Nonpayment of a Penalty or of a Sum ordered to be paid, § 23.
58. Power to Justices to order Commitment where the Conviction is not for a Penalty, nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c. Costs may be levied by Distress, and in default Defendant may be committed for a further Term, § 24.
59. Imprisonment for a subsequent Offence to commence at Expiration of that for previous Offence, § 25.

60. If

60. If Information be dismissed, Costs may be recovered by Distress upon Prosecutor, &c. who in default may be committed, § 26.
61. After Appeal against Conviction or Order Justice may issue Warrants of Distress for Execution of the same. Costs of Appeal, how recovered, § 27.
62. On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged, § 28.
63. In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c. and after Conviction or Order may issue Warrant of Distress, &c., § 29.
64. Regulations as to the Payment of Clerks Fees, § 30.
65. Regulations as to whom Penalties, &c. to be paid. Clerks to keep Accounts of all Monies received, &c., in the Form in Schedule to this Act, and render the same to the Justices at Sessions, § 31.
66. Forms in Schedule deemed valid, § 32.
67. Metropolitan Police Magistrates and Stipendiary Magistrates in other Places may act alone. Nothing to affect Powers, &c. contained in 10 *G.* 4. *c.* 44., 2 *&* 3 *Vict. c.* 47., 2 *&* 3 *Vict. c.* 71., and 3 *&* 4 *Vict. c.* 84.,—§ 33.
68. The Lord Mayor, or any Alderman of *London*, may act alone. Nothing to affect Powers, &c. contained in 2 *&* 3 *Vict. c.* 94.,—§ 34.
69. To what this Act shall not extend, § 35.
70. After Commencement of this Act, the following Statutes and Parts of Statutes repealed: 18 *Eliz. c.* 5. *s.* 1. in part., 31 *Eliz. c.* 5. *s.* 5. in part, 27 *G.* 2. *c.* 20. *ss.* 1. 2., 18 *G.* 3 *c.* 19. *ss.* 1., 2., 3., 5., 33 *G.* 3. *c.* 55. *s.* 3., 3 *G.* 4. *c.* 23., 5 *G.* 4. *c.* 18., 6 *&* 7 *W.* 4. *c.* 114. *s.* 2.,—§ 36.
71. Act to extend to *Berwick-upon-Tweed*, but not to *Scotland*, *Ireland*, &c., except as to backing of Warrants under 11 *&* 12 *Vict. c.* 42.,—§ 37.
72. Commencement of Act, § 38.

73. To protect Justices of the Peace from vexatious Actions for Acts done by them in execution of their Office, 11 *&* 12 *Vict. c.* 44.
74. For an Act by a Justice of Peace within his Jurisdiction the Action shall be on the Case, and it shall be alleged to have been done maliciously, and without probable Cause, § 1.
75. For an Act done by him without Jurisdiction, or exceeding his Jurisdiction, an Action may be maintained without such Allegation; but not for an Act done under a Conviction or Order, until after such Conviction or Order shall have been quashed; nor for an Act done under a Warrant to compel Appearance, if a Summons were previously served and not obeyed, § 2.
76. If one Justice make a Conviction or Order, and another grant a Warrant upon it, the Action must be brought against the former, not the latter, for a Defect in the Conviction or Order, § 3.
77. No Action for issuing a Distress Warrant for Poor Rate by reason of any Defect or that the Party is not rateable. No Action against Justices for the Manner in which they exercise a discretionary Power, § 4.
78. If a Justice refuse to do an Act, the Court of Queen's Bench may by Rule order him to do it, and no Action shall be brought against him for doing it, § 5.
79. After Conviction or Order confirmed on Appeal, no Action for anything done under a Warrant upon it, § 6.
80. Actions may be set aside, § 7.
81. Limitation of Action, § 8.
82. Notice of Action, § 9.
83. Defendant may plead the General Issue, any Special Matter, &c., in Evidence, § 10.
84. Tender and Payment of Money into Court, § 11.
85. In what Cases nonsuit, or Verdict for Defendant, § 12.
86. Damages, § 13.
87. Costs, § 14.
88. Act to extend only to *England*, *Wales*, and *Berwick*, § 15.
89. Commencement of Act, § 16.
90. After Commencement of this Act the following Statutes or Parts of Statutes repealed, 7 *Jac.* 1. *c.* 5., 21 *Jac.* 1. *c.* 12. *s.* 5.: 24 *G.* 2. *c.* 44. *ss.* 1., 2., and Part of *s.* 8., and 43 *G.* 3. *c.* 141.,—§ 17.
91. Act to apply to Persons protected by the repealed Statutes, § 18.

L.

Lancaster, See Cornwall and Lancaster, Duchies of.

Land Tax Commissioners.

1. To appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes, 11 *&* 12 *Vict. c.* 62.

Larceny.

1. To amend the Laws in *England* and *Ireland* relative to Larceny and other Offences connected therewith, 12 *&* 13 *Vict. c.* 11.
2. Punishment of Transportation taken away in the Case of Simple Larceny, § 1.
3. Tenants and Lodgers stealing from Houses or Apartments let to them, if the Value exceed *5l.*, punishable as before the passing of this Act, § 2.
4. Larceny, &c. after Two previous summary Convictions punishable as before the passing of this Act, § 3.
5. In Indictments against Persons twice convicted it shall be sufficient to state the Fact, and certified Copies of Convictions to be Evidence, § 4.

Lead, See Copper and Lead.

Leases under Powers.

1. For granting Relief against Defects in Leases made under Powers of Leasing, in certain Cases, 12 *&* 13 *Vict. c.* 26.
2. Interpretation of Terms, § 1.
3. Leases invalid owing to Deviation from Terms of the Power to be deemed Contracts in Equity for such Leases as might have been granted under the Power. Proviso where the Grantor or Reversioner is willing to confirm, § 2.
4. Acceptance of Rent to be deemed a Confirmation, § 3.
5. Leases invalid at the granting thereof may become valid if the Grantor continue in the Ownership until the Time when he might lawfully grant such a Lease, § 4.
6. What shall be deemed an intended Exercise of a Power, § 5.
7. Saving the Rights of the Lessees under Covenants for Title and for quiet Enjoyment, and the Lessor's Right of Re-entry for Breach of Covenant, &c., § 6.
8. Act not to extend to certain Leases. Pending Suits not to be prejudiced, § 7.
9. Act not to extend to *Scotland*, § 8.

10. For

10. For suspending, until the First Day of *June* One thousand eight hundred and fifty, the Operation of an Act passed this Session, intituled *An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases*, 12 & 13 *Vict. c.* 110.
11. 12 & 13 *Vict. c.* 26. not to come into operation until 1st *June* 1850, § 1.

Liquors, See Beer and other Liquors.

Loans in certain Colonies.

1. For guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the *British* Colonies on the Continent of *South America*, in the *West Indies* and the *Mauritius*, for certain Purposes, 11 & 12 *Vict. c.* 130.
2. Her Majesty may guarantee Interest, not exceeding Four *per Cent.*, on Loans raised for the Purposes herein mentioned not exceeding 500,000*l.*, § 1.
3. Treasury may determine Amounts to be raised, and the Mode of charging the same on the Colonial Revenues, § 2.
4. Advances out of Consolidated Fund of United Kingdom to be charged on Revenues of Colonies, § 3.
5. Certificate of Amount paid out of Consolidated Fund to be sent to Colonies, § 4.
6. Accounts to be laid before Parliament, § 5.

Loan Societies.

1. To continue until the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies, 11 & 12 *Vict. c.* 64.
2. To continue to the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act (3 & 4 *Vict. c.* 110.) to amend the Laws relating to Loan Societies, 12 & 13 *Vict. c.* 37.

Local Acts.

1. For amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts, 11 & 12 *Vict. c.* 129.
2. 9 & 10 *Vict. c.* 106. repealed, but not to affect certain Acts done under it, § 1.
3. Statement of Objects, &c. of proposed Act, accompanied by Plans, &c., to be given to the Commissioners of Woods, &c., § 2.
4. Power to Commissioners of Woods, &c. to appoint competent Persons to be Inspectors to make preliminary Examinations, &c. Inspectors to report to Commissioners of Woods, &c., who shall lay the same before Parliament, after Security for Payment of Expenses shall be given, § 3.
5. Commissioners of Woods, &c. to give Notice of Inquiry, § 4.
6. Promoters of proposed Act and Opponents to appear before Inspectors, and produce Surveys, &c. Power to Inspectors to summon Persons having Custody of Maps, &c., also Persons to give Evidence. Power to Inspectors to administer Oaths to Persons examined, § 5.
7. Penalty on Persons fully refusing to attend or give Evidence, § 6.
8. Expenses of Inquiry to be paid by the Promoters, the Amount of which shall be certified by Commissioners. Commissioners may require Promoters to make a Deposit. Certificate of Commissioners to be taken as Proof in Proceedings at Law. Inspectors may charge a Portion of the Expenses on Opponents, § 7.
9. Commissioners may charge Opponents to proposed Act with a Proportion of Costs of Inquiries, &c., § 8.
10. Notice to be given to the Admiralty where Applications relate to Ports or navigable Rivers, § 9.
11. Inquiry may be made after Time limited, by Permission of either House of Parliament, § 10.
12. Interpretation of Act. Persons signing Statements to be deemed Promoters, § 11.

BRIDGES, CANALS, DOCKS, HARBOURS, RIVERS, PIERS, &c.

1. *Clifton.*—Building Bridge, 11 & 12 *Vict. c.* iv.
2. *Liverpool.*—Warehouses, Docks, &c., 11 & 12 *Vict.* c. x.
3. *Dover.*—Pier, 11 & 12 *Vict. c.* xi.
4. *London.*—Regulating Sufferance Wharfs, 11 & 12 *Vict. c.* xviii.
5. *Looe.*—Improving Harbour, 11 & 12 *Vict. c.* xxxiv.
6. *Barrow.*—Improving Harbour, 11 & 12 *Vict. c.* xxxv.
7. *Bristol.*—Transfer of Docks, 11 & 12 *Vict. c.* xliii.
8. *Queensferry.*—Improving, 11 & 12 *Vict. c.* xliv.
9. *Newry* Navigation. — Amending Acts, 11 & 12 *Vict. c.* xcvi.
10. *Dover.*—Raising Money for Harbour, 11 & 12 *Vict. c.* xcvii.
11. *Burntisland.*—Improving Harbour, 11 & 12 *Vict. c.* xcviii.
12. *Leck Robie.*—Constructing Harbour, 11 & 12 *Vict. c.* xcix.
13. *Grand Canal Company.*—Better carrying on Affairs, 11 & 12 *Vict. c.* cxxii.
14. *New Ross.*—Improving Harbour, 11 & 12 *Vict. c.* cxxxix.
15. *Nene.*—Improving, 11 & 12 *Vict. c.* cxliii.
16. *Birkenhead.*—Altering Dock Acts, 11 & 12 *Vict. c.* cxliv.
17. *Wareham.*—Making Docks, 12 & 13 *Vict. c.* xi.
18. *New Ross.*—Improving Harbour, 12 & 13 *Vict. c.* xiv.
19. *Perth.*—Equalizing Port Dues, 12 & 13 *Vict. c.* xxiii.
20. *Stainforth and Keadby* Canal.—Vesting in Proprietors of River *Dun* Navigation, 12 & 13 *Vict. c.* xxix.
21. *Kirkaldy.*—Enlarging Harbour, 12 & 13 *Vict. c.* xxx.
22. *Sunderland.* — Amending Dock Acts, 12 & 13 *Vict. c.* xxxi.
23. *Edinburgh and Glasgow* Union Canal.—Vesting in *Edinburgh and Glasgow* Railway Company, 12 & 13 *Vict. c.* xxxix.
24. *Yarmouth.*—Improving Haven, 12 & 13 *Vict. c.* xlviii.
25. *Charing Cross* Bridge.—Improving Approaches, 12 & 13 *Vict. c.* li.
26. *Hull.*—Enabling Dock Company to raise further Sum, 12 & 13 *Vict. c.* lxix.
27. *Sheffield* Canal.—Transferring to Proprietors of River *Dun* Navigation, 12 & 13 *Vict. c.* lxxv.
28. *Ardrossan* Harbour. — Amending Acts, 12 & 13 *Vict. c.* lxxxviii.

COMPANIES.

1. *Leicester* Navigation.—Abandoning Railways, &c., 11 & 12 *Vict. c.* v.
2. *Birkenhead* Dock.—Enabling to sell or lease Lands, 11 & 12 *Vict. c.* ix.
3. *Bristol and Clifton* Gaslight.—Amending Act, 11 & 12 *Vict. c.* xiii.
4. *Southampton.*—Incorporating Gaslight Company, 11 & 12 *Vict. c.* xiv.

5. *Worcester.*—Enabling Gaslight Company to raise further Money, 11 & 12 *Vict. c.* xv.
6. *Price's* Patent Candle Company.—Incorporating, 11 & 12 *Vict. c.* xx.
7. *Liverpool* Gaslight Company.—Amalgamating with new Gas and Coke Company, 11 & 12 *Vict. c.* xxxviii.
8. *Forth and Clyde* Navigation Company.—Enabling to enter into certain Agreements, 11 & 12 *Vict. c.* xli.
9. *Herculaneum* Dock Company.—Enabling to sell or lease Lands, 11 & 12 *Vict. c.* xlii.
10. *North of Scotland* Insurance Company.—Incorporating, 11 & 12 *Vict. c.* xlvi.
11. *Galvanized* Iron Company.—Enabling, to purchase certain Letters Patent, 11 & 12 *Vict. c.* xlvii.
12. *Manchester* Waterworks.—Amending Acts, 11 & 12 *Vict. c.* ci.
13. *Galvanized* Iron Company.—Dissolving, &c., 11 & 12 *Vict. c.* ciii.
14. *Low's* Patent Copper Company.—Enabling, to work certain Letters Patent, 11 & 12 *Vict. c.* cv.
15. *Scottish* Provident Institution.—Incorporating, &c., 11 & 12 *Vict. c.* cvi.
16. Philanthropic Society.—Selling and leasing Lands, 11 & 12 *Vict. c.* cix.
17. *Haverstock Hill* Orphan Working School.—Incorporating, 11 & 12 *Vict. c.* cx.
18. *West of England and South Wales* Draining Company.—Incorporating, 11 & 12 *Vict. c.* cxlii.
19. Timber-preserving Company.—Purchasing certain Letters Patent, 11 & 12 *Vict. c.* cxlix.
20. Farmers Estate Society of *Ireland.*—Establishing, 11 & 12 *Vict. c.* cliii.
21. *Blackburn* Waterworks Company.—Raising further Sum, 12 & 13 *Vict. c.* i.
22. *Sunderland* Water Company.—Raising further Sum, 12 & 13 *Vict. c.* ii.
23. *Warrington* Waterworks Company.—Raising further Sum, 12 & 13 *Vict. c.* v.
24. *Nottingham* Gas and Coke Company.—Raising further Sum, 12 & 13 *Vict. c.* ix.
25. *Argyle* Canal Company.—Dissolving, 12 & 13 *Vict. c.* xiii.
26. *Bradford* Waterworks Company.—Raising further Sum, 12 & 13 *Vict. c.* xx.
27. *Scottish* Amicable Insurance Society.—Incorporating, 12 & 13 *Vict. c.* xxii.
28. *London* Gaslight Company.—Granting further Powers, 12 & 13 *Vict. c.* xxxvii.
29. Railway Passengers Assurance Company.—Conferring Powers, 12 & 13 *Vict. c.* xl.
30. *Rock* Assurance Company.—Enabling, to sue, &c., 12 & 13 *Vict. c.* lxx.
31. *Bowling* Iron Company.—Confirming Arrangement, &c., 12 & 13 *Vict. c.* lxxvii.
32. Governors of Hospital for Consumption.—Incorporating, 12 & 13 *Vict. c.* lxxx.
33. Land Drainage and Improvement Company.—Incorporating, 12 & 13 *Vict. c.* xci.

Draining and Inclosing Lands.

1. *Middle Level of the Fens.*—Amending Acts, 11 & 12 *Vict. c.* civ.
2. *Thorne Moor.*—Draining, 11 & 12 *Vict. c.* cl.
3. *Feltwell* Second District.—Improving Drainage, 12 & 13 *Vict. c.* vii.
4. *Marsh Land Fen.*—Assessing Drainage Rates, 12 & 13 *Vict. c.* xviii.
5. *Ramsey*, &c.—Amending Drainage Act, 12 & 13 *Vict. c.* xxiv.
6. *Congleton.*—Dividing, &c. Commons, 12 & 13 *Vict. c.* xlv.
7. *Black Sluice* Drainage.—Amending Acts, 12 & 13 *Vict. c.* lix.
8. *Binbrooke.*—Amending Inclosure Acts, 12 & 13 *Vict. c.* lxxxii.
9. *Norfolk Estuary.*—Amending Act, &c., 12 & 13 *Vict. c.* xcv.

Turnpike Roads.

1. *Battle Bridge* to *Holloway.*—Making Road, 11 & 12 *Vict. c.* xlviii.
2. *Nantwich* to *Wheelock* Wharf.—Repairing Road, 11 & 12 *Vict. c.* xlix.
3. *Dundalk* to *Castle Blayney.*—Repairing Road, 11 & 12 *Vict. c.* l.
4. *Truro.*—Repairing Roads to and from, 11 & 12 *Vict. c.* li.
5. *Dublin* to *Mullingar.*—Repairing Road, 11 & 12 *Vict. c.* cvii.
6. *Worcester.*—Making new Roads to and from, 11 & 12 *Vict. c.* cxxxvii.
7. *Hulme* to *Eccles.*—Continuing Act, 11 & 12 *Vict. c.* cxlv.
8. *Crossford Bridge* to *Manchester.*—Amending Act, 11 & 12 *Vict. c.* cxlvi.
9. *Richmond* to *Reeth.*—Repairing Road, 11 & 12 *Vict. c.* cxlvii.
10. *Roxburghshire* and *Berwickshire.*—Repairing Roads, 12 & 13 *Vict. c.* iv.
11. *Truro* and *Penryn* and *Redruth.*—Consolidating Trusts, &c., 12 & 13 *Vict. c.* xliv.
12. *Stones End, Southwark*, to *Highgate.*—Amending Road, 12 & 13 *Vict. c.* xlvii.
13. *Chatteris Ferry* to *Wisbeach.*—Repairing Road, 12 & 13 *Vict. c.* lvii.
14. *Lanarkshire.*—Repairing Roads, 12 & 13 *Vict. c.* lxiii.
15. *Highbury Place* to *Haberdashers Walk.*—Continuing Act, 12 & 13 *Vict. c.* lxvi.
16. *Dublin* to *Slane* and *Drogheda.*—Repairing Roads, 12 & 13 *Vict. c.* lxviii.
17. *Commercial Road*, &c.—Repairing, 12 & 13 *Vict. c.* lxxvi.

Railways.

1. *Hitchin Extension.*—Altering, 11 & 12 *Vict. c.* xxi.
2. *North-western.*—Altering, 11 & 12 *Vict. c.* xxii.
3. *Aberdare.*—Leasing, 11 & 12 *Vict. c.* xxiii.
4. *York, Newcastle, and Berwick.*—Improving, 11 & 12 *Vict. c.* xxiv.
5. *North British.*—Raising further Capital, 11 & 12 *Vict. c.* xxv.
6. *Kendal and Windermere.*—Raising further Sum, 11 & 12 *Vict. c.* xxvi.
7. *South Wales.*—Holding Shares in the *Vale of Neath*, 11 & 12 *Vict. c.* xxvii.
8. *Bristol and Exeter.*—Purchasing *Glastonbury* Canal, 11 & 12 *Vict. c.* xxviii.
9. *Waterford, Wexford, Wicklow, and Dublin.*—Amending Acts, 11 & 12 *Vict. c.* xxix.
10. *Norfolk.*—Raising further Sum, 11 & 12 *Vict. c.* xxx.
11. *Dundee and Perth.*—Making Junction Line to *Dundee*, 11 & 12 *Vict. c.* lii.
12. *Drumpeller.*—Amending Act, 11 & 12 *Vict. c.* liii.
13. *Arbroath and Forfar.*—Raising further Money, 11 & 12 *Vict. c.* liv.
14. *York, Newcastle, and Berwick.*—Altering Branch, 11 & 12 *Vict. c.* lv.

15. *Leeds and Thirsk.*—Making Railway from *Melmerby* to *Northallerton*, 11 & 12 *Vict.* c. lvi.
16. *Leeds and Thirsk.*—Altering Levels, 11 & 12 *Vict.* c. lvii.
17. *Manchester South Junction and Altrincham.*—Additional Station, 11 & 12 *Vict.* c. lviii.
18. *Oxford, Worcester, and Wolverhampton.*—Raising further Sum, 11 & 12 *Vict.* c. lix.
19. *Chester and Holyhead.*—Purchasing Steam Boats, 11 & 12 *Vict.* c. lx.
20. *Waterford and Kilkenny.*—Amending Act, 11 & 12 *Vict.* c. lxi.
21. *East Lincolnshire.*—Altering *Great Grimsby* Branch, 11 & 12 *Vict.* c. lxii.
22. *Manchester, Sheffield, and Lincolnshire.*—Making Railway to *Barnsley*, 11 & 12 *Vict.* c. lxiii.
23. *Manchester, Sheffield, and Lincolnshire.*—Improving *Manchester* Station, 11 & 12 *Vict.* c. lxiv.
24. *South Yorkshire, Doncaster, and Goole.*—Making Branch to *Great Northern*, 11 & 12 *Vict.* c. lxv.
25. *North Staffordshire.*—Altering, 11 & 12 *Vict.* c. lxvi.
26. *Aberdeen.*—Raising further Sum, 11 & 12 *Vict.* c. lxvii.
27. *Leeds and Thirsk.*—Making Railway to *Pateley*, 11 & 12 *Vict.* c. lxviii.
28. *Manchester, Sheffield, and Lincolnshire.*—Crossing *Sheffield Street, Manchester*, 11 & 12 *Vict.* c. lxix.
29. *Edinburgh and Glasgow.*—Making Branches, &c., 11 & 12 *Vict.* c. lxx.
30. *Leeds Central* Railway Station.—Making, 11 & 12 *Vict.* c. lxxi.
31. *Scottish Midland Junction.*—Making Branches, 11 & 12 *Vict.* c. lxxii.
32. *Caledonian.*—Improving *Glasgow, Garnkirk, and Coatbridge* and the *Clydesdale Junction*, 11 & 12 *Vict.* c. lxxiii.
33. *Hungerford* to *Westbury and Devizes.*—Making Railway, 11 & 12 *Vict.* c. lxxiv.
34. *Windsor, Staines,* and *South-western.*—Making Deviations, 11 & 12 *Vict.* c. lxxv.
35. *Midland Great Western* (*I.*)—Making Deviation, 11 & 12 *Vict.* c. lxxvi.
36. *Bristol and Exeter.*—Making Branch to *Wells*, 11 & 12 *Vict.* c. lxxvii.
37. *Glasgow, Paisley, and Greenock.*—Making Branch, 11 & 12 *Vict.* c. lxxvii.
38. *Londonderry and Enniskillen.*—Abandonment of a Portion, &c., 11 & 12 *Vict.* c. lxxix.
38. *Whitehaven Junction.*—Extending, 11 & 12 *Vict.* c. lxxx.
39. *Hartlepool.*—Leasing, 11 & 12 *Vict.* c. lxxxi.
40. *Bristol and Exeter.*—Making Branch, 11 & 12 *Vict.* c. lxxxii.
41. *North Staffordshire.*—Making Branch, 11 & 12 *Vict.* c. lxxxiii.
42. *Glasgow, Paisley, and Kilmarnock and Ayr.*—Regulating Charges, 11 & 12 *Vict.* c. lxxxiv.
43. *Exeter* to *Yeovil.*—Making Railway, 11 & 12 *Vict.* c. lxxxv.
44. *Manchester, Sheffield, and Lincolnshire.*—Vesting Canal from *Manchester* to *Oldham*, 11 & 12 *Vict.* c. lxxxvi.
45. *London and South-western.*—Making Railway from *Salisbury* to *Yeovil*, 11 & 12 *Vict.* c. lxxxvii.
46 *Midland.*—Making Branches, 11 & 12 *Vict.* c. lxxxviii.
47. *Southampton and Dorchester.*—Amalgamating with *London and South-western*, 11 & 12 *Vict.* c. lxxxix.
48. *London and Blackwall.*—Altering Gauge, 11 & 12 *Vict.* c. xc.
49. *Whitehaven Junction.*—Raising further Sum, 11 & 12 *Vict.* c. xci.
50. *Manchester, Sheffield, and Lincolnshire.*—Improving Communication with *Hull*, 11 & 12 *Vict.* c. xcii.
51. *Manchester, Sheffield, and Lincolnshire.*—Enlarging Station at *Sheffield*, 11 & 12 *Vict.* c. xciii.
52. *Manchester, Sheffield, and Lincolnshire.*—Vesting *Sheffield* Canal, 11 & 12 *Vict.* c. xciv.
53. *Great Western*, &c.—Subscribing to *Plymouth Great Western* Docks, 11 & 12 *Vict.* c. xcv.
54. *London and Blackwall.*—Altering Act, 11 & 12 *Vict.* c. cxi.
55. *Edinburgh and Northern.*—Making Branches, 11 & 12 *Vict.* c. cxii.
56. *Edinburgh and Bathgate.*—Extending *Whitburn* Branch, 11 & 12 *Vict.* c. cxvi.
57. *Londonderry and Coleraine.*—Making Deviation, &c., 11 & 12 *Vict.* c. cxvii.
58. *Glasgow, Aridrie, and Monklands Junction.*—Constructing *Cowlairs* Branch, 11 & 12 *Vict.* c. cxviii.
59. *Royston and Hitchin.*—Extending Line, 11 & 12 *Vict.* c. cxix.
60. *Newport and Pontypool.*—Amending Act of 1845, 11 & 12 *Vict.* c. cxx.
61. *Caledonian.*—Extending Railway, 11 & 12 *Vict.* c. cxxi.
62. *London and South-western.*—Extending, &c. at *Godalming*, &c., 11 & 12 *Vict.* c. cxxv.
63. *Furness.*—Raising further Sum, 11 & 12 *Vict.* c. cxxvi.
64. *Stirling and Dumfermline.*—Authorizing Deviations, 11 & 12 *Vict.* c. cxxvii.
65. *Whitehaven and Furness Junction.*—Extending, 11 & 12 *Vict.* c. cxxviii.
66. *Dundee and Arbroath.*—Making Junction Line to *Dundee*, 11 & 12 *Vict.* c. cxxix.
67. *London and North-western.*—Making Branch to *Craven* Colliery, 11 & 12 *Vict.* c. cxxx.
68. *Midland.*—Making Railway from *Gloucester* to *Stonehouse*, 11 & 12 *Vict.* c. cxxxi.
69. *Newry and Enniskillen.*—Altering Acts, 11 & 12 *Vict.* c. cxxxii.
70. *Oxford, Worcester, and Wolverhampton.*—Altering, 11 & 12 *Vict.* c. cxxxiii.
71. *Monkland and Kirkintilloch, Ballochney and Slamannan.*—Amalgamating, 11 & 12 *Vict.* c. cxxxiv.
72. *Great Western.*—Making Railway from *Slough* to *New Windsor*, 11 & 12 *Vict.* c. cxxxv.
73. *London, Brighton, and South Coast.*—Altering *New Cross* Station, 11 & 12 *Vict.* c. cxxxvi.
74. *Dundee and Perth.*—Taking Lease of the *Dundee and Arbroath* Railway, 11 & 12 *Vict.* c. cliv.
75. *Paisley* to *Barrhead.*—Making Railway, 11 & 12 *Vict.* c. clv.
76. *Manchester, Buxton, Matlock, and Midlands Junction.*—Making Deviation and Branch, 11 & 12 *Vict.* c. clvi.
77. *Exeter and Exmouth.*—Amending Acts, 11 & 12 *Vict.* c. clvii.
78. *Great Western.*—Making Loop Line, 11 & 12 *Vict.* c. clviii.
79. *Great Western.*—Conferring additional Powers for purchasing certain Railways, 11 & 12 *Vict.* c. clix.
80. *Edinburgh and Glasgow.*—Holding Shares in the *Edinburgh and Bathgate*, 11 & 12 *Vict.* c. clx.
81. *Edinburgh and Northern.*—Raising further Sum, 12 & 13 *Vict.* c. xv.
82. *North-western.*—Extending *Lancaster* Branch, 12 & 13 *Vict.* c. xix.

83. *Leeds and Thirsk.*—Raising further Sum, 12 & 13 *Vict.* *c.* xxvii.
84. *Reading, Guildford, and Reigate.*—Connecting with the *London and South-western*, 12 & 13 *Vict.* *c.* xxviii.
85. *London and South-western.*—Extending Powers, 12 & 13 *Vict.* *c.* xxxiii.
86. *Windsor, Staines, and South-western.*—Extending to *New Windsor*, 12 & 13 *Vict.* *c.* xxxiv.
87. *Cockermouth and Workington.* — Making Branch to *Bridgefoot*, 12 & 13 *Vict.* *c.* xxxviii.
88. *Chester and Holyhead.*—Raising further Sum, 12 & 13 *Vict.* *c.* xli.
89. *Newcastle and Carlisle.*—Altering *Alston* Branch, 12 & 13 *Vict.* *c.* xliii.
90. *Lancashire and Yorkshire.* — Amending Acts, 12 & 13 *Vict.* *c.* l.
91. *Ely and Huntingdon.* — Amending Act, 12 & 13 *Vict.* *c.* lii.
92. *East Lothian Central.*—Dissolving, 12 & 13 *Vict.* *c.* liii.
93. *Stockton and Darlington.* — Consolidating Acts, &c., 12 & 13 *Vict.* *c.* liv.
94. *Shrewsbury and Chester.*—Making Branches to the *Dee*, 12 & 13 *Vict.* *c.* lv.
95. *York, Newcastle, and Berwick.* — Making Branches, 12 & 13 *Vict.* *c.* lviii.
96. *York and North Midland.* — Diverting, 12 & 13 *Vict.* *c.* lx.
97. *Taff Vale* to *Dowlais.* — Making Branch, 12 & 13 *Vict.* *c.* lxi.
98. *South-eastern* (*I.*) — Amending Acts, 12 & 13 *Vict.* *c.* lxii.
99. *Wishaw and Coltness.* — Selling to *Caledonian*, 12 & 13 *Vict.* *c.* lxvii.
100. *East Lancashire.* — Amending Acts, 12 & 13 *Vict.* *c.* lxxi.
101. *Wilsontown, Morningside, and Coltness.*—Transferring to the *Edinburgh and Glasgow*, 12 & 13 *Vict.* *c.* lxxii.
102. *London and Blackwall.*—Amending Acts, 12 & 13 *Vict.* *c.* lxxiii.
103. *Lancashire and Yorkshire* and *London and North-western.*—Vesting the *Preston and Wyre* Railway in, 12 & 13 *Vict.* *c.* lxxiv.
104. *Edinburgh and Northern.* — Constructing Pier at *Granton*, 12 & 13 *Vict.* *c.* lxxix.
105. *Manchester, Sheffield, and Lincolnshire.*—Consolidating Acts, 12 & 13 *Vict.* *c.* lxxxi.
106. *Great Indian Peninsular.*—Incorporating, 12 & 13 *Vict.* *c.* lxxxiii.
107. *Great Northern.*—Amending Acts, 12 & 13 *Vict.* *c.* lxxxiv.
108. *Shrewsbury and Birmingham.*—Amending Acts, 12 & 13 *Vict.* *c.* lxxxv.
109. *Stirling and Dunfermline.*—Authorizing Deviation, 12 & 13 *Vict.* *c.* lxxxvi.
110. *Lancaster and Preston Junction.*—Amending Acts, 11 & 12 *Vict.* *c.* lxxxvii.
111. *Glasgow, Barrhead, and Neilston Direct.*—Effectuating Lease of, to the *Caledonian*, 12 & 13 *Vict.* *c.* xc.
112. *Eastern Union.*—Amending Acts, 12 & 13 *Vict.* *c.* xcii.
113. *East Indian.*—Incorporating, 12 & 13 *Vict.* *c.* xciii.

Lighting and otherwise Improving Towns and other Places.

1. *Kettering.*—Collecting Rates, &c., 11 & 12 *Vict.* *c.* i.
2. *Leicester.*—Establishing Cemetery, 11 & 12 *Vict.* *c.* ii.
3. *Manchester.*—Consecrating Cemetery, 11 & 12 *Vict.* *c.* iii.
4. *Folkestone.*—Supplying with Water, 11 & 12 *Vict.* *c.* vi.
5. *Lambeth.*—Supplying with Water, 11 & 12 *Vict.* *c.* vii.
6. *Stirling.*—Supplying with Water, 11 & 12 *Vict.* *c.* viii.
7. *Morley.*—Lighting with Gas, 11 & 12 *Vict.* *c.* xii.
8. *Shrewsbury.*—Providing Market, 11 & 12 *Vict.* *c.* xvi.
9. *Oswestry.* — Regulating Markets, &c., 11 & 12 *Vict.* *c.* xxxiii.
10. *Derby.*—Supplying with Water, 11 & 12 *Vict.* *c.* xxxvi.
11. *Oxford.*—Improving, 11 & 12 *Vict.* *c.* xxxvii.
12. *New Brentford.* — Supplying with Gas, 11 & 12 *Vict.* *c.* xxxix.
13. *Brighton.*—Lighting with Gas, 11 & 12 *Vict.* *c.* xl.
14. *Chester.*—Establishing Cemetery, 11 & 12 *Vict.* *c.* c.
15. *Leeds.*—Sewering, 11 & 12 *Vict.* *c.* cii.
16. *Edinburgh.*—Watching, &c., 11 & 12 *Vict.* *c.* cxiii.
17. *Dunbar.* — Customs and other Rates, 11 & 12 *Vict.* *c.* cxxii.
18. *Leith.*—Police, 11 & 12 *Vict.* *c.* cxxiii.
19. *Aberavon.* — Establishing Market, 11 & 12 *Vict.* *c.* cxxxviii.
20. *Huddersfield.*—Police, 11 & 12 *Vict.* *c.* cxl.
21. *Londonderry.*—Improving, 11 & 12 *Vict.* *c.* cxli.
22. *Walsall.*—Paving, &c., 11 & 12 *Vict.* *c.* clxi.
23. *Clerkenwell.*—Improving, 11 & 12 *Vict.* *c.* clxii.
24. *London.*—Cleansing, &c., 11 & 12 *Vict.* *c.* clxiii.
25. *Brierley Hill.*—Supplying with Gas, 12 & 13 *Vict.* *c.* iii.
26. *Longton.*—Market, 12 & 13 *Vict.* *c.* vi.
27. *Darlington.*—Lighting, 12 & 13 *Vict.* *c.* viii.
28. *Epsom.*—Rates, 12 & 13 *Vict.* *c.* x.
29. *Kidderminster.*—Rates, 12 & 13 *Vict.* *c.* xii.
30. *Whitehaven.* — Supplying with Water, 12 & 13 *Vict.* *c.* xvii.
31. *Bury St. Edmunds.*—Lighting, 12 & 13 *Vict.* *c.* xxi.
32. *Hartlepool.*—Lighting, &c., 12 & 13 *Vict.* *c.* xxv.
33. *Macclesfield.* — Supplying with Water, 12 & 13 *Vict.* *c.* xxvi.
34. *Whittlesea.*—Paving, &c., 12 & 13 *Vict.* *c.* xxxii.
35. *Ashton-under-Lyne.*—Improving, 12 & 13 *Vict.* *c.* xxxv.
36. *Staffordshire Potteries.*—Enlarging Powers of Waterworks Act, 12 & 10 *Vict.* *c.* xxxvi.
37. *Richmond.*—Dividing Vicarages, 12 & 13 *Vict.* *c.* xlii.
38. *Torquay.*—Markets, 12 & 13 *Vict.* *c.* lvi.
39. *Louth.*—Markets, 12 & 13 *Vict.* *c.* lxxviii.
40. *Airdrie.*—Paving, &c., 12 & 13 *Vict.* *c.* lxxxix.
41. *London.*—Regulating Elections, 12 & 13 *Vict.* *c.* xciv.

See Companies and Miscellaneous.

Miscellaneous.

1. *Magdalen* Hospital. — Amending Act, 11 & 12 *Vict.* *c.* xvii.
2. *Leicester* Lunatic Asylum.—Effecting Agreement between Visitors of, and the Corporation of *Leicester*, 11 & 12 *Vict.* *c.* xix.
3. *Saint George's Chapel* Act.—Abolishing Duties under, 11 & 12 *Vict.* *c.* xxxi.
4. *Hamilton* Court House and Offices.—Raising further Sum, 11 & 12 *Vict.* *c.* xxxii.
5. River *Tyne.*—Establishing Steam Communication between *North* and *South Shields*, and other Places in *Durham* and *Northumberland*, 11 & 12 *Vict.* *c.* xlv.
6. *Marlborough College.*—Endowing Chapel, 11 & 12 *Vict.* *c.* cli.
7. *London* Small Debts Act.—Amending, 11 & 12 *Vict.* *c.* clii.
8. *Great Grimsby.*—Managing and disposing of the Freemen's Pastures, 12 & 13 *Vict.* *c.* xvi.
9. *Ren-*

9. *Renfrewshire.*—Facilitating Criminal Prosecutions, 12 & 13 *Vict. c.* xlvi.
10. *Joshua Procter Westhead.*—Rendering valid Letters Patent granted to, 12 & 13 *Vict. c.* xlix.

Lock-up Houses.

1. To provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties, 11 & 12 *Vict. c.* 101.
2. Power to Justices to enter into Agreements for providing Lock-up Houses for Two or more Counties, &c. which shall be maintained at their joint Expense. No Lock-up House to be erected except as approved by Secretary of State, § 1.
3. Justices in Quarter Sessions may appoint a Committee of Justices; and Councils of Boroughs may appoint a Committee of Councillors to make such Agreement, § 2.
4. Committees so appointed may unite for the Purpose of forming One Committee. Agreements to specify Situation of Lock-up House, § 3.
5. Agreements to be approved by General or Quarter Sessions and Councils of Boroughs respectively. Committees may be directed to re-assemble, or other Committees may be appointed, for carrying the Agreement into execution, § 4.
6. Lock-up Houses provided under this Act to be deemed Lock-up Houses for each County or Borough, § 5.
7. Superintendents to hold Office during good Behaviour, and be paid a Salary, and have Powers of Parish Constables. Interpretation of Act, § 6.

London Bridge.

1. To amend an Act of the last Session (10 & 11 *Vict. c.* 115.) for varying the Priorities of the Charges made on "The *London Bridge* Approaches Fund," and to facilitate the Completion of certain Improvements in the City of *Westminster*, 11 & 12 *Vict. c.* 124.
2. Commissioners of Woods to pay to the *Westminster* Improvement Commissioners 50,000*l.* out of the first Monies they receive from the *London Bridge* Approaches Fund, when 75,000*l.* shall have been expended in purchasing Area of new Street, § 1.
3. How Interest on 50,000*l.* shall be paid if Commissioners of Woods have no Monies in hand after Expenditure of 75,000*l.*, § 2.
4. Interest on the 50,000*l.* to be paid at the same Rate (not exceeding 5*l. per Cent.*) at which Monies may be borrowed on the Credit thereof, § 3.
5. Certificate of Commissioners of Woods to be Evidence of Compliance with Conditions, and Receipts of *Westminster* Improvement Commissioners to be good Discharges, § 4.
6. The 50,000*l.*, or Monies borrowed on the Credit thereof, to be invested in the Names of Trustees for completing the Purchase of the Area of the new Street, and opening the same as a public Thoroughfare, § 5.
7. As to Appointment of new Trustees in case of Death, &c., § 6.
8. Trustees not to be liable for involuntary Losses, § 7.
9. Area when purchased, to be devoted to the Public, free from all Charges, § 8.
10. Improvement Commissioners may inclose Areas to Houses, and construct Vaults appurtenant to the same, § 9.
11. Plan to remain at Office of Woods, &c. and to be open to Inspection, § 10.
12. Noncompletion of Street within prescribed Period not to affect Rights of Mortgagees, § 11.
13. Title Deeds to be delivered up to the Improvement Commissioners when they have expended 75,000*l.* towards Purchase of Area, and have invested the 50,000*l.* in Names of Trustees, § 12.
14. Improvement Commissioners to have Access to Documents deposited at Office of Woods, § 13.
15. Bond to the Treasury to remain in force, § 14.
16. Commissioners of Woods to continue incorporated, § 15.
17. Repeal of Provision in *Westminster* Improvement Acts as to Conveyances by way of Sale or Exchange, § 16.
18. Public Act, § 17.

Marines.

1. For the Regulation of Her Majesty's Royal Marine Forces while on shore, 11 & 12 *Vict. c.* 15.
2. For the Regulation of Her Majesty's Royal Marine Forces while on shore, 12 & 13 *Vict. c.* 12.

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Marriages abroad.

1. For facilitating the Marriage of *British* Subjects resident in Foreign Countries, 12 & 13 *Vict. c.* 68.
2. Marriages solemnized abroad in manner provided by this Act to be valid, § 1.
3. Notice of every intended Marriage to be given to Consul, § 2.
4. Consul to file Notices, register them in a Book, and suspend Copies in the Office of the Consulate, § 3.
5. Persons duly authorized may forbid the Solemnization of any Marriage, § 4.
6. Like Consent to any Marriage by Licence as is required in *England*, § 5.
7. Consul may grant Licences for Marriage, § 6.
8. Caveat against Marriages may be lodged with Consul, § 7.
9. When Marriages not solemnized within Three Months a new Notice required, § 8.
10. After Seven Days by Licence, or Twenty-one Days without Licence, Marriages may be solemnized at the *British* Consulate, by or in the Presence of the Consul and Two Witnesses, § 9.
11. Marriage Fees to the Consul, § 10.
12. Consul to register Marriages in Duplicate in Books to be sent by the Registrar General through the Secretary of State, § 11.
13. Copies of the Marriage Register Book to be forwarded yearly to the Secretary of State, § 12.
14. Proof of Residence of Parties or Consent not necessary to establish Marriage, § 13.
15. Consul may ask certain Particulars of Parties, § 14.
16. In case of fraudulent Marriage, the guilty Party to forfeit all Property accruing from the Marriage as in 4 *G.* 4. *c.* 76.,—§ 15.
17. Persons taking false Oaths, &c. guilty of Perjury, § 16.
18. The Certificate of Consul to be Evidence, § 17.
19. Provisions of Registration Act extended to this Act, § 18.

20. Consuls may be authorized by Secretary of State to solemnize Marriages, § 19.
21. Certain past Marriages confirmed, § 20.
22. Extent of Act, § 21.

Marshalsea Court, See Small Debts.

Metropolitan Sewers.

1. To consolidate and continue in force for Two Years and to the End of the then next Session of Parliament, the Metropolitan Commissions of Sewers, 11 & 12 *Vict. c.* 112.
2. Power to Her Majesty to cause to be issued One Commission of Sewers for the Metropolitan Districts, § 1.
3. Duration of Commission. Bye Laws, &c. to continue in force after Expiration of Commission, § 2.
4. Style of Commissioners, § 3.
5. Lord Mayor and Four Persons, being Members of the Common Council, to be appointed Commissioners under this Act, § 4.
6. Commissioners may act during Vacancies, § 5.
7. Disqualifications of Commissioners, § 6.
8. Property of Sewers, &c. vested in Commissioners. Transfer of Debts and Liabilities to Metropolitan Commissioners of Sewers, § 7.
9. Actions, &c. not to abate, but to continue for or against Metropolitan Commissioners, § 8.
10. Rates made under former Commission to be recoverable under this Act, § 9.
11. Officers under former Commissions to continue until removed, § 10.
12. Courts of Six or more Commissioners to exercise Powers of Act, § 11.
13. Lord Mayor and Persons appointed by Common Council may vote on Questions affecting the City of *London;* Such Questions to be discussed only at Special Courts, and Notice to be given thereof, § 12.
14. Appointment of Chairman of Courts, § 13.
15. Questions to be decided by Majority of Votes, § 14.
16. Provision for Commissioners holding their first Court, § 15.
17. Monthly Courts may be held, § 16.
18. No extraordinary Business to be discussed at Monthly Courts unless Notice given, § 17.
19. Power to hold Special Courts, § 18.
20. As to the Adjournment of Courts, § 19.
21. Notices for holding of Courts to be given, § 20.
22. Power for Commissioners to appoint Committee, § 21.
23. Powers of Committee, § 22.
24. Commissioners to investigate Accounts or superintend Works, whose Acts to be approved by Court of Sewers, § 23.
25. Clerk to record Proceedings which shall be deposited, § 24.
26. Power to Commissioners to provide a Common Seal, § 25.
27. Commissioners to provide Offices. A Book to be kept for Entry of Complaints, § 26.
28. Power to Commissioners to appoint Officers and Servants, and assign Salaries, &c., § 27.
29. Clerk and Treasurer not to be the same Person, § 28.
30. Penalty on Officers, &c. being interested in Contracts or exacting Fees, § 29.
31. Officers, &c. intrusted with Money to give Security for duly accounting for the same. If Officer fail to render Account, &c., Justices may commit Offender to Prison, § 30.
32. If Officers in possession of Property of Commissioners refuse to deliver it up, they may be removed from the same, § 31.
33. Commissioners to cause a Survey of the Area within the Limits to be made, and a Map of the same to be prepared, § 32.
34. Commissioners may agree with Officers of Ordnance for making Survey, § 33.
35. Power to form separate Sewerage Districts, § 34.
36. Power to Commissioners to alter Boundaries of separate Sewerage Districts, and, until altered, existing Districts to form separate ones, § 35.
37. Power to Commissioners to postpone Exercise of Jurisdiction in certain Cases, § 36.
38. All Sewers, Drains, &c. to be subject to Survey, &c. of Commissioners, § 37.
39. Power for Commissioners to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c., § 38.
40. Commissioners of Sewers for the City of *London* to execute Works required by the Commissioners appointed under this Act, § 39.
41. How Expenses of Works required to be executed in the City of *London* are to be paid, § 40.
42. As to Settlement of the Proportion to be paid by each Party in case of Difference of Opinion, § 41.
43. Expenses of Works executed in the City of *London* how to be recovered, § 42.
44. If Commissioners of Sewers for the City of *London* do not execute the Works required, the Commissioners under this Act empowered to execute them, § 43.
45. Power to Commissioners to do Works of Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the District, § 44.
46. Commissioners to cause Sewers, &c. vested in them to be cleansed and emptied from Time to Time. Saving of Rights of Company formed under 9 & 10 *Vict. c.* cccxcviii., —§ 45.
47. After issuing Commission under this Act, no House to be built or rebuilt without proper Drains. If Houses built before passing of this Act are not properly drained, Commissioners may order the same to be done, § 46.
48. Returns of Notices of building Houses pursuant to 7 & 8 *Vict. c.* 84. to be sent by Surveyors to Commissioners under this Act; such Surveyors to give Information to Commissioners, of Drains, &c. not conformable to this Act, § 47.
49. Penalty on building Houses, &c. without proper Water-closets, &c. All Houses built before or after issuing First Commission under this Act to be provided with Water-closets, &c., § 48.
50. Drains, Water-closets, &c. to be constructed so as not to be a Nuisance or injurious to Health, § 49.
51. Commissioners to cause offensive Ditches, Drains, &c. to be cleaned or covered by Owners or Occupiers, and to give them Notice of the same. If Persons after receiving Notice fail to comply, Commissioners may execute the same, and charge the Expenses, &c. Where Works done in pursuance of this Act shall interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased, § 50.
52. Power to Commissioners to order Streets, &c. to be cleansed for Preservation of Health, and to lay on Water-pipes, &c. within their Limits, § 51.
53. Power to Commissioners to fill up Ditches by the Side of Roads, and substitute Pipes, § 52.

54. Power to Commissioners to provide public Water-closets, &c., § 53.
55. No Buildings to be made in or over Sewers without Consent. Cellars and Vaults not to interfere with Sewers. Penalty on constructing Drains without Authority. Penalty on throwing hard Rubbish, &c. into Sewers, § 54.
56. Exclusive Control of Gulley Shoots, &c. vested in Commissioners. No Openings to be made into Sewers without Consent of Commissioners, § 55.
57. Notice to be given to Commissioners of laying and relaying Streets. Commissioners may prevent Admission of Surface Drainage into their Sewers, in certain Cases, § 56.
58. Commissioners may, at Expense of Owners, execute Works of Drainage, § 57.
59. Commissioners may, without Prejudice to Rights saved, dispose of the Sewage and Refuse of their Sewers, and apply the Money to Purposes of this Act, § 58.
60. Commissioners may proceed on Information of their Surveyor, § 59.
61. Notice to be given before commencing Works chargeable to special Rates. Persons objecting to Works to give Notice to Commissioners, who shall appoint a Time to hear the same, § 60.
62. Works of urgent Necessity may be proceeded with without Notice, § 61.
63. Power to enter on Lands for Purposes of the Act, § 62.
64. Power to stop up Streets during Progress of Works, and to alter Position of Pipes. Openings in Streets to be secured, and afterwards to be reinstated by Commissioners. Penalty on Contractor, &c. for Neglect, § 63.
65. Power to Commissioners to require Situation of Gas and Water Pipes to be altered. No Alteration to be required that will injure Pipes, § 64.
66. Power to Commissioners to enter into Contracts for carrying Act into Execution. Power to compound for Penalties in respect of Breach of Contracts. Estimates to be prepared before commencing Works of the Value of 200*l.*, § 65.
67. Power to Commissioners to purchase Lands, &c. for the Purposes of this Act; and to contract with any Company for Supply of Water, § 66.
68. Certain Provisions of 8 & 9 *Vict. c.* 18. incorporated with this Act, § 67.
69. Power to Commissioners to sell Lands, &c. not wanted, § 68.
70. Compensation to be made out of the Rates for Damages sustained. Disputes to be settled by Arbitration, § 69.
71. Mode of referring to Arbitration, § 70.
72 Provision in case of Death, &c. of any of the Arbitrators § 71.
73. Appointment of Umpire, § 72.
74. Time within which Award must be made, § 73.
75. Arbitrators may require the Production of Documents, &c. and may examine Witnesses, and determine Costs. Submission to Arbitration may be made Rule of Court, § 74.
76. Declaration to be made by Arbitrator and Umpire, § 75.
77. Power to Commissioners to levy a District Sewers Rate for apportioned Part of general Expenses of the Commission, and for the Expenses special to the District. Maximum of District Sewers Rate. Existing Exemptions to be allowed, § 76.
78. District Rates to be prospective for future Expenses or retrospective for Expenses already incurred. As to the Payment of Expenses for permanent Works, § 77.
79. Commissioners may impose District Rate in gross on Parishes, or assess Occupiers separately, § 78.
80. Tenant not liable to Sewers Rate to be repaid District Rate by Landlord, § 79.
81. As to Assessment of District Rate where not imposed in gross. Where no Poor Rate, Estimate to be made in Manner prescribed by 6 & 7 *W.* 4. *c.* 96.,—§ 80.
82. Power to levy, in certain Cases, a Special Sewers Rate, § 81.
83. Power to Commissioners to levy an Improvement Rate in certain Cases. Amount of Improvement Rate, and Charges for Default, limited, § 82.
84. Commissioners to ascertain Amount of Expenses to be defrayed by the respective Rates. Certificate of Surveyor Evidence of Expense of special Works, § 83.
85. Owners of unoccupied Premises to pay Special and Improvement Rates, § 84.
86. Landlord to be rated for Tenements under the annual Value of 10*l.*, &c., § 85.
87. Description of Owner or Occupier in Rates if his Name unknown, § 86.
88. Power to Commissioners to inspect Poor Rates, and to take Copies, &c. of the same, and may require the Collector to examine and verify the same, § 87.
89. Proportion of Special Rate and Improvement Rate may be deducted from Rent, § 88.
90. Owners, &c. may redeem Special and Improvement Rates, § 89.
91. Notice of District Rate. Form of Rate when not imposed in gross, § 90.
92. Notices to be given of Special and Improvement Rates, § 91.
93. Proposed Rates, and Rates when made, to be open to Inspection. Penalty on Clerk, &c. refusing Inspection, § 92.
94. Power to Commissioners to amend Rates from Time to Time, § 93.
95. As to Appeals against District Rates where imposed in gross, § 94.
96. As to Appeals against Rates when not imposed in gross. § 95.
97. Proceedings on Appeals, § 96.
98. As to Collection of Rates imposed in gross: from Guardians of Unions; from Overseers of Parishes not in Union; from other Persons where Part only of a Parish in Union is under the Commission, but is a District for Rating, § 97.
99. Enforcement of Precepts originally issued to Guardians, § 98.
100. For indemnifying Parishes whose Funds are anticipated from Default of other Parishes in the Union, § 99.
101. Enforcement of Precepts not originally issued to Guardians, § 100.
102. Power for Commissioners, where Rate is not made in gross, to collect it, to consolidate the Assessment and Collection with the Poor Rate or other Rate, and issue Precepts for the same, § 101.
103. Precepts and Warrants to specify Exemptions, &c. § 102.
104. As to the Service of Precepts, § 103.
105. Officer levying Rate imposed in gross to allow Exemption, &c., and give Receipts showing Sums levied in respect of the Rate, § 104.
106. Extra Allowance may be made to Poor Rate Collectors, § 105.
107. Power to Commissioners to borrow Money on Mortgage of the Rates. No Priority amongst Mortgagees, § 106.

108. Commis-

108. Commissioners of Public Works under 5 & 6 *Vict. c.* 9. may make Advances to Commissioners under this Act, § 107.
109. Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate, § 108.
110. Power to borrow Money to pay off former Mortgages, § 109.
111. Form of Mortgage. Register of Mortgages, § 110.
112. Repayment of Money borrowed at a Time agreed upon, § 111.
113. Interest on Mortgages to be paid half-yearly. As to Repayment of Money borrowed when no Time has been agreed upon. Interest to cease on Expiration of Notice to pay off a Mortgage Debt, § 112.
114. Payment of Principal and Interest may be enforced by the Appointment of a Receiver, § 113.
115. Accounts of Commissioners to be open to Mortgagees at all seasonable Times, § 114.
116. Transfer of Mortgages. Register of Transfers, § 115.
117. Expenses incurred by Metropolitan Commissioners for Works within the City of *London* to be paid by the Chamberlain, § 116.
118. Metropolitan Commissioners to issue a Precept to Chamberlain of *London*, § 117.
119. Commissioners may apply Rates to any Purposes of the Act, but Liabilities of Rate-payers not to be affected, § 118.
120. Commissioners may form a Sinking Fund for Discharge of Mortgages, § 119.
121. Commissioners to cause Books of Accounts to be kept, which shall be open to Inspection. Penalty for refusing Inspection. Accounts to be balanced, and an annual Statement to be prepared, and when deposited at the Office to be open for Inspection, § 120.
122. Auditors to be appointed by Secretary of State, who shall be remunerated by the Commissioners. Auditors to give Notice to Commissioners, who shall produce their Accounts to him, with all Vouchers for Support of the same. Accounts to be audited in Presence of Commissioners and Rate-payers who may desire to attend, § 121.
123. Abstract of annual Accounts and Reports to be laid before Parliament, § 122.
124. Power to Commissioners to make Bye Laws for Purposes herein named. Penalty for Breach of Bye Laws. Power to Justices to remit Penalties. No Bye Laws to take effect till confirmed, § 123.
125. Publication of Bye Laws. Evidence of Bye Laws, § 124.
126. Suits and Proceedings by and against Commissioners to be carried on in the Name of the Clerk, who shall be reimbursed. Proof of Debts in Bankruptcy, § 125.
127. Clerk, though a Plaintiff, &c., to be a competent Witness, § 126.
128. Notice of Action. Limitation of Actions. Venue. General Issue. Tender of Amends, &c. If Tender of Amends deemed insufficient, Defendant may pay Money into Court, § 127.
129. Persons acting in execution of Act not to be personally liable, § 128.
130. Commissioners may examine on Oath. False Evidence punishable as Perjury, § 129.
131. Commissioners may allow Witnesses Money for Expenses and Loss of Time, § 130.
132. Commissioners may decree and assess Costs, § 131.
133. Sums received as Charges for Default to be paid to Treasurer, § 132.
134. Penalty for obstructing Officers in Execution of this Act, § 133.
135. Penalty for defacing Notice Boards, § 134.
136. Penalty upon Occupiers obstructing Execution of Works, or not disclosing Owner's Name, § 135.
137. Recovery of Penalties, Forfeitures, &c., § 136.
138. No Proceeding for Recovery of Penalties, &c. to be taken other than by a Party aggrieved, without Consent of Attorney General, § 137.
139. Service of Notices, &c. on Commissioners, § 138.
140. As to Service of Notices on Owners or Occupiers, § 139.
141. Authentication of Documents, § 140.
142. Distresses, how to be made. Distress not unlawful for Defect or Want of Form, § 141.
143. After issuing of First Commission the Acts mentioned in Schedule (F.) to be repealed, § 142.
144. And Powers of Commissioners under *Regent Street* Act with respect to Sewers, &c. to cease. Proviso for making Rates to discharge Mortgages, § 143.
145. 3 & 4 *W.* 4. *c.* 22. and 4 & 5 *Vict. c.* 45. not to apply to Commissioners under this Act, § 144.
146. General Law of Sewers to be applicable to Commissioners under this Act, § 145.
147. Commissioners of Sewers of *London* may exercise Powers within the City for enforcing House Drainage, &c., § 146.
148. Interpretation of Terms, § 147.
149. Term of Act, § 148.

150. To amend the Metropolitan Sewers Act, 12 & 13 *Vict. c.* 93.
151. 11 & 12 *Vict. c.* 112. recited, § 1.
152. Provision for Cases where Parts within existing Commissions are included in Metropolitan Commission, § 2.
153. Commissioners may agree to undertake Works of Paving, § 3.
154. Commissioners may make Compensation in Cases of accidental Damage, § 4.
155. Works of cleansing may be performed in the Daytime under Precautions, § 5.
156. Penalty for not delivering Copies of Rates to Commissioners when required, § 6.
157. Rates may be partly prospective and partly retrospective, § 7.
158. District and special Sewers Rates, § 8.
159. Contributions towards building Sewers, § 9.
160. Amount of Improvement Rate may include Expenses of making and recovering Rate, § 10.
161. For Recovery of Improvement Rates in certain Cases, § 11.
162. Rate may be recovered by Action, § 12.
163. Several Names may be included in one Warrant, § 13.
164. Commissioners may prepare Forms of Notices, &c., § 14.
165. Clerk to be Secretary, § 15.
166. "Surveyor" to include "Engineer," § 16.
167. Mortgages and Annuities, § 17.
168. 11 & 12 *Vict. c.* 112. and this Act to be One Act, § 18.

Military Asylum, See Royal Military Asylum.

Militia.

1. To suspend until the First Day of *October* One thousand eight hundred and forty-nine the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, 11 & 12 *Vict. c.* 65.

2. To defray until the First Day of *August* One thousand eight hundred and forty-nine the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers, 11 & 12 *Vict. c.* 75.

3. To suspend until the First Day of *October* One thousand eight hundred and fifty, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, 12 & 13 *Vict. c.* 52.

4. To defray until the First Day of *August* One thousand eight hundred and fifty the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers, 12 & 13 *Vict. c.* 75.

Millbank Prison.

1. For amending the Act for regulating the Prison at *Millbank*, 11 & 12 *Vict. c.* 94.
2. Power for Secretary of State to appoint Visitors of *Millbank* Prison. Duties of Visitors, § 1.
3. Visitors to be a Body Corporate, and have a Common Seal, &c., § 2.
4. After Appointment of Visitors Powers of Inspectors to cease, § 3.

Money Orders.

1. For further regulating the Money Order Department of the Post Office, 11 & 12 *Vict. c.* 88.
2. 3 & 4 *Vict. c.* 96. recited. No Money Orders granted under recited Act to continue in force longer than Twelve Months; and Liability of Postmaster General to pay such Orders to cease, except in certain Cases, with Consent of Treasury. Treasury may, by Warrant, alter Period fixed for Payment of Money Orders, § 1.
3. Power to Postmaster General to make Regulations relating to Money Orders, § 2.
4. Power to Postmaster General to refund Amount of Money Orders. After Repayment Liabilities of Postmaster General to cease, § 3.
5. Penalty on Officers of Post Office issuing Money Orders with fraudulent Intent, § 4.
6. In Indictments it shall be sufficient to name "Her Majesty's Postmaster General," § 5.
7. As to Warrants of the Treasury, § 6.
8. Printed Copies of the *London Gazette* to be Evidence, § 7.
9. Act to be deemed a Post Office Act, § 8.

Mutiny, See East Indies; Marines; Soldiers.

N.

Naval Medical Supplemental Society.

1. To authorize for Ten Years, and to the End of the then next Session of Parliament, the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society, 11 & 12 *Vict. c.* 58.
2. Amount or Rate of Pensions and Annuities now paid by, and Premiums paid to, the Society shall continue to be paid, unless the Patron and President shall think fit to vary the same. Proviso, § 1.
3. Term of Act, § 2.
4. Public Act, § 3.

Navigation.

1. To amend the Laws in force for the Encouragement of *British* Shipping and Navigation, 12 & 13 *Vict. c.* 29.
2. The following Acts and Parts of Acts repealed from and after 1st *January* 1850: 8 & 9 *Vict. c.* 88., 8 & 9 *Vict. c.* 89. *ss.* 3. 5. 7. 9., 8 & 9 *Vict. c.* 93. *ss.* 2. 4. 44., 8 & 9 *Vict. c.* 86. *s.* 63., 7 & 8 *Vict. c.* 112. *s.* 37., 37 *G.* 3. *c.* 117., 4 *G.* 4. *c.* 80. *s.* 20., 4 *G.* 4. *c.* 77., 5 *G.* 4. *c.* 1., 4 *G.* 4. *c.* 80. *s.* 20., 4 *G.* 4. *c.* 77., 5 *G.* 4. *c.* 1., 8 & 9 *Vict. c.* 90. *s.* 8., 5 & 6 *Vict. c.* 14. *s.* 8.;—§ 1.
3. Coasting Trade of United Kingdom and *Isle of Man*, § 2.
4. Trade with the Channel Islands, § 3.
5. Coasting Trade of the *British* Possessions, § 4.
6. Queen in Council may regulate Coasting Trade of Colonies on their Address, § 5.
7. Coasting Trade of *India* to be regulated by Governor General in Council, § 6.
8. No Ship *British* unless registered and navigated as such. Proviso, § 7.
9. What Persons to be *British* Seamen, § 8.
10. Proportion of Seamen may be altered by Proclamation, § 9.
11. Queen may restrict the Privileges of Foreign Ships in certain Cases, § 10.
12. And may impose additional Duties, § 11.
13. Order in Council to specify Ships to which it applies, § 12.
14. Orders may be revoked, § 13.
15. Orders to be published in "Gazette," and to be laid before Parliament, § 14.
16. Penalties, § 15.
17. Penalties, how to be recovered, § 16.
18. Who may be Owners of *British* Vessels, § 17.
19. Form of Certificate of Registry, § 18.

New Forest.

1. To authorize Her Majesty to issue a Commission to inquire into and report upon Rights or Claims over the *New Forest* in the County of *Southampton* and *Waltham Forest* in the County of *Essex*, 12 & 13 *Vict. c.* 81.
2. Her Majesty may appoint Commissioners to inquire into and ascertain Boundaries of *New Forest*, &c., § 1.
3. Power to Treasury to direct Payment of One of the Commissioners, and Expenses under this Act, § 2.
4. Commissioners to make a Declaration before acting, § 3.

5. Power to Commissioners to take Evidence and call for Records, &c., § 4.
6. Public Notice of Meetings to be given, § 5.
7. Meetings may be appointed by any One or more of the Commissioners, § 6.
8. Proceedings of Commissioners to be entered in Books, which shall be returned into Office of Woods, &c., § 7.
9. Recovery of Penalties, § 8.
10. Application of Penalties, § 9.
11. Commissioners to report to Treasury, § 10.
12. As to Appointment of new Commissioners, § 11.
13. Public Act, § 12.

Newfoundland.

1. To confirm certain Acts of the Legislature of *Newfoundland* respecting the rebuilding of the Town of *Saint John's Newfoundland*, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town, 12 & 13 *Vict. c.* 21.
2. Certain Acts of the Legislature of *Newfoundland* confirmed, and such Legislature empowered to make further Provisions concerning the building of *Saint John's*, § 1.

New South Wales.

1. To remove Doubts concerning the Validity of certain Grants of Land in the Colony of *New South Wales*, 12 & 13 *Vict. c.* 22.
2. Grants of Lands in *Sydney* confirmed, § 1.
3. Saving as to Lands erroneously granted, § 2.

Newspapers.

1. For rendering certain Newspapers published in the Channel Islands and the *Isle of Man* liable to Postage, 11 & 12 *Vict. c.* 117.
2. Newspapers from the Channel Islands or from the *Isle of Man* to be liable to the Payment of Rates or Duties of Postage, § 1.
3. Act to be deemed a Post Office Act, and Terms to be construed as directed by 3 & 4 *Vict. c.* 96.,—§ 2.

New Zealand.

1. To suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the *New Zealand* Islands; and to make other Provision in lieu thereof, 11 & 12 *Vict. c.* 5.
2. 9 & 10 *Vict. c.* 103. recited. So much of recited Act, &c. as relates to the Constitution and Establishment of Assemblies, &c. in *New Zealand* suspended, § 1.
3. So much of 3 & 4 *Vict. c.* 62., of Letters Patent dated 16th *Nov.* 1841, and of Instructions dated 5th *Dec.* 1841, as relate to the Legislative Council, &c. revived during the said Suspension, § 2.
4. Power to Governor-in-Chief to increase the Number of Legislative Council, § 3.
5. Power to Governor-in-Chief to constitute Provincial Legislative Councils, § 4.
6. Power to Governor-in-Chief to regulate Qualification for Burgesses in Corporate Districts, § 5.
7. Power to Her Majesty to disallow any Orders, &c. of the Governor-in-Chief, § 6.
8. Act to be construed with 9 & 10 *Vict. c.* 103.,—§ 7.
9. Commencement of Act, § 8.
10. To facilitate the Execution of Conveyances and other Instruments by or on behalf of the *New Zealand* Company in *New Zealand*, 12 & 13 *Vict. c.* 79.
11. Power to Company to appoint Attornies, and to revoke Appointments, § 1.
12. To grant to such Attornies a Seal. Deeds executed by Attornies valid, as if executed by the Company, § 2.
13. Executed Deeds *primâ facie* Evidence of due Execution, § 3.
14. Not less than Two Attornies to be appointed, § 4.
15. Verification of Deeds for Registration, § 5.
16. Act to extend to Colonies, § 6.
17. Public Act, § 7.

Norwich (Diocese of), See Exchange between Her Majesty and Lord Leicester.

Nuisances Removal.

1. To renew and amend an Act of the Tenth Year of Her present Majesty, for the more speedy Removal of certain Nuisances, and the Prevention of contagious and epidemic Diseases, 11 & 12 *Vict. c.* 123.
2. In *England* and *Ireland* certain public Bodies, upon Receipt of Notice in Writing from Two Householders, of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made; and if upon such Examination, or a Medical Certificate, it appear that the Nuisance, &c. exists, public Body to make Complaint before a Justice, who shall summon the Owner or Occupier to appear before Two Justices; and who shall, upon Proof, &c., order him to whitewash, &c., or remove the Nuisance complained of; and if such Order be not complied with, the Owner or Occupier in default to be liable to Penalties, and public Body to enter the Premises, and do the Works ordered, or remove the Nuisance, § 1.
3. In *Scotland* certain public Officers, upon Receipt of Notice in Writing from Two Householders of the filthy Condition of any Building, or of the Existence of certain Nuisances, to cause Examination to be made; and if upon such Examination or a Medical Certificate it appear that the Nuisance exists, public Body to make Complaint before the Sheriff or a Justice, who shall order the Owner or Occupier to appear; and upon Proof, &c., Whitewashing, &c. or Removal of the Nuisance complained of, to be ordered. If such last-mentioned Order be not complied with, Owner or Occupier in default to be liable to Penalties, and the public Officers to enter Premises, and do the Works ordered, or remove the Nuisance, § 2.
4. Recovery of Costs, &c. from Owner or Occupier of the Premises, § 3.
5. Certain Expenses of this Act to be defrayed out of Poor's Rates, &c., § 4.
6. Above Provisions not to apply to Districts and Places in which the Public Health Act is in force. Jurisdiction of Commissioners of Sewers not to be impaired, § 5.
7. Surveyor of Highways required to cleanse open Ditches adjoining Highways, &c., § 6.
8. Drainage into open Ditches from new Houses a Misdemeanor, &c., § 7.
9. Notice to be given to General Board of Health, and in *Ireland* to Commissioners of Health, of Intention to build or open certain Hospitals, &c., § 8.

10. Privy Council, &c. empowered to issue Orders for putting in force the Provisions of this Act relative to the Prevention of epidemic Diseases, &c., § 9.
11. After Order by Privy Council, General Board of Health, &c. may issue Directions and Regulations, § 10.
12. One Medical Member of General Board of Health may be appointed. Treasury to pay Allowances appointed by Parliament, § 11.
13. Poor Law Commissioners, &c., may compel Guardians, &c. to execute Regulations and Directions of the General Board of Health, &c., § 12.
14. Power of Entry for the Purpose of enforcing Regulations of the General Board of Health, &c., § 13.
15. Expenses of Guardians, &c. to be paid out of Poor Rate, &c., § 14.
16. Orders, Directions, and Regulations to be laid before Parliament, and to be gazetted, &c., § 15.
17. Penalties for obstructing Execution of this Act, § 16.
18. Recovery of Penalties in *England* or *Ireland*. Application of Penalties, § 17.
19. One or more of several joint Owners or Occupiers may be proceeded against alone, § 18.
20. Unnecessary to describe Owner or Occupier by Name in certain Cases, § 19.
21. Proceedings not to be quashed for Want of Form, § 20.
22. Proceedings commenced under 9 & 10 *Vict. c.* 96. may be enforced, although that Act has expired, § 21.
23. Interpretation of Terms, § 22.
24. Mode of citing this Act, § 23.
25. To amend the Nuisances Removal and Diseases Prevention Act, 1848, 12 & 13 *Vict. c.* 111.
26. This Act to be construed with Nuisances Removal and Diseases Prevention Act, 1848, as One Act, § 1.
27. Power to summon Witnesses, &c. in certain Cases, § 2.
28. Secretary of Board of Health may institute and carry on Prosecution for Violation or Neglect of Regulations, § 3.
29. Guardians of the Poor, &c. may direct Prosecutions in certain Cases, § 4.
30. Ex-officio Guardians may act as Justices, § 5.
31. Guardians of the Poor, &c. may take certain Proceedings upon the Certificate of Medical or Relieving Officer, § 6.
32. Guardians of the Poor, &c. may defray certain Expenses without an Order of Justices, Sheriff, or Magistrates, § 7.
33. Guardians of Unions or Parochial Boards may charge Expenses of removing Nuisances on Parish, &c. where Premises situated, § 8.
34. General Board of Health may cause Inquiry to be made into State of Burial Grounds, and may direct Measures of Precaution, § 9.
35. Where Churchyard is dangerous to Health Churchwardens may agree for the Burial of Parishioners in the Ground of any Cemetery Company or in the Burial Ground of any other Parish, § 10.
36. General Board of Health may direct Inquiries, where it may be expedient to prohibit Interment, § 11.
37. Upon Report, Board of Health may frame a Scheme for providing new Burial Grounds, § 12.
38. Short Title of this Act, § 13.

O.

Oaths.

1. For empowering certain Officers of the High Court of Chancery to administer Oaths and take Declarations and Affirmations, 11 & 12 *Vict. c.* 10.
2. Clerk of Enrolments and Clerks of Records and Writs may take Declarations, § 1.
3. Clerk of Affidavits and Assistant Clerks may administer Oaths and take Declarations, § 2.
4. Persons swearing or declaring before such Officers to be subject to Penalties for Perjury, § 3.
5. Filling up Vacancies in Office of Second Assistant Clerk of Affidavits, § 4.
6. Interpretation of "Lord Chancellor," § 5.

Offices and Employments.

1. To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-nine, 11 & 12 *Vict. c.*19.
2. To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and fifty, 12 & 13 *Vict. c.* 9.

Overseers in Cities and Boroughs.

1. To remove Doubts as to the Appointment of Overseers in Cities and Boroughs, 12 & 13 *Vict. c.* 8.
2. Justices of the Peace having Jurisdiction in certain Cities and Boroughs to have the exclusive Right of appointing Overseers, § 1.
3. Repeal of Part of the 43 *Eliz. c.* 2. *s.* 10.,—§ 2.
4. Appointments of Overseers in Cities and Boroughs by Justices rendered valid, § 3.
5. Saving of the City of *London* and Places under Local Acts, § 4.

P.

Palace Court, See Small Debts.

Parish Debts.

1. To make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein, 11 & 12 *Vict. c.* 91.
2. If Overseers contract Debts within Three Months of Termination of their Year of Office, their immediate Successors shall discharge the same, § 1.
3. Provision for Payment of Bills of Costs for legal Proceedings, § 2.
4. Parties who have advanced Money on behalf of Unions and Parishes to be reimbursed, § 3.
5. Appeal against Disallowances and Surcharges may be determined by the Poor Law Board on the Merits, and such Disallowances, &c. may be remitted in certain Cases, § 4.
6. Mode of certifying as to Balances to Officers, § 5.
7. Sums paid by Overseers to Constables, &c. by Order of Justices under 18 *G.* 3. *c.* 19. or 5 & 6 *Vict. c.* 109. not to be disallowed by Auditors, § 6.
8. Notice of Audit to be advertised, § 7.
9. As to Proceedings necessary to be taken against Persons now liable to be surcharged by Auditor, and to whom no Notice is required to be given, § 8.
10. What shall be required to be proved by Auditors in order to recover Sums certified by them to be due, § 9.
11. Auditor may, upon Cause being shown, appoint a Deputy, § 10.
12. Power for Parishes, with Consent of Vestries, mutually to bear the Costs of several Appeals involving the same common Principle, § 11.

13. Power for Guardians of Parishes, &c. under Local Acts to grant Out-door Relief, in the same Manner as in Unions formed under 4 & 5 *W.* 4. *c.* 76.,—§ 12.
14. Interpretation of Act, § 13.

See District Auditors.

Parliamentary Electors, See Rates and Taxes.

Passengers.

1. For regulating the Carriage of Passengers in Merchant Vessels, 12 & 13 *Vict. c.* 33.
2. From and after 1st *October* 1849 the following Acts repealed; *viz.*: 5 & 6 *Vict. c.* 107., 8 & 9 *Vict. c.* 14., 10 & 11 *Vict. c.* 103., and 11 & 12 *Vict. c.* 6. Commencement of Act. Saving of existing Liabilities, and Orders in Council, § 1.
3. Short Title of Act, § 2.
4. Definition of Terms used in the Act: "United Kingdom;" "*North America;*" "*West Indies;*" "Governor;" "Ship;" "Passenger Ship;" "Passage" and "Passenger;" "Master;" Number and Gender, § 3.
5. To what Vessels and Voyages this Act shall extend, § 4.
6. Commissioners of Emigration to carry this Act into execution, § 5.
7. Emigration Officers and Assistants to act under the Commissioners, &c. Existing Appointments to continue in full Force until duly revoked, § 6.
8. Duties of Emigration Officer may be performed by his Assistant, or Officer of Customs in certain Cases, § 7.
9. Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers, § 8.
10. No "Passenger Ship" to be cleared out without a Certificate from the Emigration Officer first obtained, § 9.
11. Number of Passengers to be limited both by Tonnage and Space. Penalty for Excess of Persons on board, § 10.
12. Computation of Children, § 11.
13. Two Lists of Passengers to be made out in the Form in Schedule (A.), and delivered in every Case before Clearance, § 12.
14. Lists of additional Passengers taken on board after Clearance to be made out, and signed by Master, § 13.
15. All Passenger Ships to be surveyed, § 14.
16. Construction of Decks and Berths in "Passenger Ships." Height between Decks. Arrangement of Berths. Berths not to be removed till Passengers landed, § 15.
17. Light and Ventilation. Penalty on Owner for Non-compliance with Directions of Emigration Officer as to Light, &c., § 16.
18. Passenger Ships shall carry Boats. Life Boat. Life Buoys, § 17.
19. No "Passenger Ship" to be cleared out until properly manned, § 18.
20. Certain Articles prohibited as Cargo, § 19.
21. Computation of Voyages, § 20.
22. Provisions and Water to be provided by Owners or Charterers, and approved by Emigration Officers. Penalty on obtaining fraudulent Clearance, § 21.
23. Water Tanks or Casks, § 22.
24. Provisions and Water to be surveyed before clearing out. Proviso for touching at intermediate Ports to fill up Water, § 23.
25. Dietary Scale for the Voyage, § 24.
26. Colonial Land and Emigration Commissioners empowered to substitute other Articles of Food for those before mentioned, § 25.
27. Cook and cooking Apparatus to be approved by Emigration Officer, § 26.
28. No Ship carrying a certain Number of Passengers to proceed on her Voyage without a Medical Practitioner on board. Proviso in case of Ships bound to *North America*, § 27.
29. As to Supply of Medicines, § 28.
30. Medical Inspection of Passengers and Medicines. Proviso where no Medical Practitioner can be obtained, § 29.
31. Diseased Passengers may be re-landed, § 30.
32. Passengers so re-landed may recover Passage Money, § 31.
33. Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract, § 32.
34. Subsistence in case of Detention, § 33.
35. In case of Wreck, &c., Passengers to be provided with a Passage by some other Vessel; in default Passengers may recover Compensation by summary Process, § 34.
36. Wrongfully landing Passengers, § 35.
37. Passengers to be maintained for Forty-eight Hours after Arrival, § 36.
38. Passengers Right of Action preserved, § 37.
39. Ships putting back to replenish Provisions, &c. Penalty, § 38.
40. Her Majesty may issue Orders in Council prescribing Rules, &c. for preserving Order, &c. on board *British* Vessels to the Colonies. Gazette, and Copies printed by the Queen's Printer, to be Evidence of Orders, &c., § 39.
41. Surgeon or Master to exact Obedience to Rules and Regulations. Penalty for refusing to observe Rules and Regulations, § 40.
42. Colonial Land and Emigration Commissioners to prepare an Abstract of Act and Orders in Council. Such Abstract to be posted up in each Ship. Penalty on Master for Neglect; and on Persons defacing Abstract, § 41.
43. Sale of Spirits prohibited on board Passenger Ships. Penalty, § 42.
44. Bond for the due Performance of the Requirements of the Act and of any Order in Council, and also for Payment of Penalties. Bond to be without Stamps. Limitations of Prosecutions, § 43.
45. No Person to act as a Passage Broker in respect of Passengers to *North America* without a Licence, § 44.
46. How Passage Brokers Licences may be obtained. Justices to give Notice to Emigration Commissioners of Licence granted. Notice to be given to Emigration Commissioners of intended Application for Licences. Proviso for forfeiting Licences. Notice of Forfeiture to be given to Emigration Commissioners, § 45.
47. Licences taken out in pursuance of first-recited Act, unless forfeited, to continue in force until 1st *February* 1850, § 46.
48. Contract Tickets to be given in respect of Passages to *North America.* Penalty for Default, § 47.
49. Penalty for inducing any one to part with Contract Ticket, § 48.
50. Penalties on Agents acting without written Authority from Principals. No Person entitled to Commission or Fee for Services to Emigrants unless acting as Agent for a Broker, § 49.
51. Penalty on Masters of Ships, as to Inspection of Ships, Emigration Officer's Certificate, Passengers Lists, Additional Passengers Lists, Survey, Beams, Deck, Height between Decks, Berths, Access to the Between Decks, Ventilating Apparatus, Boats and Life Buoys, Manning, Shipment of Provisions and Water, Issue of Provisions and

and Water, Water Casks, Cook and Cooking Apparatus, Surgeon, Medicines, Medical Inspector, Relanding of diseased Passengers, wrongfully landing Passengers, Maintenance of Passengers on Arrival; and as to Copies of Act being kept on board, &c., § 50.
52. Penalty on falsifying or forging Forms of Application for Passages, or the Certificates in support thereof, § 51.
53. Recovery of Penalties, &c. Recovery of Passage, Subsistence, and Compensation Monies, § 52.
54. Application of Penalties. Justices may direct Compensation out of Penalties to Party aggrieved, § 53.
55. Burden of Proof to be on Persons claiming Exemption from Act, § 54.
56. Proof of a Party being an Emigration Officer, &c., § 55.
57. Passengers suing not incompetent Witnesses, § 56.
58. Tender of Amends, § 57.
59. Limitation of Actions. Defendant may plead the General Issue, &c. Costs, § 58.
60. In *Scotland*, Sheriffs, &c. to act in the same Manner as Justices of the Peace in *England*, § 59.
61. Colonial Voyages defined, § 60.
62. Extension of the Act to Colonial Voyages. Certain Parts of the Act not to extend to Colonial Voyages. Proviso as to Colonial Voyages shorter than Three Weeks, § 61.
63. Governor of Colonies may, by Proclamation, declare Length of Voyage, and substitute other Articles of Food and Medicine. Proclamations to be transmitted for Her Majesty's Confirmation or Disallowance. Attested Copy of such Proclamation to be received as Evidence in the Colony in which it may be produced, § 62.
64. Provisions for Survey of Ships in the Colonies, and for appointing Surgeons thereto, § 63.
65. Power to the Governor General of *India* in Council to adopt this Act, with certain Exceptions, in *India*; and to declare the Space to be allotted to Passengers, and the Age at which Two Children may be computed as One Passenger; and the Mode of Proceeding for Recovery of Penalties in *India*, § 64.

Passengers to North America.

1. To make further Provision for One Year, and to the End of the then next Session of Parliament, for the Carriage of Passengers by Sea to *North America*, 11 & 12 *Vict. c.* 6.
2. 5 & 6 *Vict. c.* 107. and 10 & 11 *Vict. c.* 103. recited. No Ship carrying Passengers allowed to take more than a limited Number according to Space and Tonnage, § 1.
3. Two Children under a certain Age to be computed as One Passenger, § 2.
4. No Ship carrying a certain Number of Passengers to proceed on her Voyage without a Ship's Cook, to be approved by the Emigration Officer, § 3.
5. Ships carrying Passengers to have a duly qualified Surgeon on board, else Number to be limited, § 4.
6. Computation of Children when Passengers limited, § 5.
7. Qualification of Surgeon, § 6.
8. No Ship to proceed until the Medicine Chest and Passengers have been inspected by a Medical Practitioner. Remuneration of Medical Practitioner. If no Medical Practitioner can be obtained Ship may proceed by Permission of Emigration Officer, § 7.
9. Passengers affected with Diseases may be re-landed. Penalty on Master wilfully proceeding on Voyage with diseased Persons on board, § 8.
10. Passengers so re-landed entitled to recover Passage Money by summary Process before Two Justices, § 9.
11. Her Majesty may issue Orders in Council for preserving Order, &c. on board Vessels; Gazette, and Copies printed by the Queen's Printer, to be Evidence, § 10.
12. Obedience to Rules and Regulations, § 11.
13. Penalty for refusing to observe Rules and Regulations, § 12.
14. Colonial Land and Emigration Commissioners to prepare an Abstract of Acts and Orders in Council: Such Abstract to be posted up in each Ship. Penalty for Neglect, and for defacing Abstract, § 13.
15. How Penalties to be recovered, § 14.
16. Bond required by first-recited Act to be Security for Observance of Provisions of secondly-recited Act, and this Act, § 15.
17. Duties of Emigration Officer may be performed by his Assistant, § 16.
18. Interpretation of Act, § 17.
19. Exemption of Ships carrying less than One Passenger to Twenty-five Tons. In certain Actions as to Ships carrying Passengers, Burden of Proof to lie on Defendant, § 18.
20. Short Title of Act, § 19.
21. Continuance of Act, § 20.

Paymasters of Exchequer Bills and of Civil Services.

1. For consolidating the Offices of Paymasters of Exchequer Bills and Paymaster of Civil Services with the Office of Paymaster General, and for making other Provisions in regard to the consolidated Offices, 11 & 12 *Vict. c.* 55.
2. Power to Treasury to abolish Offices of Paymasters of Exchequer Bills and of Civil Services, § 1.
3. Duties of abolished Offices transferred to Paymaster General, § 2.
4. Letters of Attorney to continue in force, § 3.
5. Treasury to make new Regulations for Office of Paymaster General, § 4.
6. Regulations to be laid before Parliament, § 5.
7. Balance of Naval Price Account to be transferred to Paymaster General, § 6.
8. Vesting Army Prize Stock in the Paymaster General and Secretary at War for the Time being, § 7.
9. As to Transfer of the Stock, § 8.
10. Power to grant Power of Attorney for Purchase or Sale of Stock, and for Receipt of Dividends. Power of Attorney exempt from Stamp Duty, § 9.

Petty Bag Office, See Chancery Offices.

Petty Sessions.

1. For the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs, 12 & 13 *Vict. c.* 18.
2. Petty Sessions of the Peace in Boroughs, § 1.
3. Justices at General or Quarter Sessions, or the Council in Boroughs, may provide Places for holding Petty Sessions. The Justices or Council may agree for the Use of the County Court for that Purpose, § 2.
4. Justices of the Peace of different Counties may provide Places for holding Petty Sessions at the joint Expense of such Counties, § 3.

Peveril Court, See Small Debts.

Pilotage.

1. To amend the Laws relating to Pilotage, 12 & 13 *Vict.* c. 88.
2. Masters and Mates of Merchant Vessels, after passing an Examination before legally constituted Authorities, to be competent to pilot Vessels within the Limits in regard to which they shall have passed their Examination, § 1.

Police, See Borough Police. Lock-up Houses.

Poor.

1. To amend the Procedure in respect of Orders for the Removal of the Poor in *England* and *Wales,* and Appeals therefrom, 11 & 12 *Vict.* c. 31.
2. So much of 4 & 5 *W.* 4. c. 76. as provides that certain Notices shall be accompanied by a Copy of Examination, &c. repealed, § 1.
3. Such Notice to be accompanied by a Statement of Grounds of Removal instead of Copy of Examination, § 2.
4. Copy of Depositions to be furnished on Application, § 3.
5. As to the Sufficiency of Statement of Grounds of Removal or Appeal. Power to amend Statement of Grounds of Removal or Appeal, § 4.
6. Party making frivolous or vexatious Statement of Grounds of Removal or Appeal liable to pay Costs, § 5.
7. Power for Court to amend Order of Removal on account of Omission or Mistake. Proviso, § 6.
8. Decisions of Courts upon Hearing of Appeals final, § 7.
9. Abandonment of Orders of Removal. As to Payment of Costs on Abandonment, § 8.
10. No Appeal if Notice be not given within a certain Time after Notice of Chargeability, § 9.
11. Service of suspended Orders of Removal and Orders consequent thereon, § 10.
12. 4 & 5 *W.* 4. c. 76., and all Acts amending the same, to be construed with this Act, § 11.
13. Commencement of Act, § 12.

14. To amend the Law for the Formation of Districts for the Education of Infant Poor, 11 & 12 *Vict.* c. 82.
15. Removal of Limitations on the Area of the School District, the Expense of Building, and the Amount of certain Expenditure in certain Cases, § 1.
16. Certain Provisions in 5 & 6 *Vict.* c. 57. relating to Guardians extended to Members of District Boards formed under 7 & 8 *Vict.* c. 101.,—§ 2.

17. To continue to the First Day of *October* One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor, 11 & 12 *Vict.* c. 85.
18. 3 & 4 *Vict.* c. 89. further continued, § 1.

19. To alter the Provisions relating to the Charges for the Relief of the Poor in Unions, 11 & 12 *Vict.* c. 110.
20. Costs for Relief of wandering Poor, &c. to be charged to the Common Funds of Unions, § 1.
21. Poor Persons having a fixed Place of Abode meeting with Accidents, &c. in some other Parish where they have no legal Settlement, to be relieved by the Parishes of their Abode or previous Chargeability, § 2.
22. Paupers rendered irremovable by 9 & 10 *Vict.* c. 66. rendered chargeable to the Common Fund of the Union, § 3.
23. Questions arising as to Cost of Relief, &c. may be referred to and decided by the Poor Law Board; whose Orders shall not be removable after a certain Time, nor be quashed for Want of Form, § 4.
24. Guardians may assist in the Emigration of certain Poor, and charge the Costs upon the Common Fund of the Union, or Parish in case of not being in Union, § 5.
25. Mode of charging the Relief herein provided for, § 6.
26. Guardians may cause a Valuation to be made at any Time of Property alleged to be rateable, § 7.
27. Guardians may obtain Orders of Maintenance, and charge Expenses in like Manner as Churchwardens, &c. can. Relief advanced by way of Loan may be recovered in County Court, &c., § 8.
28. Persons being chargeable upon Common Fund of a Union, and being convicted of any Offence, may be committed by a Justice to the Common Gaol, &c. the Expenses of which shall be charged upon the County, &c., § 9.
29. Poor Persons may be searched on Admission to Workhouse. Persons in possession of Means applying for Relief, punishable as idle and disorderly Persons, § 10.
30. Certificate of Chargeability in Form prescribed in Schedule to 7 & 8 *Vict.* c. 101. deemed sufficient Evidence, § 11.
31. Interpretation of Act, § 12.

32. To amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor, 11 & 12 *Vict.* c. 111.
33. Repealing Proviso in 9 & 10 *Vict.* c. 66. in relation to Removal of Wives and Children, and substituting another Proviso in lieu thereof, § 1.
34. Not to affect Appeals of which Notice has been given, § 2.

35. To provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish, 12 & 13 *Vict.* c. 13.
36. The Poor Law Board to issue Rules and Regulations to Houses where the Poor are maintained under Contract, § 1.
37. Nothing herein to extend to Lunatic Asylums and Hospitals, § 2.
38. Rules and Regulations to be directed to the Manager or Officer of the Establishment, § 3.
39. Poor Law Board may prohibit the Reception or Retention of Poor in any such House, § 4.
40. Poor Law Board may remove any Officer of such House, § 5.
41. Poor Law Board may regulate Contracts, § 6.
42. Persons may be appointed to inspect Houses and the Poor maintained therein. Remuneration to such Persons, § 7.
43. Power to Justices to visit Houses. Power to General Board of Health to appoint a Superintending Inspector to visit Houses, and examine Officers, &c., § 8.
44. Interpretation of Act, § 9.
45. To apply to *England* and *Wales* only, § 10.

46. To

46. To remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs, 12 & 13 *Vict. c.* 64.
47. Justices of the Peace in Cities and Boroughs may act in all Matters relating to the Relief of the Poor under the 43 *Eliz.* in such Cities and Boroughs, § 1.
48. Acts of the Justices in any City or Borough confirmed, § 2.

49. To continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor, 12 & 13 *Vict. c.* 103.
50. Certain Provisions of 11 & 12 *Vict. c.* 110. continued for a limited Time, § 1.
51. Who may be deemed a destitute Foundling within the 11 & 12 *Vict. c.* 110.,—§ 2.
52. Persons chargeable to the Common Fund brought within Provisions of 5 *G.* 4., &c., § 3.
53. Removal of a Lunatic to an Asylum or of a Pauper to a Workhouse of the Union not to be deemed an Interruption of the Residence under 9 & 10 *Vict. c.* 66., but the Time to be excluded from Computation, § 4.
54. The Costs of Lunatic Poor being irremovable to be borne by the Common Fund, § 5.
55. No Person to be appointed Overseer who is interested in certain Contracts, § 6.
56. Recovery of Contributions when Copy of the Order served upon One Overseer, § 7.
57. On Vacancy in the Office of Auditor, Poor Law Board to appoint a temporary Auditor to audit Accounts incomplete, § 8.
58. Certain Limitation in 11 & 12 *Vict. c.* 43. not to apply to Proceedings by Auditors, § 9.
59. In Proceedings for Penalties and Forfeitures under Act 5 *W.* 4. or any subsequent Statute, full Costs to be allowed, § 10.
60. Auditors may recover Costs of Proceedings to enforce due Attendance at the Audit, § 11.
61. Orders of the Poor Law Commissioners or Poor Law Board may be acted upon, if the Parties think fit, within Fourteen Days after being sent, § 12.
62. Limitation of Time upon the Issue of a Certiorari to bring up the Orders of the Poor Law Commissioners or Poor Law Board, § 13.
63. Guardians of a Union or Parish may contract to receive in their Workhouses certain Poor belonging to some other Union or Parish within certain Limits, § 14.
64. Mode of describing Collectors of Poor Rates in Indictments for Larceny and Embezzlement, § 15.
65. Guardians may appropriate certain Property of Paupers, § 16.
66. Expenses of Burials recoverable as Loans, § 17.
67. Guardians and Vestry in Parishes under Local Acts enabled to consent to Orders of the Poor Law Board, § 18.
68. In case of Equality of Votes Chairman to have casting Vote, § 19.
69. Guardians may expend limited Sum for Purposes of Emigration without a previous Vestry Meeting, § 20.
70. Interpretation Clause, and Incorporation of the Statutes, § 21.
71. Act to extend to *England* and *Wales* only, § 22.

See *Overseers in Cities and Boroughs; Poor and Highway Rates.*

Poor and Highway Rates.

1. To enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates, 12 & 13 *Vict. c.* 14.
2. Where a Warrant of Distress is granted for a Poor Rate or Highway Rate, &c. the Costs of obtaining it may also be levied, § 1.
3. Imprisonment in default of Distress. So much of 43 *Eliz. c.* 2. as relates to Commitments for Nonpayment of Rates, or for Default of Distress, repealed. Power to order Imprisonment not exceeding Three Months in default of Distress, § 2.
4. One Warrant may be issued against several Rate-payers; but otherwise as to a Commitment in default of Distress, § 3.
5. To whom Warrants of Distress or Commitment to be directed, § 4.
6. Summons, and how served; if not obeyed, the Justices may proceed *ex parte*, § 5.
7. On Payment or Tender of Rate and Costs Proceedings to cease, § 6.
8. Costs already recovered or proceeded for deemed legal, § 7.
9. Forms in Schedule valid, § 8.
10. Imprisonment for Nonpayment of Church Rate limited, § 9.

See *Rates and Taxes.*

Pope, See Court of Rome.

Post Office, See Money Orders.

Prisons.

1. To amend an Act for consolidating the Queen's Bench, Fleet and Marshalsea Prison, and for regulating the Queen's Prison, 11 & 12 *Vict. c.* 7.
2. 5 & 6 *Vict. c.* 22. recited. So much of recited Act as relates to First-class Prisoners repealed, § 1.
3. What Persons shall compose First-class Prisoners after passing of this Act, § 2.
4. Indemnity to Secretary of State and others for Acts already done in regard to Classification of Prisoners, &c., § 3.
5. In case of Illness of Keeper, Deputy Keeper to act, § 4.
6. Tipstaffs of Court of Chancery, &c. to give Security for faithful Discharge of Duties. Penalty on Tipstaffs neglecting to give Security or disobeying Instructions, § 5.
7. Former Provisions as to reducing Penalties, &c. for introducing Liquors into Prison no longer to exist. Persons acting contrary to Rules as to introducing Spirituous Liquors may be taken before a Justice. Penalty for certain Offences not to be reduced below 10*l.*, § 6.
8. Repealing so much of 55 *G.* 3. *c.* 113. as restricts Sum given to Prisoners, § 7.

9. To facilitate the raising of Money by Corporate Bodies for building or repairing Prisons, 11 & 12 *Vict. c.* 39.
10. Clauses in 10 & 11 *Vict. c.* 16. respecting Mortgages extended to this Act, § 1.
11. Matters to be done by the Commissioners and their Clerk may be done by Council and Town Clerk, § 2.
12. Mortgagees may enforce Payment of Arrears by Appointment of Receivers, § 3.
13. 10 & 11 *Vict. c.* 16. *s.* 84. as to Sinking Fund not to apply to this Act, § 4.

14. Money raised to pay off prior Loans to be paid off within the original Period of Thirty Years, § 5.
15. Sinking Fund to be provided, § 6.

Private Acts.

1. *Govan.*—Feuing Glebe Lands, 11 & 12 *Vict.* c. 1.
2. *C. P. Hamlyn.*—Authorizing Trustees to pull down Mansion House, 11 & 12 *Vict.* c. 2.
3. *Wilton.*—Exchange of Lands in Parish of, 11 & 12 *Vict.* c. 3.
4. Earl of *Stamford.*—Authorizing Sale of Land in *Salop* to, 11 & 12 *Vict.* c. 4.
5. *John Newton.*—Authorizing Building Leases of *Gorton* Estate, 11 & 12 *Vict.* c. 5.
6. *John Fullerton.*—Selling, &c. Estates, 11 & 12 *Vict.* c. 6.
7. *Edward Jessop.*—Selling Estates, 11 & 12 *Vict.* c. 7.
8. *Jacob Hudson.*—Selling, &c. Estates, 11 & 12 *Vict.* c. 8.
9. Sir *W. Miller.*—Exchanging and selling Estates, 11 & 12 *Vict.* c. 9.
10. *Waterhouse's* Charities.—Incorporating Trustees of, 11 & 12 *Vict.* c. 10.
11. *Sandbach* Charities.—Administering, 11 & 12 *Vict.* c. 11.
12. Late Duke of *Bridgwater.*—Amending Act to enable the Trustees of his Will to carry into effect an Agreement with Lord *Ellesmere*, 11 & 12 *Vict.* c. 12.
13. *Woolwich.*—Selling Glebe Lands, 11 & 12 *Vict.* c. 13.
14. Sir *John Ramsden.*—Enlarging leasing Powers contained in his Will, 11 & 12 *Vict.* c. 14.
15. *C. R. Blundell* Esquire.—Leasing and selling Parts of his Estates, 11 & 12 *Vict.* c. 15.
16. Lord *Sheffield.*—Granting Building Leases of his Estates, 11 & 12 *Vict.* c. 16.
17. Lord and Lady *Londonderry.*—Amending Settlement made by them and Lord *Seaham*, 11 & 12 *Vict.* c. 17.
18. Lord *Antrim.*—Compromising Suits and Claims affecting his Estates, 11 & 12 *Vict.* c. 18.
19. *Christopher* and *Mary Alderson.*—Vesting Estates in Trustees for Sale, 11 & 12 *Vict.* c. 19.
20. Lord *Bute.*—Altering leasing Powers in his Will, 11 & 12 *Vict.* c. 20.
21. *St. Mary's Hospital* in *Newcastle-on-Tyne.*—Altering Act enabling the Master and Brethren to grant Leases, 11 & 12 *Vict.* c. 21.
22. Lord *Glengall.*—Vesting his Estates in the Counties of *Waterford* and *Tipperary* in Trustees, 11 & 12 *Vict.* c. 22.
23. Society for prosecuting Felons.—Enabling, to distribute their Funds amongst certain charitable Institutions, 12 & 13 *Vict.* c. 1.
24. *C. Hayes*, &c.—Selling and exchanging his Estates, 12 & 13 *Vict.* c. 2.
25. *R. M. Griffith.*—Granting Building Leases of his Estates, 12 & 13 *Vict.* c. 3.
26. Dean and Chapter of *Canterbury.*—Confirming Two Leases granted by them of Houses in *Walworth*, 12 & 13 *Vict.* c. 4.
27. *W. Lee Antonie* Esquire.—Selling Estates of, 12 & 13 *Vict.* c. 6.
28. *Anthony Hill* Esquire —Granting Mining Leases, 12 & 13 *Vict.* c. 7.
29. Trustees of *Aberdeen* Orphan Hospital.—Incorporating, 12 & 13 *Vict.* c. 8.
30. Trustees of late Duke of *Sutherland.*—Granting Leases to the *Staffordshire* Waterworks Company, 12 & 13 *Vict.* c. 9.
31. *Marianne Sarah Robertson.*—Enabling her to disentail Estates, 12 & 13 *Vict.* c. 10.
32. Trustees of *Ogle's* Settlement.—Enabling, to grant Leases, 12 & 13 *Vict.* c. 11.
33. *Cole* and *Reynold's* Estates.—Vesting them in Trustees for Sale, 12 & 13 *Vict.* c. 12.
34. *Anthony Harman* Esquire.—Authorizing the Trustees of his Will to grant Leases, 12 & 13 *Vict.* c. 13.
35. *Thomas Gordon* Esquire.—Authorizing the Trustees of his Will to sell his Estates, 12 & 13 *Vict.* c. 14.
36. *Philip Hurd* Esquire.—Confirming the Title of his Trustees to an Estate at *Kentish Town*, 12 & 13 *Vict.* c. 15.
37. Duke of *Cleveland.*—Enabling the Trustees of his Will to raise Monies, 12 & 13 *Vict.* c. 16.
38. *William Trenchard* Esquire.—Pulling down Mansion House, 12 & 13 *Vict.* c. 17.
39. Sir *Hugh Bateman.*—Vesting his Estates in Trustees for Sale, 12 & 13 *Vict.* c. 18.
40. Lord *Glastonbury.*—Administering his Estates, 12 & 13 *Vict.* c. 19.
41. *George Bishton.*—Removing Doubts as to his Appointment to be a Commissioner under an Inclosure Act, 12 & 13 *Vict.* c. 20.
42. Lord *Burlington.*—Removing Doubts as to leasing Powers under his Will, and supplying an Omission therein, 12 & 13 *Vict.* c. 21 and 22.
44. Sir *T. M. Wilson.*—Enabling, to grant the Site of a District Church in *Woolwich*, 12 & 13 *Vict.* c. 23.
45. Sir *George Osborn.*—Selling Parts of his Estates, 12 & 13 *Vict.* c. 24.
46. *Henry Blundell* Esquire.—Granting Building Leases of Parts of his Estates, 12 & 13 *Vict.* c. 25.
47. *Theophilus Clive* Esquire.—Selling Part of his settled Estates, 12 & 13 *Vict.* c. 26.

Private Bills (*Costs of*), See Costs of Private Bills.

Property and Income Tax.

1. To continue for Three Years the Duties on Profits arising from Property, Professions, Trades, and Offices, 11 & 12 *Vict.* c. 8.
2. 5 & 6 *Vict.* c. 35. recited. Rates and Duties granted by recited Act further continued for Three Years, § 1.
3. The several Acts continued in force, § 2.
4. Assessments under Schedules (A.) and (B.) for the Year 1848 to be in force for Three Years, § 3.
5. Power to compound for Duties under Schedule (D.) continued, § 4.

Public Health.

1. For promoting the Public Health, 11 & 12 *Vict.* c. 63.
2. Parts to which this Act may be applied, § 1.
3. Interpretation of Terms: Number: Gender: "Person:" "Lands:" "Premises:" "Owner:" "Rack Rent:" "Month:" "Commissioners of the Treasury:" "Superior Courts:" "Justice:" "Two Justices:" "Court of General or Quarter Sessions:" "Arbitrators:" "Oath:" "Corporate Borough:" "District:" "Corporate District:" "Noncorporate District:" "Street:" "House:" "Drain:" "Sewer:" "Slaughter-house:" "Waterworks Company:" "Waterworks:" "The Local Board of Health:" "The Clerk, &c.," § 2.

4. Mode of citing this Act, § 3.
5. General Board of Health to be constituted, § 4.
6. Power to General Board of Health to appoint Officers and Servants, subject to Approval of Treasury, and to cause a Seal to be made, § 5.
7. Power to appoint Superintending Inspectors, subject to Approval of Treasury, § 6.
8. Power to Treasury to grant Salaries, &c. to General Board of Health, Superintending Inspectors, &c., § 7.
9. Upon Petition of a certain Proportion of Householders, &c., or when the Deaths in any City, &c. appear upon the Registrar General's Returns to be above a certain Proportion, Superintending Inspector to make local Inquiry, § 8.
10. Inspector to give Notice of Inquiry, and report to General Board the Result of the same. Upon such Report General Board may, if they think fit, cause Inspector to make further Inquiries respecting Boundaries and present a further Report, which shall be published, &c., § 9.
11. Cases in which Act shall be put in force by Order of Her Majesty in Council. Cases in which Act shall be put in force by Provisional Order of General Board, and sanctioned by Parliament. Exception with respect to certain Local Acts for supplying Water. Consent of Town Council, &c. in certain Cases, § 10.
12. Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates, § 11.
13. Town Council to be the Local Board in Districts consisting of One Borough, &c. Selection, &c. of Local Boards by Town Councils. Selection of Part of Local Board by Town Councils, and Part by Owners and Rate-payers, § 12.
14. Election of Members of Local Board by Owners and Rate-payers, § 13.
15. Regulations as to the Number of Persons to be selected or elected Members of Local Boards. In case of Vacancies, remaining Members may act. Persons both selected and elected, &c. to serve in respect of One Title only, § 14.
16. Members elected for Part of a Sewerage District to constitute separate Board for other Purposes of the Act, § 15.
17. Qualification of elected Members, § 16.
18. Declaration to be made by Members of Local Boards before acting. False Declaration a Misdemeanor, § 17.
19. Persons neglecting to make Declaration or to act for Three Months to cease to be a Member, § 18.
20. Disqualifications, § 19.
21. Qualification of Electors, and Scale of voting. Definition of the Words "Owner" and "Owners," as applied to this Act, § 20.
22. Elections, by whom to be conducted, § 21.
23. Production of Parochial Books, &c. for Purposes of Election. List of Voters, &c. to be made, if necessary, § 22.
24. Publication of Notices previously to Election, § 23.
25. Nomination and Election of Candidates, § 24.
26. Mode of voting, § 25.
27. Regulations as to Collection of Voting Papers, § 26.
28. Regulations as to Examination of Votes and Elections of Local Boards. Notices to be sent to Persons elected. List of Persons elected, &c. to be transmitted to Local Boards, who shall deposit the same, which shall be open to Inspection, § 27.
29. Penalty upon Persons conducting Elections neglecting to comply with Provisions of this Act, § 28.
30. Defects in Election, &c. not to invalidate Proceedings, § 29.
31. Expenses of Elections to be defrayed out of General District Rates, § 30.
32. Local Board of Health in *Oxford* and *Cambridge* to consist of *Oxford* and *Cambridge* Improvement Commissioners, § 31.
33. With respect to the Execution of the Act by the Commissioners under Local Acts in other Cases, § 32.
34. Local Board of Health, in case of a District afterwards becoming a Corporate Borough, § 33.
35. Meetings of Local Boards of Noncorporate Districts, and Regulations of Business, &c., § 34.
36. Local Boards to provide Offices for transacting Business and cause a Seal to be made, § 35.
37. Committees may be appointed, § 36.
38. Power to Local Boards to appoint Surveyor, Inspector of Nuisances, Clerk, Treasurer, &c. Same Person may be Surveyor and Inspector of Nuisances, but not Clerk and Treasurer, § 37.
39. Penalty upon Officers, &c. interested in Contracts or taking Fees improperly, § 38.
40. Officers, &c. intrusted with Money to give Security, and to account. Summary Proceedings to be taken in case of failing to account, &c., § 39.
41. Power to appoint an Officer of Health, § 40.
42. Map exhibiting System of Sewerage, § 41.
43. Expense of Surveys, &c., § 42.
44. Sewers, &c. vested in Local Board, § 43.
45. Power to purchase, &c. certain Sewers, § 44.
46. Making, Alteration, and Discontinuance of Sewers vested in Local Board, § 45.
47. As to cleansing and emptying Sewers, &c. by Local Board, § 46.
48. Penalty for making unauthorized Sewers, and building over Sewers and under Streets, § 47.
49. Use of Sewers by Persons beyond District, § 48.
50. No new House to be built without Drains, &c. Local Board may, upon Report of Surveyor that any House is without a Drain, cause One to be constructed, &c., § 49.
51. As to Construction of Sewers, Wells, Pumps, &c. for Parishes, &c. with less than 2,000 Inhabitants, and in which this Act is not otherwise applied, § 50.
52. Penalty on Persons erecting Houses without Water-closets, &c. Local Board may, upon Report of Surveyor, order Water-closets, &c. to be erected in Houses, whether built before or after this Act is applied, &c., § 51.
53. Certain Water-closets to be constructed in Factories, &c., § 52.
54. Notice of building and rebuilding, with respect to Levels of Houses, Situation of Privies, &c., § 53.
55. Local Board to provide that Drains, Water-closets, &c. do not become a Nuisance, § 54.
56. Cleansing of Streets, Removal of Dust, &c., § 55.
57. Local Board to cause Places for Deposit of Dust, Soil, &c. to be provided, § 56.
58. Public Necessaries, § 57.
59. Offensive Ditches, Drains, &c. to be cleansed or covered, § 58.
60. Penalties for keeping Swine, &c. in improper Situations, allowing waste Water to remain in Cellars, &c. Removal of Filth on Certificate of Inspector of Nuisances, § 59.
61. Houses to be purified, on Certificate of Officer of Health or Two Medical Practitioners, § 60.
62. Slaughter-houses to be registered, § 61.
63. Local Board may provide Slaughter-houses, and make Bye Laws with respect to Slaughter-houses in general, § 62.

64. Power

64. Power to Inspector of Nuisances to enter Places used for Sale of Butcher's Meat, &c., § 63.
65. Offensive Trades newly established to be subject to Regulation of Local Board of Health, § 64.
66. Act not to affect present Law as to Nuisances, § 65.
67. Common Lodging Houses to be registered. Penalty on Neglect, § 66.
68. Cellars, &c. newly built not to be let as Dwelling Rooms. No Cellars, &c. to be let except under certain Conditions. Act not to come into operation until the Expiration of a certain Time, in case of Cellars, &c. already occupied as Dwellings. Churchwardens, &c. to give Notice of Enactment, § 67.
69. Management of Streets vested in Local Board, § 68.
70. Power to compel paving, &c. of private Streets, § 69.
71. Certain Streets not Highways to be deemed such, and repaired by Local Board, § 70.
72. Power to require Gas and Water Pipes to be moved, § 71.
73. Notice to be given to Local Board before laying out new Streets, who shall fix the Levels and Widths thereof, § 72.
74. Local Board may purchase Premises in order to improve Streets, § 73.
75. Local Board may provide Places of public Recreation, &c., § 74.
76. Local Board to provide sufficient Supplies of Water and may erect Waterworks, &c. In case of Waterworks constructed by Local Board, the Water may be kept constantly under Pressure. Local Board not to construct Waterworks, &c. if any Waterworks Company within their District be able and willing to supply Water upon Terms, § 75.
77. Local Board may require that Houses be supplied with Water, &c. in certain Cases, § 76.
78. Water for public Baths, or trading or manufacturing Purposes, § 77.
79. Maintenance and Construction of public Cisterns for gratuitous Use, § 78.
80. Penalty for injuring Waterworks, diverting Streams, or wasting Water, § 79.
81. Penalties on Persons for causing Water in Reservoirs to be fouled; and on Proprietors of Gasworks, &c., § 80.
82. Power to provide Premises for the Reception of the Dead previously to Interment, § 81.
83. Burial Grounds, &c. dangerous to Health may be prohibited, and Local Board may procure other Places for Interment, § 82.
84. As to Interments within Churches or Burial Grounds newly erected or formed, § 83.
85. Power to Local Boards to purchase Lands, &c. under 8 & 9 *Vict. c.* 18.,—§ 84.
86. Contracts by Local Board. Composition for Penalties in respect of Breach of Contracts. Estimates to be made before commencing Works. As to Contracts above the Value of 100*l.*, § 85.
87. Special District Rate, § 86.
88. District Fund Account to be kept. General District Rate, § 87.
89. Property assessable to Special and General District Rates. If in any District there be no Rate for Relief of the Poor, Rates shall be made in manner prescribed by 6 & 7 *W.* 4. *c.* 66. Exemption under Local Acts, § 88.
90. Rates may be prospective or retrospective. Assessment to District Rates in case of unoccupied Premises. Apportionment of Rates between outgoing and incoming Tenants, &c. Parts of District may be separately assessed, § 89.
91. Private Improvement Rates, § 90.
92. Proportion of Private Improvement Rate may be deducted from Rent, § 91.
93. Redemption of Special District and Private Improvement Rates, § 92.
94. Water Rate. Agreements with Universities, § 93.
95. Water Rate payable in advance. Power to stop Water in case of Nonpayment of Rates, § 94.
96. Composition for and Recovery of Rates upon Tenements under the annual Value of Ten Pounds, &c., § 95.
97. Power to reduce or remit Rates on account of Poverty, § 96.
98. Act not to affect existing Agreements between Landlord and Tenant, § 97.
99. Estimate to be prepared before making Rates, § 98.
100. Notice of Rate, § 99.
101. Rates to be open to Inspection, § 100.
102. Description of Owner or Occupier in Rates if his Name be unknown, § 101.
103. Rates may be amended, § 102.
104. Rates made under this Act to be published as Poor Rates, and collected as Local Board shall appoint. Justices may summon Persons for Nonpayment, and in default may recover by Distress, § 103.
105. Form of Distress Warrant. Penalty upon Constables refusing to levy, § 104.
106. Quota of Rates to be paid by the Universities, &c., § 105.
107. Evidence of Rates, § 106.
108. Rates may be mortgaged. No Priority amongst Mortgagees, § 107.
109. Commissioners of Public Works may make Advances to Local Boards under 5 & 6 *Vict. c.* 9.,—§ 108.
110. Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate, § 109.
111. Power to borrow Money to pay off former Mortgages, § 110.
112. Form of Mortgage. Register of Mortgages, § 111.
113. Transfer of Mortgages. Register of Transfers, § 112.
114. Interest to be paid half-yearly. Mortgage Debts to be paid off by means of a Sinking Fund, § 113.
115. Receiver may be appointed in certain Cases, § 114.
116. Bye Laws of Local Board not to be in force till confirmed by Secretary of State. Notice of Confirmation, &c., § 115.
117. Bye Laws to be printed, &c., § 116.
118. Local Board to be Surveyors of Highways; but existing Surveyors to recover Rates in arrear, § 117.
119. Existing Liabilities to make Sewers, &c. not to be discharged, § 118.
120. Mortgage of Rates to be made only with Approval of General Board, § 119.
121. Parties aggrieved by Proceedings of Local Board as to Recovery of certain Expenses may appeal to the General Board, § 120.
122. Superintending Inspectors may summon Witnesses, call for Plans, Rates, &c., § 121.
123. As to Audit of Accounts. Power to Auditor to require Production of Books, &c. Penalty on Persons for Neglect. Accounts previous to Audit to be deposited, and open to Inspection, &c., § 122.
124. Mode of referring to Arbitration, § 123.
125. Death, &c. of One of several Arbitrators; of single Arbitrator, § 124.
126. Appointment of Umpire by the Parties; by Quarter Sessions, § 125.
127. Time within which Award must be made, § 126.

128. Power to Arbitrator to require Production of Documents. As to Costs of Reference. Submission may be made a Rule of Court, § 127.
129. Declaration to be made by Arbitrator and Umpire, § 128.
130. Recovery of Damages, &c., § 129.
131. Form of Conviction, § 130.
132. Mode of proceeding before Justices. Distress how to be levied; not unlawful for Want of Form, §.131.
133. Justices, though Members of Local Board, may act under this Act, § 132.
134. Common Informers not to sue without Consent of Attorney General. Proceedings for Penalties to be taken within Six Months. Application of Penalties, § 133.
135. Liability to Penalty not to relieve from other Liabilities, § 134.
136. Appeal to Quarter Sessions, § 135.
137. Power of Sessions upon Appeals against Rates, § 136.
138. No Rate or Proceeding to be quashed for Want of Form, &c., § 137.
139. Proceedings in case of Noncorporate Districts. Actions &c. in Name of Clerk. Mode of describing Property of Local Board. Actions, &c. not to abate. Clerk to be reimbursed Expenses, § 138.
140. Notice of Action. Limitation of Actions. Venue. General Issue. Tender of Amends, &c. Money may be paid into Court, § 139.
141. Persons acting in execution of Act not to be personally liable, § 140.
142. Orders in Council and Provisional Orders may be amended, and District extended, § 141.
143. Publication of Orders in Council, &c. Reports of Superintending Inspectors, &c. to be laid before Parliament, § 142.
144. Entry upon Lands for the Purposes of this Act, § 143.
145. Compensation in case of Damage by Local Board, § 144.
146. Sewers, &c. of Commissioners of Sewers, private Watercourses, &c., not to be used without Consent, § 145.
147. Local Board may allow Owners Time for Repayment of Expenses, § 146.
148. False Evidence punishable as Perjury, § 147.
149. Penalty for obstructing Officers, defacing Boards, &c.; upon Occupiers preventing Execution of Works. Occupiers to disclose Owner's Name, § 148.
150. Consents of Board of Health and Local Board to be in Writing, § 149.
151. Service of Notice upon Local Board; upon Owners and Occupiers, § 150.
152. Exemptions from Stamp Duty. Exemption from Window Duty in certain Cases, § 151.

See *Metropolitan Sewers; Nuisances Removal; Sewers.*

Q.

Quarter Sessions, See General and Quarter Sessions.

R.

Railways.

1. To give further Time for making certain Railways, 11 & 12 *Vict. c.* 3.
2. Railway Companies may apply to Commissioners of Railways for Extension of Time for Purchase of Lands, &c., § 1.
3. Commissioners may require Company to give Notice of Application by Advertisement in the Gazette, § 2.
4. Commissioners of Railways, by Warrant under their Seal, may, upon Proof that Notice has been given, enlarge the Time for the Completion of Purchases and Works, § 3.
5. Acts mentioned or referred to in such Warrants to be construed with reference to the same, § 4.
6. Not to revive expired Powers. Existing Contracts and Notices to take Lands to be construed as if this Act had not passed, § 5.
7. Notices of Warrants being granted to be published in the Gazette, § 6.
8. Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage, § 7.
9. Contracts for new Works not to be entered into for a limited Period, except in certain Cases, § 8.
10. Mode of ascertaining Consent of Shareholders to the making of Contracts for new Works, § 9.
11. Certificate of the Chairman of Company, countersigned by the Secretary, to be Evidence of Consent, § 10.

Rates and Taxes.

1. To regulate the Times of Payment of Rates and Taxes by Parliamentary Electors, 11 & 12 *Vict. c.* 90.
2. Time at which Rates and Taxes must be paid to entitle Parties to be on the List of Voters for Members of Parliament, § 1.

Regent's Quadrant.

1. To empower the Commissioners of Her Majesty's Woods to remove the Colonnade in the *Regent's Quadrant,* 11 & 12 *Vict. c.* 50.

Regimental Benefit Societies.

1. To dissolve Regimental Benefit Societies, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds, 12 & 13 *Vict. c.* 71.
2. Regimental Benefit Societies to cease; Funds to be paid into the Bank of *England,* § 1.
3. Equitable Distribution of the Funds to be made, § 2.
4. Portion of any Soldier may be withdrawn from Savings Bank for his Benefit before his Discharge, § 3.
5. Regimental charitable Funds to be paid into the Bank of *England,* § 4.
6. Commanding Officers to furnish Accounts of Benefit Societies and charitable Funds of their Regiments. Trustees to pay the Funds into the Bank of *England,* § 5.
7. Monies paid into the Bank to be transferred to the Fund for the Military Savings Banks, § 6.
8. Separate Account to be kept by the Secretary at War of charitable Fund of each Regiment, § 7.
9. Commanding Officer of Regiment to account to the Secretary at War as to Disposal of charitable Funds, § 8.

Revenue.

1. To apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight, 11 & 12 *Vict. c.* 4.

2. For raising the Sum of Seventeen millions nine hundred and forty-six thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-eight, 11 & 12 *Vict. c.* 16.

3. To apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-eight, 11 & 12 *Vict. c.* 33.

4. For raising the Sum of Two Millions by Exchequer Bills, or by the Creation of Annuities, for the Service of the Year One thousand eight hundred and forty-eight, 11 & 12 *Vict. c.* 125.

5. To apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-eight; and to appropriate the Supplies granted in this Session of Parliament, 11 & 12 *Vict. c.* 126.

6. To apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine, 12 & 13 *Vict. c.* 3.

7. For raising the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-nine, 12 & 13 *Vict. c.* 20.

8. To apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine, 12 & 13 *Vict. c.* 44.

9. To apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-nine; and to appropriate the Supplies granted in this Session of Parliament, 12 & 13 *Vict. c.* 98.

Royal Military Asylum.

1. To authorize the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in purchasing the Site of the Royal Military Asylum, and in improving such Asylum, 11 & 12 *Vict. c.* 103.
2. Power to Treasury to direct that a Sum be raised by Sale of Part of unclaimed Army Prize Money, and paid to Commissioners of Woods, &c., who shall apply the same in purchasing the Site of the Royal Military Asylum, &c., § 1.

Royal Pavilion, Brighton.

1. To authorize the Sale of the Royal Pavilion at *Brighton*, and the Grounds thereof; and to apply the Money arising from such Sale, 12 & 13 *Vict. c.* 102.

S.

Salmon.

1. To explain the Acts for preventing the Destruction of the Breed of Salmon and Fish of the Salmon Kind, 11 & 12 *Vict. c.* 52.
2. 58 *G.* 3. *c.* 43. and 6 & 7 *Vict. c.* 33. recited. The Word "River" in recited Acts to apply to tributary Streams thereof, § 1.
3. The last-recited Act to apply to Salmon Trout and Fish of the Salmon Kind as well as to Salmon, § 2.
4. Not to extend to Offences committed before passing of this Act, § 3.

Schools (Sites for).

1. To extend and explain the Provisions of the Acts for the granting of Sites for Schools, 12 & 13 *Vict. c.* 49.
2. Where Part only of Lands under Lease conveyed, the Rent and Fine upon Renewal of Lease may be apportioned, § 1.
3. Liabilities of Tenants and Remedies of Landlords, as to the Lands not conveyed, § 2.
4. The same Person may grant several Sites for Schools in the same Parish if the whole Extent do not exceed certain Limits, § 3.
5. Grants of Land for Sites of Schools by Owners or Tenants in Tail to be valid although Grantor die within Twelve Months, § 4.
6. The Owners of Land empowered to vest any Quantity of Land for Purposes of these Acts in Corporations, § 5.
7. Mode of conveying the Lord's Interest and that of the Copyholder in Copyhold Land, § 6.
8. Interpretation Clause, § 7.

SCOTLAND.

Bridges, See Roads and Bridges.

Caledonian Canal.

1. For incorporating the Commissioners of the *Caledonian* Canal, and for vesting the *Crinan* Canal in the said Commissioners, 11 & 12 *Vict. c.* 54.
2. 43 *G.* 3. *c.* 102., 44 *G.* 3. *c.* 62., 6 *G.* 4. *c.* 15., 3 & 4 *Vict. c.* 41., 33 *G.* 3. *c.* 104., 39 *G.* 3. *c.* xxvii., 39 *G.* 3. *c.* lxxi., 45 *G.* 3. *c.* 85., 51 *G.* 3. *c.* 117., 56 *G.* 3. *c.* 135., and 3 & 4 *W.* 4. *c.* 13. recited. So much of recited Acts of 43 *G.* 3. and 44 *G.* 3. as relates to appointing Commissioners null and void, § 1.
3. New Commissioners incorporated, § 2.
4. Power to Her Majesty to appoint other Commissioners, § 3.
5. *Caledonian* Canal vested in the Commissioners, § 4.
6. *Crinan* Canal vested in the Commissioners, § 5.
7. *Crinan* Canal to revert to the Company on the Debt being paid, § 6.
8. Interpretation of Act, § 7.

Court of Justiciary.

1. To facilitate and simplify Procedure in the Court of Justiciary in *Scotland*, 11 & 12 *Vict. c.* 79.
2. Printed, instead of written, Copies of Indictments, &c. may be used as Record Copies. Printed Copies to be authenticated, § 1.
3. Letters of Diligence to be issued by the Clerk on Exhibition of Indictment, and Roll or Minute Book of the same to be kept by the Clerk, § 2.
4. Deliverances on Bills to be signed by Clerk of Justiciary instead of One of the Judges. Bills or Petitions, &c. under Act of *Scottish* Parliament, 1701, *c.* 6. to remain as at present, § 3.

5. One List of Assize sufficient for all Trials at the same Diet in the High Court of Justiciary, § 4.
6. One List sufficient for each Circuit Court, § 5.
7. Service of Writs and Warrants, § 6.
8. Record Copies of Proceedings, instead of being transcribed in Books of Adjournal, may be inserted therein, &c. Books not completed at passing of this Act may be completed by Insertion of Record Copies, § 7.
9. Judges holding Circuit Courts at *Glasgow* may sit and act separately, and Proceedings to be held good, § 8.
10. In Criminal Trials before Courts of Justiciary, the Panel to state Objections to Relevancy of Libel, which shall be disposed of by the Court, § 9.
11. Power for Court to alter Forms of Interlocutors and Sentences at present in use, and substitute others, § 10.
12. Power to Court to make Acts of Adjournal, § 11.
13. Laws, &c. inconsistent with this Act repealed, § 12.

Crinan Canal, See Caledonian Canal.

Entail (Law of).

1. For the Amendment of the Law of Entail in *Scotland*, 11 & 12 *Vict. c.* 36.
2. Heir born after the Date of any future Entail may disentail the Estate; born before, may do so with Consent of Heir next in succession, being Heir Apparent under the Entail, § 1.
3. Heir in possession under an existing Entail born after 1st *August* 1848 may disentail; born before that Date, may do so with Consent of Heir next in succession, being Heir Apparent born after 1st *August* 1848, § 2.
4. Heir of Entail under an existing Entail may disentail, with certain Consents, § 3.
5. Heir of Entail may sell, charge, lease, and feu, with the like Consents as enable him to disentail, § 4.
6. Heir of Entail under existing Entail may excamb, with certain Consents, § 5.
7. Provision for Disclosure of Entailer's Debts which affect the Estate disentailed, § 6.
8. Creditors in Entailer's Debts, &c. using Inhibition not to be affected by Instrument of Disentail, § 7.
9. Settlements by Marriage Contract not to be disappointed, § 8.
10. Heirs of Entail not to give Consent in opposition to Creditors in Debt now existing, § 9.
11. Heir Apparent under future Tailzies not to give Consent in opposition to his Creditors, § 10.
12. Creditor of an Heir empowered to disentail may affect the Estate for Payment of his Debts, § 11.
13. Acts 10 *G.* 3. *c.* 51. and 5 *G.* 4. *c.* 87. not to apply to future Tailzies, § 12.
14. Heir having obtained Decree for Expense of Improvements may grant Bond of annual Rent, § 13.
15. Heir in future expending Money in Improvements may grant Bond of annual Rent, § 14.
16. Executor may call on Heir in possession to grant Bond of annual Rent, § 15.
17. Proceedings where Improvements not executed in Terms of 10 *G.* 3.,—§ 16.
18. No Adjudication for annual Rent. Annual Rent how to be recovered. Annual Rent to be kept down, § 17.
19. Heir of Entail may charge Estates by granting Bond and Disposition in Security, § 18.
20. Bonds of annual Rent or of Dispositions in Security for Improvements to operate as Discharges, § 19.
21. Private Roads to be deemed Improvements under 10 *G.* 3. *c.* 51. and under this Act, § 20.
22. Provisions to younger Children may be made Charges upon the entailed Estate, § 21.
23. Heir in possession to keep down the Interest on Provisions to Children, § 22.
24. Provisions to Children not to be charged without Authority of Court, § 23.
25. Power to grant Feus or long Leases, § 24.
26. Where entailed Estate may be charged with Debt, Estate may be sold for Payment thereof, § 25.
27. Money arising from Sale of Estate, and Trust Money, may be applied in Payment of Entailer's Debts, &c., § 26.
28. Money vested in trust for the Purchase of Land to be entailed may be dealt with as if it were the entailed Land, § 27.
29. Date of Act of Parliament, &c. directing Entail deemed to be the Date at which Land should have been entailed, § 28.
30. Provisions to Wives and Children may be granted out of Money vested in trust for the Purchase of Lands to be entailed, § 29.
31. Creditor not to sell Land in excess of what is necessary to pay Debt affecting the Estate, and Reinvestment of Surplus, § 30.
32. Guardians may consent for Minors, § 31.
33. Form and Effect of Instrument of Disentail, and Registration thereof, § 32.
34. Applications to the Court, § 33.
35. Intimation of Petitions, § 34.
36. Procedure in Court, § 35.
37. Excambions under the Act 6 & 7 *W.* 4. *c.* 42. may be carried through under the Forms of this Act, § 36.
38. Heirs to be called in Proceedings under this Act, § 37.
39. Instruments of Disentail to be final, § 38.
40. In future Entail, irritant and resolutive Clauses implied in Warrant to record, § 39.
41. Irritancy not to affect Conveyances or Securities, § 40.
42. 39 & 40 *G.* 3. applied to Heritable Property in *Scotland*, § 41.
43. Proceedings may be taken under this Act, though Entail not recorded or Heir infeft, § 42.
44. Entail defective in any one Prohibition to be bad as to all, § 43.
45. Instruments of Disentail may be registered in the Registers of Sasines, § 44.
46. No Irritancy or Forfeiture to be incurred for anything done under this Act, § 45.
47. Act 1685 to remain in force, except as affected by this Act, § 46.
48. Act not to be defeated by Trusts, § 47.
49. Or by Life Rents, § 48.
50. Or by Leases, § 49.
51. Consents to be in Writing and to be irrevocable, § 50.
52. Court may make Acts of Sederunt, § 51.
53. Interpretation of Act, § 52.

Hares.

1. To enable all Persons having at present a Right to kill Hares in *Scotland* to do so themselves or by Persons authorized by them, without being required to take out a Game Certificate, 11 & 12 *Vict. c.* 30.
2. Any Person having a Right to kill Hares in *Scotland* may do so without a Game Certificate, provided they shall be found on his own Land, § 1.

3. Such Persons not to be liable to Tax on Gamekeepers, § 2.
4. To extend to coursing or hunting, § 3.
5. Not to permit the Destruction of Hares, &c. by Poison, § 4.
6. Interpretation of Act, § 5.
7. Only to apply to *Scotland*, § 6.

National Monument.

1. To alter and amend an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to incorporate the Contributors for the Erection of a National Monument in* Scotland *to commemorate the Naval and Military Victories obtained during the late War*, 11 & 12 *Vict. c.* 23.
2. 3 *G.* 4. *c.* 100. recited. Objects of Monument made more comprehensive, § 1.
3. Design of Monument, § 2.
4. Power to raise additional Funds, § 3.
5. Amount of Shares, and Qualification of Membership, § 4.
6. Contributions under 5*l.* may be received, § 5.
7. No Party to have more than Twenty Votes, § 6.
8. Expenses of Meetings, § 7.
9. Notice of General Meetings, § 8.
10. Notice of Meetings of Committee, § 9.
11. Qualification of Directors, § 10.
12. Secretary not to retain Money in his Hands, § 11.
13. Church need not be constructed, nor Places of Sepulture, § 12.
14. New Trustees to be elected, § 13.
15. Monument to be vested in Trustees, § 14.
16. Power to appoint new Trustees, § 15.
17. Committee of Management or Trustees to decide as to Reception of Busts, &c., § 16.
18. Association and Trustees may make Bye Laws, § 17.
19. Quorum of Trustees, § 18.
20. Application of Money to be raised, § 19.
21. Recited Act in part repealed, § 20.
22. Public Act, § 21.

Pupils, &c. Protection.

1. For the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity in *Scotland*, 12 & 13 *Vict. c.* 51.
2. Interpretation of Terms in this Act, § 1.
3. Judicial Factor to find Caution for duly performing his Duties, § 2.
4. Judicial Factor to lodge with the Accountant a distinct Rental of Lands committed to his Management, a List of Funds, and an Inventory of Moveables, &c., § 3.
5. Factor to close his Accounts once a Year, and lodge the same with Accountant, § 4.
6. Factor to lodge Monies in one of the Banks of *Scotland*, § 5.
7. Penalties on Factor for Misconduct, § 6.
8. Factor may apply for special Powers, § 7.
9. Before special Powers, &c. granted, Court to order such Intimation to be made as may be deemed proper, § 8.
10. Power to appoint Accountant, § 9.
11. General Nature of Accountant's Duty, § 10.
12. To assign a Day for closing first Account, § 11.
13. To adjust the Rental, List, and Inventory, § 12.
14. And to audit the Accounts, § 13.
15. Rules of exact Diligence may be dispensed with, § 14.
16. Accountant's Report conclusive against Factor, if not objected to, and if Objections, how to be disposed of, § 15.
17. Cautioner may be heard before the Accountant, § 16.
18. Parties interested may, upon Cause shown, open up Audit of Accounts, § 17.
19. Accountant to make an annual Report of all Judicial Factories, which shall be printed, § 18.
20. Accountant to make Requisitions and Orders on the Factor, § 19.
21. And to report to the Lord Ordinary or the Court the Factor's Failure in Duty, § 20.
22. When Malversation reasonably suspected, a Case may be submitted to Her Majesty's Advocate, § 21.
23. Provision as to Factories constituted before the passing of the Act, § 22.
24. Provision as to past Factories informally settled or desperate, § 23.
25. Power to Treasury to appoint additional Clerks to bring up Arrears, § 24.
26. Provisions of the Act made applicable to Tutors of Law, Tutors-dative, and Curators to Insane Persons, § 25.
27. Bonds of Caution for Tutors and Curators, § 26.
28. Amount of Caution for Factors, &c., may be limited, and Bonds of Caution by Guarantee Association, &c. taken, § 27.
29. Certified Copy of Letters of Tutory or Curatory to form the Basis of a summary Process, § 28.
30. Tutors, &c. served before the passing of this Act may put themselves under its Provisions, § 29.
31. Rental, List, and Inventory to be equivalent to tutorial or curatorial Inventory, § 30.
32. Resignation and Removal of Tutors and Curators, § 31.
33. Remuneration and Responsibility of Factors and Curators not altered, § 32.
34. Power to Accountant to require Information from Banks, § 33.
35. Discharge of Factors, Tutors, and Curators, § 34.
36. Accountant to be Custodier of Bank Receipts, § 35.
37. Records in the Accountant's Office to be open for Inspection, § 36.
38. Banks to accumulate Principal and Interest on Accounts and Deposits, § 37.
39. Provision for Accountant's Illness or temporary Absence, § 38.
40. Establishment of Fee Fund, § 39.
41. Power to pass Acts of Sederunt, § 40.

Registration.

1. To authorize the Lords of Council and Session to regulate the Rates or Dues of Registration to be charged by the Keepers of the Registers of Sasines, Reversions, &c. in *Scotland*, 11 & 12 *Vict. c.* 74.
2. Lords of Session may regulate Registers of Sasines, &c. and the Rates or Dues to be taken thereat by Acts of Sederunt, which shall be laid before Parliament, § 1.
3. Act not to affect Rights of Town Clerks of Royal Burghs, § 2.

Roads and Bridges.

1. To alter the Mode of assessing the Funds leviable in the County of *Inverness*, for making and maintaining certain Roads and Bridges and other Works in the Highlands of *Scotland*, 11 & 12 *Vict. c.* 40.
2. 43 *G.* 3. *c.* 80., 59 *G.* 3. *c.* 135., 46 *G.* 3. *c.* 65., 4 *G.* 4. *c.* 56., 5 *G.* 4. *c.* 38., and 3 & 4 *W.* 4. *c.* 33. recited. Assessment to be made on the annual Value of Lands and Heritages as assessed to the Property Tax under Acts 5 & 6 *Vict. c.* 35. and 8 & 9 *Vict. c.* 4.—§ 1.

3. In case of Expiration, &c. of the Two last-recited Acts Assessment to be continued, as for the Year preceding, § 2.
4. At the End of Five Years, Commissioners of Supply may alter Mode of Assessment as may be then suitable; and again at the Expiration of every Ten Years, § 3.
5. If real annual Value of the County be ascertained, the Assessment to be thereafter imposed on such Value, § 4.
6. The Five first-recited Acts to remain in force and be applicable to the Purposes of this Act, § 5.

See *Turnpike Roads and Bridges.*

Small Debts.

1. To amend an Act regulating the Justice of the Peace Small Debt Courts in *Scotland*, 12 & 13 *Vict. c.* 34.
2. 6 *G.* 4. *c.* 48. recited. Form of Complaint and Mode of Execution, and One Citation to be good without a Second Citation, § 1.
3. Causes in which Decrees in Absence have been pronounced may be reheard on the like Service and Induciæ, § 2.
4. Warrant or Decree issued in one County may be enforced in another, if endorsed, &c., § 3.
5. Recited Act continued, except as hereby altered, § 4.

Turnpike Roads and Bridges.

1. For requiring the Transmission of the annual Abstracts and Statements of Trustees of Turnpike Roads and Bridges in *Scotland* to the Secretary of State, to be laid before Parliament, 12 & 13 *Vict. c.* 31.
2. Clerks of Road Trusts, &c. to transmit to Secretary of State Abstracts of Accounts and Statements of Revenues and Debts, § 1.
3. Secretary of State to cause Abstracts to be laid before Parliament, § 2.
4. If Road Acts proposed to be amended, Clerk to transmit Resolution and Particulars to Secretary of State, § 3.
5. Penalties how to be recovered and applied, § 4.

Sedition, See Crown and Government of the United Kingdom (securing).

Sequestrators of Benefices.

1. To extend the Remedies of Sequestrators of Ecclesiastical Benefices, 12 & 13 *Vict. c.* 67.
2. Sequestrator enabled to sue in his own Name for Tithes, Rent, &c. due to the Incumbent of the Benefice sequestered. Nothing to empower Sequestrator to bring or take Actions except against Incumbent, &c. Sequestrator may require Indemnity from the Creditor at whose Suit the Sequestration shall issue, § 1.
3. All Payments under the Act to be deemed Profits of the Benefice, § 2.

Sewers.

1. For further amending the Laws relating to Sewers, 12 & 13 *Vict. c.* 50.
2. Power to Commissioners of Sewers to partition Districts into Sub-Districts, § 1.
3. Power to Commissioners to make a separate Rate for each District, § 2.
4. Power to Commissioners to appoint Dyke-reeves for Districts and Sub-Districts, § 3.
5. Qualification of Dyke-reeves, § 4.
6. Persons appointed Dyke-reeves compelled to serve Office without Fee or Reward. Penalty on Dyke-reeves refusing to serve, § 5.
7. Power to Commissioners to impose Fines not exceeding 40*s.*, § 6.
8. For Recovery of Sewers Rates and Fines, § 7.
9. One Warrant may issue against several Rate-payers, § 8.
10. To whom Warrants to be directed, § 9.
11. Interpretation of certain Terms, § 10.

See *Metropolitan Sewers; Public Health.*

Sheep, &c.

1. To prohibit the Importation of Sheep, Cattle, or other Animals, for the Purpose of preventing the Introduction of contagious or infectious Disorders, 11 & 12 *Vict. c.* 105.
2. Power to prohibit, by Order in Council, the Importation of Sheep, Cattle, &c., in order to prevent Contagion, § 1.
3. Power to make, by Order in Council, Regulations for subjecting Sheep, &c. to Quarantine, § 2.
4. Cattle, &c. imported contrary to Provisions of Orders in Council to be forfeited. Penalty on importing, &c., § 3.
5. Orders in Council may be revoked in whole or in part from Time to Time, § 4.
6. Orders in Council to be published in the *London Gazette*, § 5.
7. To prevent, until the First Day of *September* One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals, 11 & 12 *Vict. c.* 107.
8. Infected Sheep exposed for Sale may be seized and destroyed, together with Pens, Hurdles, &c. Penalty on Parties exposing Cattle for Sale, knowing them to be diseased, § 1.
9. Penalty on Persons depasturing diseased Sheep, &c., § 2.
10. Penalty on Persons exposing for Sale Meat unfit for Human Food, § 3.
11. Privy Council may make Regulations as to Removal of Sheep, &c.; as to purifying Yards, Stables, &c.; as to Disposal of Animals dying in an infected State; and as to giving Notice of Appearance of Disease, &c. Penalty for offending against the same, § 4.
12. Orders, &c. to be published in Gazette, and in Country Newspapers, § 5.
13. And to be laid before Parliament, § 6.
14. Penalty for obstructing Persons in the Execution of this Act, § 7.
15. Penalties to be summarily recovered before Two Justices, § 8.
16. Penalties to be levied by Distress, § 9.
17. In default of Distress, Justices may commit the Offender to Prison, § 10.
18. Distress, how to be levied, § 11.
19. Distress not unlawful for Want of Form, § 12.
20. Application of Penalties. Convictions to be returned to Quarter Sessions under 3 *G.* 4. *c.* 46.,—§ 13.

21. Penalties to be sued for within Two Months after Commission of Offence, § 14.
22. Penalty on Witnesses making Default, § 15.
23. Proceedings not to be quashed for Want of Form, nor removed by Certiorari, § 16.
24. Parties aggrieved may appeal to Quarter Sessions, on giving Security, § 17.
25. Court may make such Order as they think reasonable, § 18.
26. If Suit brought on account of Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have 2*d.* Damages, and Defendant fined not more than 1*s.*, § 19.
27. Act to continue in force for Two Years. Act not to affect the Rights, &c. of the City of *London*, § 20.

Sheriff of Westmoreland.

1. To provide for the Execution for One Year of the Office of Sheriff in the County of *Westmoreland*, 12 & 13 *Vict. c.* 42.
2. Power to Her Majesty to appoint a Sheriff for One Year for the County of *Westmoreland* in manner provided by 3 & 4 *W.* 4. *c.* 99.,—§ 1.
3. Her Majesty may order, from and after a certain Day, that all Powers, &c. conferred shall cease, save that the Sheriff shall be liable to all Suits, and to make Returns, § 2.
4. Nothing herein to prejudice the Rights of Her Majesty, nor of other Persons, § 3.

Silver Coinage.

1. To extend an Act of the Fifty-sixth Year of King *George* the Third, for providing for a new Silver Coinage, and for regulating the Currency of the Gold and Silver Coin of this Realm, 12 & 13 *Vict. c.* 41.
2. The Pound Troy of Standard Silver, &c. may be coined into Crowns or Pieces of a lower Denomination, § 1.
3. Former Acts relating to Silver Coin extended to this Act, § 2.

Slave Trade.

1. For carrying into effect the Treaty between Her Majesty and the Republic of the *Equator* for the Abolition of the Traffic in Slaves, 11 & 12 *Vict. c.* 116.
2. Ratifications of Treaty exchanged on the 5th *July* 1847. Officers commanding Ships of Her Majesty, or of the Republic of the *Equator*, being duly authorized and empowered, to visit and search Merchant Ships, § 1.
3. Ships suspected of having been fitted out for the Purpose of the said Traffic in Slaves are liable to Search and Detention, § 2.
4. Her Majesty may appoint Judges and Arbitrators to decide Cases of Detention, § 3.
5. Her Majesty may appoint a Secretary or Registrar to the Mixed Court, § 4.
6. In case of the Death or Incapacity from Illness of any *British* Judge of such Courts, or of the *British* Arbitrator, § 5.
7. Judges and Arbitrators to take an Oath. Form of Oath. Secretary or Registrar's Oath, § 6.
8. Judges and Arbitrators may administer Oaths, § 7.
9. Punishing Persons giving false Evidence, § 8.
10. Pendency of Suits before the Judges to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained, § 9.
11. Vessels equipped for Traffic in Slaves to be deemed engaged in Slave Trade, § 10.
12. Vessels condemned to be sold for Her Majesty's Service or broken up, § 11.
13. Captors of Vessels shall, after the same are condemned, be entitled to the Portion of the Proceeds belonging to Her Majesty, § 12.
14. Bounty for Slaves captured, § 13.
15. Bounty on Tonnage of Slave Ships captured and demolished, § 14.
16. Where no Slaves are on board a Ship seized, an additional Bounty to be paid, § 15.
17. Bounties to be paid out of Consolidated Fund, § 16.
18. Bounties not liable to Payment of Fees, § 17.
19. Proof of Tonnage, § 18.
20. Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury, § 19.
21. One Moiety of the Bounty only to be paid in certain Cases, § 20.
22. Parties claiming Benefit under this Act may resort to the Court of Admiralty, § 21.
23. Regulations and Penalties respecting Prize Agents Accounts extended to Bounties and Proceeds under this Act, § 22.
24. Commissioners of the Treasury may order Payment of Costs awarded for Vessels of Her Majesty detained, but not condemned, § 23.
25. Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him, § 24.
26. For carrying into effect the Agreement between Her Majesty and the Imaum of *Muscat* for the more effectual Suppression of the Slave Trade, 11 & 12 *Vict. c.* 128.
27. Power to Commanders of Ships of War and of the *East India* Company to visit Vessels belonging to Subjects of the Imaum of *Muscat*, within certain Limits, suspected of being engaged in the Slave Trade, § 1.
28. As to the Trial of Vessels engaged in the Slave Trade, § 2.
29. Persons giving false Evidence deemed guilty of Perjury, § 3.
30. Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained, § 4.
31. Vessels condemned to be sold for Her Majesty's Service, or broken up, § 5.
32. Captains of Vessels shall, after the same are condemned, be entitled to the Proceeds belonging to Her Majesty, § 6.
33. A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned, § 7.
34. A Bounty to be paid on Tonnage of Slave Ships captured and demolished, § 8.
35. Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid on Tonnage, § 9.
36. Bounties to be paid out of the Consolidated Fund, § 10.
37. Bounties not liable to Payment of Fees, § 11.
38. Captors entitled to Bounty to give Proof of Tonnage, § 12.
39. Copy of Sentence of Condemnation to be produced to the Treasury, § 13.
40. In certain Cases Treasury may order One Moiety of the Bounty to be paid, § 14.
41. Parties claiming Benefit under this Act may resort to the Court of Admiralty, § 15.
42. Regulations and Penalties to which Prize Agents are liable extended to Bounties, &c. under this Act, § 16.
43. Treasury

43. Treasury may order Payment of Costs awarded for Vessels detained, but not condemned, § 17.
44. Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him, § 18.

45. For carrying into effect Engagements between Her Majesty and certain *Arabian* Chiefs in the *Persian Gulf*, for the more effectual Suppression of the Slave Trade, 12 & 13 *Vict.* c. 84.
46. Officers commanding Ships of Her Majesty, as well as those of the *East India* Company, authorized to visit Vessels belonging to the before-mentioned Chiefs, or to any of their Subjects or Dependants, § 1.
47. The Trial of Vessels engaged in the Slave Trade, § 2.
48. Persons giving false Evidence deemed guilty of Perjury, § 3.
49. Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained, § 4.
50. Vessels condemned to be sold for Her Majesty's Service or broken up, § 5.
51. Captors of Vessels shall, after the same are condemned, be entitled to the Proceeds belonging to Her Majesty, § 6.
52. Bounty for Slaves captured, § 7.
53. Bounty on Tonnage of Slave Ships captured and demolished, § 8.
54. Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid, § 9.
55. Bounties to be paid out of the Consolidated Fund, § 10.
56. Bounties not liable to Payment of Fees, § 11.
57. Proof of Tonnage, § 12.
58. Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury, § 13.
59. One Moiety of the Bounty only to be paid in certain Cases, § 14.
60. Parties claiming Benefit under this Act may resort to the Court of Admiralty, § 15.
61. Regulations and Penalties respecting Prize Agents Accounts extended to Bounties, &c. under this Act, § 16.
62. Commissioners of the Treasury may order Payment of Costs awarded for Vessels detained but not condemned, § 17.
63. The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him, § 18.

Small Debts.

1. To amend the Act for the more easy Recovery of Small Debts and Demands in *England*, and to abolish certain Inferior Courts of Record, 12 & 13 *Vict.* c. 101.
2. 9 & 10 *Vict.* c. 95. recited. To what Prisons Persons may be committed under recited Act for Frauds, &c., § 1.
3. To what Prisons Persons may be committed under the said Act for Contempt, § 2.
4. Where Debtors Prison is situated at an inconvenient Distance or crowded, Secretary of State may authorize Commitment to House of Correction, § 3.
5. Gaols maintained by Lords of Liberties and private Persons not to be used without their Consent, § 4.
6. A Prison used under recited Enactment for any Riding, Parts, or Division of a County, to be deemed a Common Gaol for such Riding, Parts, or Division, § 5.
7. Power to Secretary of State, with Consent of the Treasury, to alter Fees payable on Proceedings in County Courts, § 6.
8. So much of recited Act 9 & 10 *Vict.* c. 95. as directs Clerk to pay over Monies to Treasurer repealed. Clerk to pay over his Balance as the Treasury may direct, § 7.
9. So much of 9 & 10 *Vict.* c. 95. as enacts that Clerks shall make all necessary Contracts, &c. repealed. Treasury to provide for the several Purposes, and defray the Expenses, § 8.
10. Providing for Payment of the Expenses incurred under 10 & 11 *Vict.* c. 102., and for applying the Surplus of General Fund of any Court to Expenses of any other Courts where such Fund is deficient, § 9.
11. Judge may authorize Bailiffs to act as Bokers, § 10.
12. So much of 9 & 10 *Vict.* c. 95. as requires Notice of Her Majesty's Intention to make Order in Council repealed, § 11.
13. Lord Chancellor may authorize Five Judges of County Courts to make General Rules, such Rules to be approved by Judges of the Superior Courts, and laid before Parliament, § 12.
14. No Action or Suit to be brought in the Marshalsea or Palace Court or *Peveril* Court after the passing of this Act, § 13.
15. Powers of Marshalsea and Palace and *Peveril* Courts to cease on 31st *December* 1849, and Actions and Suits then depending to be transferred to the Court of Common Pleas or the County Court, as the Case may require, § 14.
16. Judgments of abolished Courts obtained on or before 31st *December* 1849 may be enforced as heretofore, § 15.
17. Records of abolished Courts to be placed under the Charge of the Master of the Rolls under 1 & 2 *Vict.* c. 94., —§ 16.
18. Compensation to Officers of abolished Courts, § 17.
19. Attornies and Solicitors not exempted from Provisions of this Act, § 18.

Soap.

1. To continue, until the Thirty-first Day of *July* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures, 12 & 13 *Vict.* c. 40.
2. Certain Allowances of the Duty on Soap continued, § 1.

Soldiers.

1. For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, 11 & 12 *Vict.* c. 11.

2. For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, 12 & 13 *Vict.* c. 10.

Spirits.

1. To permit the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom, 11 & 12 *Vict.* c. 100.
2. 10 & 11 *Vict.* c. 6., 4 *G.* 4. c. 94., and 6 *G.* 4. c. 80. recited. Repeal of first-recited Act and of Part of the Two last-recited Acts, § 1.
3. Licensed Distillers may distil from Sugar only, or from Potatoes only, or from Molasses only, or from Treacle, or from any of these Materials and Malt or Grain mixed, § 2.

4. Charge on annual Account when Sugar only is used, and when Sugar mixed with Grain, &c. is used in the brewing the Worts, § 3.
5. Distiller not to distil from other Materials than Malt and Grain, except as provided by this Act and 2 & 3 *W.* 4. *c.* 74.,—§ 4.
6. Notice to be given by the Distiller of his Intention to use Sugar, &c., § 5.
7. Distiller may change his Materials, on Notice, § 6.
8. No Sugar or Molasses to be received by Distillers, except from the Customs Warehouse, and in same State as when cleared on Payment of Duty, the same to be accompanied with a Certificate from the proper Officer of Customs, § 7.
9. No Treacle to be received by Distillers except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, and unless accompanied with Certificate from the Refiner or Manufacturer, § 8.
10. Distiller using Sugar, Molasses, or Treacle to provide Storehouses at his Distillery, to be approved of, in which all Sugar, Molasses, or Treacle received by him shall be deposited, and secured under Lock of the proper Officer. No Sugar, &c. to be removed out of such Storehouse, except in the Presence of an Officer of Excise. Penalty, § 9.
11. Distiller to give Twelve Hours Notice of receiving Sugar, &c. and produce the same in the same State, with the Certificate, to be deposited in the Storehouse, § 10.
12. Six Hours Notice before removing from the Storehouse to the Mash Tun. To be conveyed direct from the Storehouse to the Mash Tun, or re-deposited. Penalty 200*l.* and Forfeiture, § 11.
13. Officer to keep Account of Stock in the Storehouse, § 12.
14. Distiller to provide Scales and Weights, and assist the Officer in weighing the Sugar, § 13.
15. Allowance to Distiller on Spirits made from Worts or Wash in which Sugar or Molasses is used, for every 112 lbs. Weight of the Sugar used according to Schedule (A.), and of the Molasses used according to Schedule (B.), § 14.
16. Distiller who claims the Allowance to deliver an Account of the Quantity of Sugar or Molasses used; and to make Declaration thereto. Penalty for false Declaration, § 15.
17. The Collector, on receiving such Account and Declaration, to pay the Allowance according to the Quantity of Sugar and Molasses actually removed, § 16.
18. If the Distiller owes Duties or Penalties, the same may be deducted from the Allowance, § 17.

19. To alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders; and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise, 11 & 12 *Vict. c.* 121.
20. 6 *G.* 4. *c.* 80. and 9 *G.* 4. *c.* 45. recited. So much of recited Acts as relate to Dealers in and Retailers of Spirits, and all other Acts repugnant hereto, repealed, § 1.
21. Act not to affect former Provisions respecting Licences or Certificates or Regulations of Police respecting Retailers of Spirits or the Removal of Spirits by Permit from the Distiller or Rectifier, or between the Three Parts of the United Kingdom, § 2.
22. Entry to be made of Premises, § 3.
23. Fixed Casks used by Dealers or Retailers of Spirits in Stock to have the Contents painted, cut, or branded thereon, under the Penalty of 50*l.*, § 4.
24. Dealers and Retailers to mark the true Strength and Quantity of compounded Spirits on the Casks, § 5.
25. True Content to be cut, branded, or painted on movable Casks under pain of Forfeiture, § 6.
26. Penalty on Retailer not licensed as a Dealer sending out Spirits to a Rectifier, and on Dealer not licensed as Retailer selling less than Two Gallons, § 7.
27. Retailer not to be concerned in any Distillery, &c. within Two Miles of his Premises, and no Person to be licensed as a Retailer in any Place having a private Communication with a Distillery, &c., § 8.
28. Licensed Dealers in Spirits may take out an additional Licence to retail Foreign Liqueurs, § 9.
29. Duty on additional Licence to be 2*l.* 2*s.*, to be under the Excise, § 10.
30. Licence to be in such Form as the Commissioners of Excise direct, and to be granted by the Officers of Excise, § 11.
31. Every Dealer and Retailer to provide a Book for entering therein the Particulars of Spirits received and sent out by him, § 12.
32. All Spirits sold by Dealers to be accompanied by a Certificate, and so also by Retailers when the Quantity exceeds One Gallon, § 13.
33. Proviso that Dealers in Spirits under additional Licence may send out in Quantities not exceeding One Gallon without Certificate, § 14.
34. Penalty for using Certificate for any Purpose other than the due Removal of Spirits, § 15.
35. No Dealer or Retailer to receive any Spirits without Permit or Certificate, and the same to be cancelled on Receipt thereof, § 16.
36. Permits and Certificates to be delivered to the Officer, § 17.
37. Commissioners to provide Plates and Types for printing Certificates on Paper used for Permits. Unauthorized Persons counterfeiting or having counterfeit Plates or Types or Impressions to be subject to like Punishment as in recited Act, § 18.
38. Bulk not to be broken until One Hour after Receipt of Spirits, § 19.
39. Stock may be taken by Supervisor, and Excess forfeited, § 20.
40. Persons licensed as Dealers and Rectifiers of Spirits on the same or adjoining Premises to be surveyed as Rectifiers, § 21.
41. No Spirits to be purchased except from licensed Traders, § 22.
42. Strength at which *British* Spirits may be kept and sent out of Stock, § 23.
43. All Spirits exceeding One Gallon to be removed by Permit or Certificate, otherwise Penalty and Forfeiture, § 24.
44. Persons removing Spirits in any Quantity exceeding One Gallon in any Part of the United Kingdom, and refusing to produce a proper Permit or Certificate, may be arrested, convicted, and on Nonpayment of the Penalty imprisoned for not more than Six or less than One Calendar Month, § 25.
45. Former Provisions and Penalties of Excise not inconsistent herewith applied to this Act, § 26.
46. Penalties and Forfeitures of this Act recoverable under the Laws of Excise, § 27.
47. Officer of Excise to have no Interest in Penalties or Forfeitures under any Law of Excise, § 28.
48. Commencement of Act, § 29.

49. To

49. To amend the Laws respecting the Warehousing of *British* Spirits in *England*, *Scotland*, and *Ireland* respectively, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and Rectified Spirits, to be exported on Drawback from any Part of the United Kingdom; and respecting certain Spirit Mixtures, and the Removal of Goods subject to Excise Regulations from Customs Warehouse, 11 & 12 *Vict. c.* 122.
50. 6 *G.* 4. *c.* 80. and 6 & 7 *W.* 4. *c.* 72. recited. Power for licensed Distillers in *England* to warehouse Spirits for Home Consumption, without Payment of the Duty till delivered out, § 1.
51. Spirits warehoused in one Part of the United Kingdom may be removed to another upon Payment of Duties for all Deficiencies, for Home Consumption, for Exportation, or for Ships Stores, § 2.
52. Commissioners of Excise may appoint general Warehouses under Bond, in which any Distiller may warehouse *British* Spirits, § 3.
53. Spirits deposited in a general Warehouse may be transferred on Notice and Sale from the Distiller to a Purchaser, and there entered, and kept in Name of Purchaser, who shall be liable to the Duty. Spirits not to be delivered out till Duty paid on all Deficiencies, &c., § 4.
54. Distiller or Proprietor of Spirits removed from Warehouse in one Part of the United Kingdom to another may make fresh Entry of the same after landing, § 5.
55. Commissioners of Excise may remit Duties on Spirits lost from unavoidable Accident on Shipboard, or in shipping or landing, or removing into or out of Warehouse, § 6.
56. 4 *G.* 4. *c.* 94., 2 & 3 *W.* 4. *c.* 29., and 5 & 6 *Vict. c.* 15. recited. So much of recited Acts as requires Repayment of the Allowance on Malt Spirits removed from *Scotland* to *England* or *Ireland* repealed, § 7.
57. Malt Spirits may be removed from Warehouse in *Scotland*, in which the same has been warehoused without Payment of Duty, for Removal for Consumption in *England*, on Payment of the full *English* Duty, and Repayment of the Allowance, § 8.
58. Under certain Regulations Spirits made from Malt only may be removed from *Scotland* to *England* or *Ireland*, without Repayment of the Allowance, § 9.
59. No raw Grain Spirits to be removed by the Distiller on the same Day, and in the same Place from which he has given Notice to remove Malt Spirits on which the Allowance has not been repaid, from Warehouse, § 10.
60. Malt Spirits on which the Allowance has not been repaid removed from Warehouse under the Provisions of this Act for Exportation, or to be used as Ships Stores, to be entitled to a Drawback of 7½*d.* and 5 *per Cent. per* Gallon at Proof, on the same being certified to be so exported or shipped by the proper Officer. Spirits to be kept separate until exported or shipped, and Penalty on any Alteration in the Quality of the same. In case of Doubt, Proof to the Satisfaction of the Commissioners that they are of the same Quality to lie on the Proprietor, otherwise no Drawback, § 11.
61. Allowance on Malt Spirits removed to *England* or *Ireland*, not repaid in *Scotland*, must be repaid on being taken out for Home Consumption, § 12.
62. Distillers in *England* or *Ireland* entitled to the same Allowance and Drawback on Spirits distilled by them from Malt only under the same Provisions as in *Scotland* when warehoused for Exportation only, or for Use as Ships Stores, § 13.

63. Spirits made from any other Materials than Malt only entitled to a Drawback of 1½*d. per* Gallon on Exportation or Shipment as Stores, § 14.
64. Distiller may warehouse Spirits for Exportation, or for Ships Stores, in Warehouses under the Control of the Customs, and on Production of the Warehouse Keeper's Receipt such Spirits entitled to Drawback, § 15.
65. Spirits deposited in an Excise Warehouse may be removed to Warehouses under the Control of the Customs, § 16.
66. Rectifiers of Spirits may warehouse rectified Spirits not sweetened for Exportation or Ship Stores, in Warehouses under the Control of the Customs, § 17.
67. Spirits so warehoused may be sent Coastwise for Exportation or for Ships Stores only, § 18.
68. Spirits distilled or rectified in *England*, *Scotland*, or *Ireland* may be removed from one to the other in Ships duly registered and in Casks of Twenty Gallons at the least, § 19.
69. Rectified Spirits warehoused to be not less than 22 *per Cent.* under Proof, nor more than 25 over Proof; or if Spirits of Wine, not less than 43 over Proof, and to be in Casks of not less than Twenty Gallons, and shall be accompanied by a Permit, § 20.
70. Such Spirits to be entered for Warehouse, and Officer of Customs to grant Receipt for the Spirits so warehoused, and transmit a Certificate thereof to the Collector of Excise, who on Production of such Documents, is to pay the Rectifier a Drawback of the Duties on such Spirits, § 21.
71. Rectifiers warehousing such Spirits may, on giving Notice, add sweetening or colouring Matter to the same, § 22.
72. Spirits of the Strength of Spirits of Wine may be removed from Stock or warehoused by any Distiller in Casks of Twenty Gallons at the least, notwithstanding Provisions of 4 *G.* 4. *c.* 94. and 6 *G.* 4. *c.* 80.,—§ 23.
73. Penalty on Distiller, &c. fraudulently opening Warehouses, and gaining Access to Spirits. If after Spirits have been deposited, and before Removal for Home Consumption, &c. they shall be fraudulently altered in Quality, &c. they shall, together with the Casks, be forfeited, and Owner to pay Double Duties, § 24.
74. The Word "Spirits," as defined by Law, to include Spirit Mixtures whenever the Duty of Excise has not been paid on the Spirits from which they are manufactured, § 25.
75. So much of Act 8 & 9 *Vict. c.* 86. as is herein recited repealed, and after passing of this Act Goods subject to Excise Regulations to be removed from Customs Warehouse to the Purchaser, by Certificate endorsed by proper Officer of Customs, § 26.
76. Penalties and Forfeitures of this Act recoverable, and Drawbacks payable under the Laws of Excise, § 27.
77. Former Provisions and Penalties of Customs or Excise respecting the warehousing or Removal of Spirits for Exportation or Ships Stores applied to this Act, § 28.

Spirits or Strong Waters.

1. To alter the Duties payable upon the Importation of Spirits or Strong Waters, 11 & 12 *Vict. c.* 60.
2. After the passing of this Act the Duties therein named shall be levied instead of those previously paid, § 1.
3. Duties to be under the Management of the Commissioners of Customs, § 2.

Stamp Allowances.

1. To repeal the Allowances on the Purchase of Stamps, and for the receiving and accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof, 12 & 13 *Vict. c.* 80.
2. Certain Allowances repealed, § 1.
3. Grant of Allowances in lieu of those repealed, § 2.
4. Allowances to be under the Care of the Commissioners of Inland Revenue, and all former Powers, Provisions, &c. to remain in force, § 3.

Stamp Duties.

1. To continue for Three Years the Stamp Duties granted by an Act of the Fifth and Sixth Years of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, 11 & 12 *Vict. c.* 9.
2. 5 & 6 *Vict. c.* 82. recited. Duties continued for Three Years, § 1.
3. Recited Act and other Acts continued in force, § 2.

Stamps and Taxes, See Inland Revenue.

Statutes repealed.

I. *Statutes relating to* Insolvent Debtors in India, *repealed by* 11 & 12 Vict. c. 21.

George IV.
9 G. 4. c. 73.

William IV.
4 & 5 W. 4. c. 79.

II. *Statutes relating to* Justices of the Peace, *repealed by* 11 & 12 Vict. c. 42.

George III.
13 G. 3. c. 31.
18 G. 3. c. 49.
44 G. 3. c. 92. (in part)
45 G. 3. c. 92. (in part)
54 G. 3. c. 186.

George IV.
1 & 2 G. 4. c. 63.
3 G. 4. c. 46. (in part)
7 G. 4. c. 38. (in part)
7 G. 4. c. 64. (in part)

William IV.
5 & 6 W. 4. c. 33. (in part)
6 & 7 W. 4. c. 114. (in part)

III. *Statutes relating to* Justices of the Peace, *repealed by* 11 & 12 Vict. c. 43.

Elizabeth.
18 Eliz. c. 5. (in part)
31 Eliz. c. 5. (in part)

George II.
27 G. 2. c. 20. (in part)

George III.
18 G. 3. c. 19. (in part)
33 G. 3. c. 55. (in part)

George IV.
3 G. 4. c. 23.
5 G. 4. c. 18.

William IV.
6 & 7 W. 4. c. 114. (in part)

IV. *Statutes relating to* Justices of the Peace, *repealed by* 11 & 12 Vict. c. 44.

James I.
7 Jac. 1. c. 5. (in part)
21 Jac. 1. c. 12. (in part)

George II.
24 G. 2. c. 44. (in part)

George III.
43 G. 3. c. 141.

V. *Statutes relating to the* Distillation of Spirits, *repealed by* 11 & 12 Vict. c. 100.

George IV.
4 G. 4. c. 94. (in part)
6 G. 4. c. 80. (in part)

Victoria.
10 & 11 Vict. c. 6.

VI. *Statutes relating to* Navigation, *repealed by* 12 & 13 Vict. c. 29.

George III.
37 G. 3. c. 117.

George IV.
4 G. 4. c. 80. (in part)
4 G. 4. c. 77.
5 G. 4. c. 1.

Victoria.
5 & 6 Vict. c. 14. (in part)
7 & 8 Vict. c. 112. (in part)
8 & 9 Vict. c. 86. (in part)
8 & 9 Vict. c. 88.
8 & 9 Vict. c. 89. (in part)
8 & 9 Vict. c. 90. (in part)
8 & 9 Vict. c. 93.

VII. *Statutes relating to* Passengers, *repealed by* 12 & 13 Vict. c. 33.

Victoria.
5 & 6 Vict. c. 107.
8 & 9 Vict. c. 14.
10 & 11 Vict. c. 103.
11 & 12 Vict. c. 6.

VIII. *Statutes relating to* Attornies and Solicitors in Ireland, *repealed by* 12 & 13 Vict. c. 53.

George II.
7 G. 2. (I.) (in part)

George IV.
1 & 2 G. 4. c. 17.

IX. *Statutes relating to* Indictable Offences in Ireland, *repealed by* 12 & 13 Vict. c. 69.

George III.
44 G. 3. c. 92. (in part)
45 G. 3. c. 92. (in part)
54 G. 3. c. 186.

George IV.
1 & 2 G. 4. c. 63.

7 G. 4. c. 38. (in part)
9 G. 4. c. 54. (in part)

William IV.
6 & 7 W. 4. c. 114. (in part)

X. *Statutes relating to* Summary Convictions in Ireland, *repealed by* 12 & 13 Vict. c. 70.

George I.
2 G. 1. c. 20. (in part)

George IV.
3 G. 4. c. 23.

5 G. 4. c. 18.

William IV.
6 & 7 W. 4. c. 114. (in part)

XI. *Statutes relating to* Stamp Allowances, *repealed by* 12 & 13 Vict. c. 80.

George III.
44 G. 3. c. 98. (in part)

George IV.
9 G. 4. c. 27. (in part)

Victoria.
5 & 6 Vict. c. 82. (in part)

XII. *Statutes relating to* Cruelty to Animals, *repealed by* 12 & 13 Vict. c. 92.

William IV. & Victoria.
5 & 6 W. 4. c. 59.
7 W. 4. & 1 Vict. c. 66.

XIII. *Statutes relating to* Bankrupts, *repealed by* 12 & 13 Vict. c. 106.

George IV.
6 G. 4. c. 16.

William IV.
1 & 2 W. 4. c. 56. (in part)
3 & 4 W. 4. c. 47.

Victoria.
1 & 2 Vict. c. 110. (in part)
2 Vict. c. 11. (in part)
2 & 3 Vict. c. 29.
5 & 6 Vict. c. 122. (in part)
7 & 8 Vict. c. 96. (in part)
8 & 9 Vict. c. 48. (so far as relates to *England*)
10 & 11 Vict. c. 102. (in part)
11 & 12 Vict. c. 86.

XIV. *Statutes relating to* Miscellaneous Subjects, *repealed either wholly or partly.*

Acts repealed.	Relating to	Repealed by
7 & 8 Vict. c. 103.	Election Petitions.	11 & 12 Vict. c. 98.
9 & 10 Vict. c. 66. (in part)	The Poor.	11 & 12 Vict. c. 111.
9 & 10 Vict. c. 106.	Local Acts.	11 & 12 Vict. c. 129.
7 & 8 G. 4. c. 64.	Costs of Private Bills in House of Lords.	12 & 13 Vict. c. 78.
9 & 10 Vict. c. 77. (in part)	Offices of House of Commons.	12 & 13 Vict. c. 72.
3 & 4 Vict. c. 108. (in part)	*Dublin* Corporation	12 & 13 Vict. c. 85.
8 & 9 Vict. c. 86. (in part)	Customs.	12 & 13 Vict. c. 90.
9 & 10 Vict. c. 95. (in part)	Small Debts.	12 & 13 Vict. c. 101.
1 & 2 Vict. c. 56. (in part)	Poor in *Ireland*.	12 & 13 Vict. c. 104.
11 & 12 Vict. c. 45. s. 84.	Joint Stock Companies.	12 & 13 Vict. c. 108.
11 & 12 Vict. c. 94.	The Petty Bag and other Chancery Offices.	12 & 13 Vict. c. 109.

Steam Navigation.

1. For the further Regulation of Steam Navigation, and for limiting in certain Cases the Number of Passengers to be conveyed in Steam Vessels, 11 & 12 *Vict.* c. 81.
2. Penalty for Delay in transmitting Certificates required by recited Act, § 1.
3. Board of Trade may insert in Certificate a Notice of the Number of Passengers Steam Vessels are constructed to carry. Penalty for carrying a greater Number than specified in Certificate, § 2.
4. A true Copy of Certificate to be placed in a conspicuous Part of the Vessel. Penalty for Neglect, § 3.
5. Penalty on Persons, having been refused Admission, forcing their Way on board when Vessels are full, &c., § 4.
6. Penalty on Persons refusing or neglecting to pay their Fares, or quit Vessels, &c., § 5.
7. Penalties how to be recovered and applied, § 6.
8. Nothing to affect Privileges of Corporation of *London*, § 7.

Stoneleigh Vicarage.

1. To enable Her Majesty to exchange the Advowson of the Vicarage of *Stoneleigh* in the County of *Warwick* for the Advowsons of the Rectory of *Yoxall* in the County of *Stafford* and the Perpetual Curacy of *Hunningham* in the County of *Warwick*, 11 & 12 *Vict.* c. 57.

Strong Waters, See Spirits or Strong Waters.

Stock in Trade.

1. To continue, until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor (3 & 4 *Vict.* c. 89.), 12 & 13 *Vict.* c. 61.

Sugar.

1. To repeal the Duties of Customs upon the Importation of Sugar, and to impose new Duties in lieu thereof, 11 & 12 *Vict.* c. 97.
2. 9 & 10 *Vict.* c. 63. recited. Duties on Sugar and Molasses imposed by recited Act repealed, and in lieu thereof the Duties herein mentioned to be levied, § 1.
3. Her Majesty may, by Order in Council, allow Sugar and Molasses to be imported from *British* Possessions in the *East Indies* at the lower Rate of Duty when Importation of Foreign Sugar is prohibited, § 2.
4. Such Sugar and Molasses to be entered at the lower Rates of Duty, upon the Conditions on which *Bengal* Sugar was admissible under 6 & 7 *W.* 4. *c.* 26.,—§ 3.
5. Collection of Duties to be under the Management of the Customs, under 8 & 9 *Vict.* c. 90. and 8 & 9 *Vict.* c. 92.,—§ 4.
6. Commissioners of Customs to provide Standard Samples of White Clayed Sugar. None to be deemed such unless it shall equal Standard Samples, § 5.
7. Commissioners of Customs to provide Standard Samples of Brown Clayed Sugar. None to be deemed such unless it shall equal Standard Samples, § 6.
8. Sugar or Molasses imported or in Warehouse to be liable to the Duties imposed by this Act, § 7.
9. Orders in Council to be published in the Gazette, § 8.
10. Orders in Council may be revoked from Time to Time, § 9.
11. Copies of Orders in Council to be laid before Parliament, § 10.

Summary Convictions and Orders, See Justices of Peace.

T.

Tobago.

1. For granting Relief to the Island of *Tobago*, and for aiding the Colonies of *British Guiana* and *Trinidad* in raising Money for the Promotion of Immigration of free Labourers, 11 & 12 *Vict.* c. 22.
2. Power to Treasury to authorize the Advance of 5,000*l.* for the immediate Relief of Inhabitants of the Island of *Tobago*, § 1.
3. Treasury may cause Exchequer Bills to the Amount of 220,000*l.* to be made out as prescribed by 48 *G.* 3. *c.* 1., 4 & 5 *W.* 4. *c.* 15., and 5 & 6 *Vict.* c. 66.,—§ 2.
4. Recited Acts as to Exchequer Bills to apply to this Act, § 3.
5. Exchequer Bills to bear Interest not exceeding 3½ *per Centum per Diem*, § 4.
6. Exchequer Bills issued under this Act to be taken shall pass in Payment of Taxes, &c., § 5.
7. Treasury may order Payment of Exchequer Bills out of Consolidated Fund, § 6.
8. Treasury may advance 50,000*l.* for Relief of *Tobago*, and 170,000*l.* to encourage Immigration of free Labourers into *Guiana* and *Trinidad*, § 7.
9. Treasury may advance 50,000*l.* for Relief of *Tobago* to Persons authorized by Act of Legislature to receive the same, § 8.
10. And 170,000*l.* for *British Guiana* and *Trinidad* to Persons authorized to receive the same, § 9.

11. Exchequer Bills to be advanced upon Security, and to be repaid, with Interest, as the Treasury may require, § 10.
12. Treasury to deliver Certificates of Amount advanced to the Persons authorized to receive the same, § 11.
13. Treasury may advance Money from Consolidated Fund instead of in Exchequer Bills, § 12.
14. Bank of *England* to open and keep an Account with the Treasury for the Purposes of this Act, § 13.
15. Repayments under this Act into the Bank to form Part of Consolidated Fund, § 14.
16. Accounts to be laid before Parliament, § 15.

Treasury Instruments.

1. To reduce the Number of Signatures required to Instruments issued by the Lords of the Treasury, 12 & 13 *Vict.* *c.* 89.
2. Instruments, &c. may be signed by Two Commissioners of the Treasury, § 1.

Trinidad, See Tobago.

Trust Funds and Trustees.

1. For the further Relief of Trustees, 12 & 13 *Vict.* *c.* 74.
2. 10 & 11 *Vict.* *c.* 96. recited. Court of Chancery may, upon Application by Majority of Trustees, &c., order Payment or Transfer of Trust Monies, Stocks, or Securities into Court of Chancery, § 1.

Turnpike Roads.

1. To continue certain Turnpike Acts for limited Periods, 11 & 12 *Vict.* *c.* 96.
2. Continuance of certain Acts respecting Turnpike Roads in *Great Britain*, except as after mentioned, § 1.
3. 6 *G.* 4. *c.* clx., 1 & 2 *G.* 4. *c.* xli., 7 *G.* 4. *c.* xc., 5 & 6 *W.* 4. *c.* xxiii., and 3 & 4 *W.* 4. *c.* lxxxv. continued till 1st *November* 1849 only, § 2.
4. To continue certain Turnpike Acts in *Great Britain* for limited Periods, and to make certain Provisions respecting Turnpike Roads in *England*, 12 & 13 *Vict.* *c.* 87.
5. 6 *G.* 4. *c.* clx., 9 *G.* 4. *c.* ciii., 7 & 8 *G.* 4. *c.* liii., and 9 *G.* 4. *c.* cvii., excepted out of the Operation of this Act, § 1.
6. Acts in Schedule to this Act continued till 1st *November*, 1850, § 2.
7. Sinking Fund for Discharge of Money hereafter borrowed. When Fund amounts to 200*l.* it may be applied to reduce Debt, § 3.
8. Mortgagee in possession may let Toll, § 4.
9. Clerk to Trustees, &c. to transmit Statement to Secretary of State, where General Annual Meeting not held, § 5.
10. Mortgagees in possession to transmit Accounts, § 6.
11. Penalties how to be recovered, § 7.
12. As to Extent of Act, § 8.

See *Highway Rates.*

Turnpike Trusts Union.

1. To facilitate the Union of Turnpike Trusts, 12 & 13 *Vict.* *c.* 46.
2. Trustees of several Turnpike Roads may hold joint Meetings, and if deemed expedient to Two Thirds of Trustees present, Trusts may be united, on Assent being obtained from Creditors, § 1.
3. United Trust subject to Liabilities and entitled to Tolls of each Trust so united, § 2.
4. Special Provisions in said Acts to apply only to the particular Road, § 3.
5. Nothing to affect Rights, &c. of Persons to Offices under Turnpike Trusts, § 4.
6. Meetings of united Trusts, § 5.
7. Act not to extend to *Scotland* or *Ireland*, § 6.

V.

Vancouver's Island.

1. To provide for the Administration of Justice in *Vancouver's Island*, 12 & 13 *Vict.* *c.* 48.
2. 43 *G.* 3. *c.* 138., 1 & 2 *G.* 4. *c.* 66, 43 *G* 3. *c.* 138., and Parts of 1 & 2 *G.* 4. *c.* 66. repealed as to *Vancouver's Island*, § 1.
3. Power to local Legislature to make Provision for Administration of Justice, § 2.
4 Appeal to Privy Council in Civil Cases, § 3.
5. Adjacent Islands to be deemed Part of *Vancouver's Island*, § 4.

W.

Waltham Forest, See New Forest.

West Indies.

1. To authorize the *West India* Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases, 11 & 12 *Vict.* *c.* 38.
2. 2 & 3 *W.* 4. *c.* 125., 5 & 6 *W.* 4. *c.* 50., 3 & 4 *Vict.* *c.* 40., 7 & 8 *Vict.* *c.* 17., and 8 & 9 *Vict.* *c.* 50. recited. Where a Certificate for Extension of Time for Repayment of any Loan has been granted under recited Acts, Commissioners may forbear from compelling Payment of the same for Five Years, § 1.
3. Where no Certificate has been granted, Commissioners may, with Consent of Treasury, extend the Time for Repayment of Loans on certain Conditions, § 2.
4. Commissioners may dispense with the Grant of Power of Sale by Deed as required by 3 & 4 *Vict.* *c.* 40., § 3.
5. Certificate of Extension of Time under this Act to carry a Power of Sale, § 4.
6. In default of Payment of Interest or Instalments of Principal the whole Loan and Interest to be recoverable, § 5.
7. Provisions of recited Acts to extend to this Act, § 6.

Windsor Castle and Town.

1. To empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of *Windsor*, 11 & 12 *Vict.* *c.* 53.
2. Commissioners of Woods to carry into effect the Purposes of this Act, § 1.
3. Alterations and Improvements to be effected. Upper or first-mentioned Bridge. Lower or second-mentioned Bridge, § 2.
4. Commissioners empowered to construct Bridges and Roads, § 3.
5. Commissioners not to expend more than £85,000 in the Alterations, &c. by this Act authorized; and Bridges, &c. not to be commenced until Contracts entered into as herein specified, § 4.
6. Plans to be deposited in the Land Revenue Record Office, and be open for Inspection, § 5.

7. No Alteration shall be made in Roads, &c. without Consent of the Treasury, § 6.
8. No Deviation to be made from such Plans without Consent, § 7.
9. Site of Roads stopped up vested in Her Majesty, § 8.
10. Penalty on Persons obstructing the Execution of the Works, § 9.
11. Power to Commissioners to raise or lower Streets, &c., making Compensation, § 10.
12. Power to arch over or fill up Sewers and Drains, § 11.
13. Power to Commissioners to raise, sink, or alter Water and Gas Pipes, § 12.
14. Ground laid into the Streets to form Part of the Roads, and may be used by the Public, § 13.
15. Power to take Houses after Notice, § 14.
16. No Houses, &c. to be taken without Consent, unless mentioned in Schedule, § 15.
17. Houses and Lands may be taken, notwithstanding Errors in the Schedule, if certified by Two Justices, § 16.
18. Power for Commissioners to enter for the Purpose of Survey after Notice, § 17.
19. Commissioners may treat for Purchase and enter into Contracts, § 18.
20. Property purchased to be conveyed to Her Majesty, § 19.
21. Power of Purchase to cease in Three Years, § 20.
22. Bodies Politic, Trustees, &c. empowered to sell and convey. Contracts, &c. valid, § 21.
23. Bodies Politic, &c. may convey without receiving Satisfaction, or may accept Satisfaction, for Tenements, &c. In case of Dispute the same to be settled by a Jury, § 22.
24. Parties to deliver Statements of their Claims within One Month after receiving Notice, § 23.
25. If Parties refuse to treat or shall not agree, a Jury to be summoned, § 24.
26. Where Part of Property is taken, and Parties cannot agree as to the Value of the Remainder, a Jury shall be summoned to assess the same, § 25.
27. No Jury to award Compensation without Notice given to Commissioners of Amount claimed, § 26.
28. Penalty on Sheriff, Jury, and Witnesses for neglect of Duty, § 27.
29. Jury shall, if required, assess Value of Fee Simple, and then apportion the Value of respective Interests therein, § 28.
30. Value of Tenements and Damages to be awarded separately, § 29.
31. Providing for Expenses of summoning Juries, § 30.
32. Verdicts to be recorded and afterwards deposited with the Clerk of the Peace, to be Evidence, and open to Inspection, § 31.
33. If Owners are unwilling to sell Part of Houses, &c. Commissioners to purchase the whole. If Owners and Commissioners shall not agree, Value to be settled by a Jury, § 32.
34. Persons holding under Leases to produce the same, § 33.
35. In case of Disputes as to Damage of small Amount, the same to be settled by Two Justices. Justices may administer Oaths, § 34.
36. Commissioners not to take possession till Purchase Money is paid or tendered, § 35.
37. In case Parties cannot be found, or are not able to make a good Title, &c. Commissioners may take possession, on Payment of Purchase Money into the Bank of *England*, § 36.
38. Application of Purchase Money when amounting to 200*l.*, § 37.
39. When less than 200*l.* and amounting to 20*l.*, § 38.
40. Where less than 20*l.*, § 39.
41. In case of not making out Titles, [illegible] Purchase Money to be paid into the Bank, § 40.
42. Persons in possession shall be deemed [illegible]ed, until the contrary be shown, § 41.
43. Court may order Expenses of Purchase [illegible] be paid by Commissioners, § 42.
44. When Lands required are subject, with oth[illegible] Lands, to any Rent, the Money paid into the Bank to be [illegible]d out in the Purchase of other Estates in lieu of the Lands required, § 43.
45. Power to purchase Release of Incumbrances, and to apportion the same, § 44.
46. Rents reserved in Leases to be apportioned, § 45.
47. Mortgagees, upon Tender made by the Commissioners, shall convey their respective Interests, § 46.
48. As to Cases where Mortgage Money is more than the Value of the Premises, or in which a Part only of the Premises is required, § 47.
49. Tenants at Will or from Year to Year to quit after Notice, § 48.
50. Persons capacitated to sell may agree with Commissioners to refer the same to Arbitration, § 49.
51. Power to clear the Ground, and sell old Materials. Monies arising from Sale to be applied to the Purposes of this Act, § 50.
52. Materials vested in Her Majesty, § 51.
53. Penalties may be compounded for, § 52.
54. Deeds, &c. not liable to Stamp Duty, § 53.
55. Commissioners empowered to raise Ballast, &c. from the Bed of the River, § 54.
56. Owners of Vessels liable for Damage done [illegible]he Bridges, &c., § 55.
57. Masters to recover from their Serva[illegible]amages paid for their Neglect, § 56.
58. Penalty for Obstructions to Passengers, [illegible].
59. Damages and Charges, in case of Dispute, to be settled by Two Justices, § 58.
60. Recovery and Application of Penalties, § 59.
61. Justices may proceed by Summons in the Recovery of Penalties, § 60.
62. For securing Offenders whose Names and Residences are unknown, § 61.
63. Forms of Information and Conviction, § 62.
64. Power to Justices to administer Oaths, § 63.
65. Penalty on Witnesses refusing to attend and give Evidence, § 64.
66. Persons aggrieved may appeal to Quarter Sessions, § 65.
67. Declaring what shall be good Service of Notice on the Commissioners, § 66.
68. Declaring what shall be good Service by the Commissioners, § 67.
69. Distress not unlawful for Want of Form, § 68.
70. Proceedings not to be quashed for Want of Form, § 69.
71. Persons giving false Evidence guilty of Perjury, § 70.
72. Plaintiff not to recover without Notice or after Tender of Amends, § 71.
73. Limitation of Actions, § 72.
74. Saving the Rights of Her Majesty, &c., § 73.
75. Receipts of Two of the Commissioners of Woods, &c. to be Discharges, § 74.
76. Commissioners exempted from personal Responsibility in discharge of their Duties under this Act, § 75.
77. Meaning of "the said Commissioners," § 76.
78. Public Act, § 77.

Wolverhampton.

1. To carry into effect the Arrangements of the Ecclesiastical Commissioners for *England* for making better Provision for the Cure of Souls in the Parish of *Wolverhampton* in the County of *Stafford* and Diocese of *Lichfield*, 11 & 12 *Vict. c.* 95.
2. Monies raised, &c. under *Pelsall* Mining Act and *Hobart's* Estate Act vested in Ecclesiastical Commissioners, § 1.
3. Office of Sacrist of Collegiate Church of *Wolverhampton* abolished, § 2.
4. Constitution of the Rectory of *Saint Peter's Wolverhampton*, § 3.
5. Ecclesiastical Commissioners to provide a Rectory House and allow 750*l.* a Year to the Rector, § 4.
6. As to Performance of Burial Service at the general Cemetery, § 5.
7. Rector to employ One or more Curates to officiate at *Saint Peter's*. Bishop to appoint a Curate in case of Neglect of Rector, § 6.
8. Ecclesiastical Commissioners may contribute out of Estates towards Repair of *Saint Peter's* Church, § 7.
9. Right of Patronage of *Saint George Wolverhampton* and of *Saint Mary Bilston* vested in the Bishop, § 8.
10. One Set of Fees only to be payable, § 9.
11. Saving Right of Clerk, § 10.
12. Powers vested in Her Majesty in Council and Ecclesiastical Commissioners by 3 & 4 *Vict. c.* 113. and 4 & 5 *Vict. c.* 39. extended to this Act, § 11.
13. As to Constitution of Districts into separate Parishes, § 12.
14. Saving Rights of Patronage, § 13.
15. Altering Boundaries, § 14.
16. Nothing herein to affect the Poor Laws or Municipal Regulations, &c., § 15.
17. Not to affect Church Rates, &c., § 16.
18. Expenses of Act, how to be paid, § 17.

Women (Protection of).

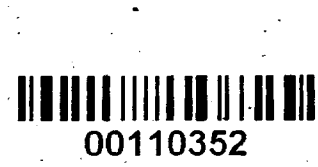
1. To protect Women from fraudulent Practices for procuring their Defilement, 12 & 13 *Vict. c.* 76.
2. Punishment of Persons procuring Defilement of Women, § 1.
3. Where Persons appear as Prosecutor, &c. Court empowered to award Costs and Compensation for Loss of Time, § 2.
4. Order for Payment of Money shall be made out as Orders for Payment of Costs in Cases of Felony, and Treasurer to be allowed the same in his Accounts, § 3.

Y.

Yarmouth (Great).

1. For disfranchising the Freemen of the Borough of *Great Yarmouth*, 11 & 12 *Vict. c.* 24.
2. After passing of this Act no Freeman of *Great Yarmouth* to vote as such at any future Election for Members of Parliament, § 1.

END OF THE NINETEENTH VOLUME.



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